

# CITY OF DALY CITY

## Regular Meeting - CITY COUNCIL

### AGENDA

Monday, May 12, 2014 - 7:00 PM  
City Hall Council Chambers – 2<sup>nd</sup> Floor  
333 – 90<sup>th</sup> Street, Daly City, CA 94015

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

Webcast: [www.dalycity.org/meetings](http://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:

PRESENTATIONS:

Proclaiming May 18-24, 2014 as Hepatitis B Awareness Week (Bianca Lau, Interchapter Chair of the International Team HBV High School Advisory Board)

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.

### ***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 90<sup>th</sup> 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.*

Resolutions:

1. Authorizing Replacement of Body Armor Vests Using Federal Asset Forfeiture Funds
2. Requesting Use of State Asset Forfeiture Funds for Support of the Library and Recreation Services Basketball Showcase League
3. Accepting and Appropriating a North County Prevention Partnership Grant to Provide Police Services in Order to Conduct Two Compliance Check Operations with Various Businesses within Daly City
4. Amending Traffic Regulations to Provide Passenger Loading/Unloading (White) Zone (TSR 14/30); Installation of Red Zone (TSR 14/32); Converting One-hour Parking Spaces to 15-Minute (TSR 14/34); and Providing Disabled Parking (Blue) Zone (TSR 14/28)
5. Adopting Revised Title VI Plan to Continue Operating a Shuttle Service in the Bayshore Neighborhood
6. Setting Time and Place of Public Hearing - Proposed Ordinance Amending Chapter 2.44, Temporary Disability
7. Setting Time and Place of Public Hearing - Proposed New Fee Schedule for the Police Department
8. Setting Time and Place of Public Hearing - Proposed Ordinance Amending Chapter 8.35 Regarding Regulation of Smoking
9. Setting Time and Place of Public Hearing - Urgency Ordinance Regarding Proposed Amendment to a Development Agreement for 2665 Geneva Avenue
10. Providing Local Support for Combatting Human Trafficking

END OF CONSENT AGENDA

PUBLIC HEARINGS:

11. Public Hearing - National Pollutant Discharge Elimination System Local Stormwater Program Regulatory Fee

**Staff:**

Sweetland

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

12. General Plan Housing Element Implementation (2014), General Plan Amendment GPA 3-14-8719 and Zone Change ZC-3-14-8710

**Staff:**

Van Lonkhuysen

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

Motion for City Attorney to Read by Title Only

Councilmember Introduce Ordinance

13. Planned Development PD 12-13-8312, Major Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, Design Review DR-12-8319, and Environmental Review CEQA-12-13-8313 — 54-Unit Residential Development at End of Peoria/Lausanne (KB Homes)

A. EA (Mitigated Negative Declaration)

B. Findings

C. PD 12-13-8312, SUB-12-13-8315, DR-12-8319

**Staff:**

Flint

**Recommended Action:**

Open/Close Hearing

Motion on A

Adopt Resolutions B & C

Roll Call

JOINT SESSION WITH HOUSING DEVELOPMENT FINANCE AGENCY

14. PUBLIC HEARING:

- A Disposition and Development Agreement for 6824-6834 Mission Street and 331-325 Miriam Street, Preliminary Commitment of HOME Funds and CHDO Predevelopment Loan

**Staff:**

ZoBell

**Recommended Action:**

Open/Close Hearing

Adopt Resolution

Roll Call

END OF JOINT SESSION

AWARD OF BIDS/CONTRACTS:

15. Award of Construction Contract for the Geneva Avenue Utilities Undergrounding District 18 – Phase 1 Street Light Installation Project

**Staff:**

Chan

**Recommended Action:**

Roll Call

Adopt Resolution

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:

16. Council Committee
17. City Council
18. Staff

ADJOURNMENT:





# City Council Meeting Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject: Replacement of Body Armor Vests Using Federal Asset Forfeiture Funds**

## **Recommended Action**

Staff recommends that Council authorize the Police Department to use Federal Asset Forfeiture Funds to purchase replacement body armor vests.

## **Background**

It is the policy of the Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. The body armor vests currently being worn by Police Officers expired in April and need to be replaced.

## **Discussion**

The Police Department requires officers to wear body armor vests as a significant measure of protection against weapons. Body armor vests are required to be replaced every five years due to material breakdown. The body armor vests are designed to prevent penetration of most ammunition. This safety equipment is critical to the duties of police personnel, and their purchase is mandated by State law.

## **Fiscal Impact**

The total cost of the purchase is approximately \$67,000. All funds will be taken from Federal Asset Forfeiture Funds. There will be no cash match or other costs to the City.

## **Summary/Conclusion**

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

Respectfully submitted,

Patrick Hensley  
Captain

Manuel Martinez Jr.  
Chief of Police



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

Meeting Date: May 12, 2014

**Subject:** Requesting Use of State Asset Forfeiture Funds for Support of the Library and Recreation Services Basketball Showcase League

## **Recommended Action**

Staff recommends that Council authorize the Police Department to use State Asset Forfeiture Funds to support the Library and Recreation Services Basketball Showcase League for our community youth.

## **Background**

The Daly City Police Department has State Asset Forfeiture funds available for the support of a Library and Recreation Services Basketball Showcase League that will assist us in our mission of keeping our youth away from gangs and drugs.

## **Discussion**

State Asset Forfeiture laws stipulate that a portion of the seized funds be spent on funding youth programs designed to combat drug abuse and divert gang activity. As such, the Daly City Police Department currently supports these programs when those opportunities are presented to us. The Showcase Basketball League has 140 youth participating and includes flyers, uniforms, awards and trophies. Additionally, there are banners created by our youth that say, "Above the influence, choose to be drug free."

## **Fiscal Impact**

The total cost of this program is \$15,000. All monies will be taken from State Asset Forfeiture Funds. There will be no cash match or other costs to the City.

## **Summary/Conclusions**

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

Respectfully submitted,

Patrick Hensley  
Captain

Manuel Martinez Jr.  
Chief of Police



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

Meeting Date: May 12, 2014

**Subjects:      Accepting and Appropriating a North County Prevention Partnership Grant to Provide Police Services in Order to Conduct Two Compliance Check Operations with Various Businesses within Daly City**

## **Recommended Action**

Staff recommends the City of Daly City accept grant funding from the North County Prevention Partnership (NCP) to provide police services for the two compliance check operations that will occur in May 2014 and April 2015. The total non-taxpayer funded cost of police services for the event is \$4,000.00.

## **Background**

In partnership with the NCP, the Daly City Police Department will work in conjunction with the NCP in order to conduct two enforcement compliance checks to increase awareness and education about underage drinking. The NCP has provided all the overtime funds for the Department to conduct the operations.

## **Discussion**

Funds provided by the NCP grant will be utilized to increase enforcement levels related to licensed establishments that furnish alcohol to minors. These funds will be expended on an overtime basis for personnel needed to staff both operations and meet grant reporting requirements.

## **Fiscal Impact**

The NCP grant is overtime reimbursable. There is no cash match or other cost to the city.

## **Summary/Conclusions**

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

Respectfully submitted,

Patrick Hensley  
Captain

Manuel Martinez Jr.  
Chief of Police



# City Council Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject: Amend Traffic Regulations**

## Recommended Action

Recommend the City Council amend the City's traffic regulations as follows:

1. Designate 295 ft. Passenger Loading/Unloading (White) zone along the east side of Edgemont Drive, beginning at the southeast corner of Westmoor Avenue. The white zone to be enforceable between 7:15 am – 8:15 am and 2:45 pm – 3:45 pm on school days. (TSR 14/30)
2. Install six feet No Parking (red) zone along the north side of Bepler Street, beginning at the curb return at San Jose Avenue, in a westerly direction. (TSR 14/32)
3. Convert two (2) one-hour parking spaces in front of 219 Lake Merced Boulevard to 15-minute limited time parking zone. The limited time parking zone to be enforceable between 8:00 am and 6:00 pm, except Sunday and holidays. (TSR 14/34)
4. Designate 24-ft. Disabled Parking (Blue) zone along the east side of Clark Avenue, beginning 22 ft. north of the curb return at A Street, in a northerly direction. (TSR 14/28)

## Background

On April 10, 2014, 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 regulations 1, 2 and 3.

Traffic regulation item 4 was not recommended for approval by the Traffic Safety Committee at the Committee's April 10 meeting because the request did not meet the City's basic criteria for Disabled parking or "blue zone". On April 30, 2014, the Administrative Hearing Board conducted a hearing and approved the requested traffic regulation change for the blue zone, item 4. The Administrative Hearing Board felt that although the request didn't meet the City's criteria. The very serious nature of the handicap in this case and the hardship this imposed on the requesting party warranted approval of this blue zone request.

## Discussion

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

1. The loading zone will provide for safer drop-off and pick-up of students at Westmoor High School. The loading zone would be available for residents to park during the evenings and when school is not in session.

2. The requested red zone is needed for access to the fire hydrant at the northwest corner of Bepler Street and San Jose Avenue.
3. The owner of the French Cleaners requested the shorter time limit of the parking spaces to encourage more turn-over of the parking spaces for customers dropping-off/picking-up clothes at their business. The shorter time limit of the parking spaces could also be used by customers patronizing the nearby restaurants. There is ample parking available in the adjacent parking garage for motorists or business customers with a need to park for a longer period of time.
4. The blue zone was requested by the minor's parents who reside at 505 A Street #6. The minor is severely disabled and cannot lift his head nor body on his own. The blue zone will allow the parents to safely load and unload the minor and his equipment from their car to their apartment at a more convenient location than their designated off street parking location.

Fiscal Impact

Funding is available for the proposed signs and/or markings, in the Street Maintenance operating budget 01-314-330, for the current fiscal year (2013-14).

Summary/Conclusion

Recommend the City Council amend the aforementioned traffic regulation.

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

Respectfully submitted,

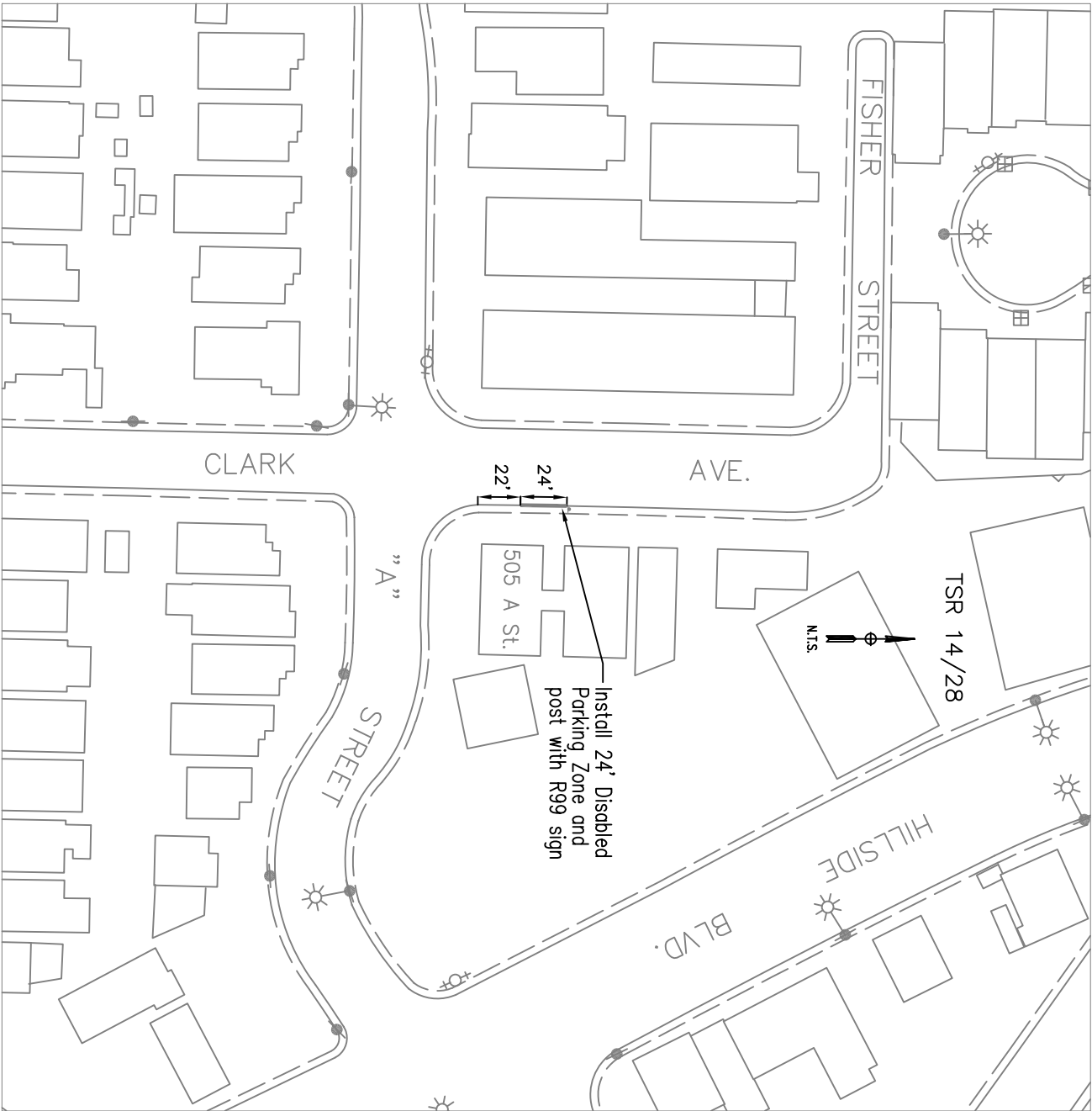


Shirley Chan  
Traffic Engineer



John L. Fuller  
Director of Public Works

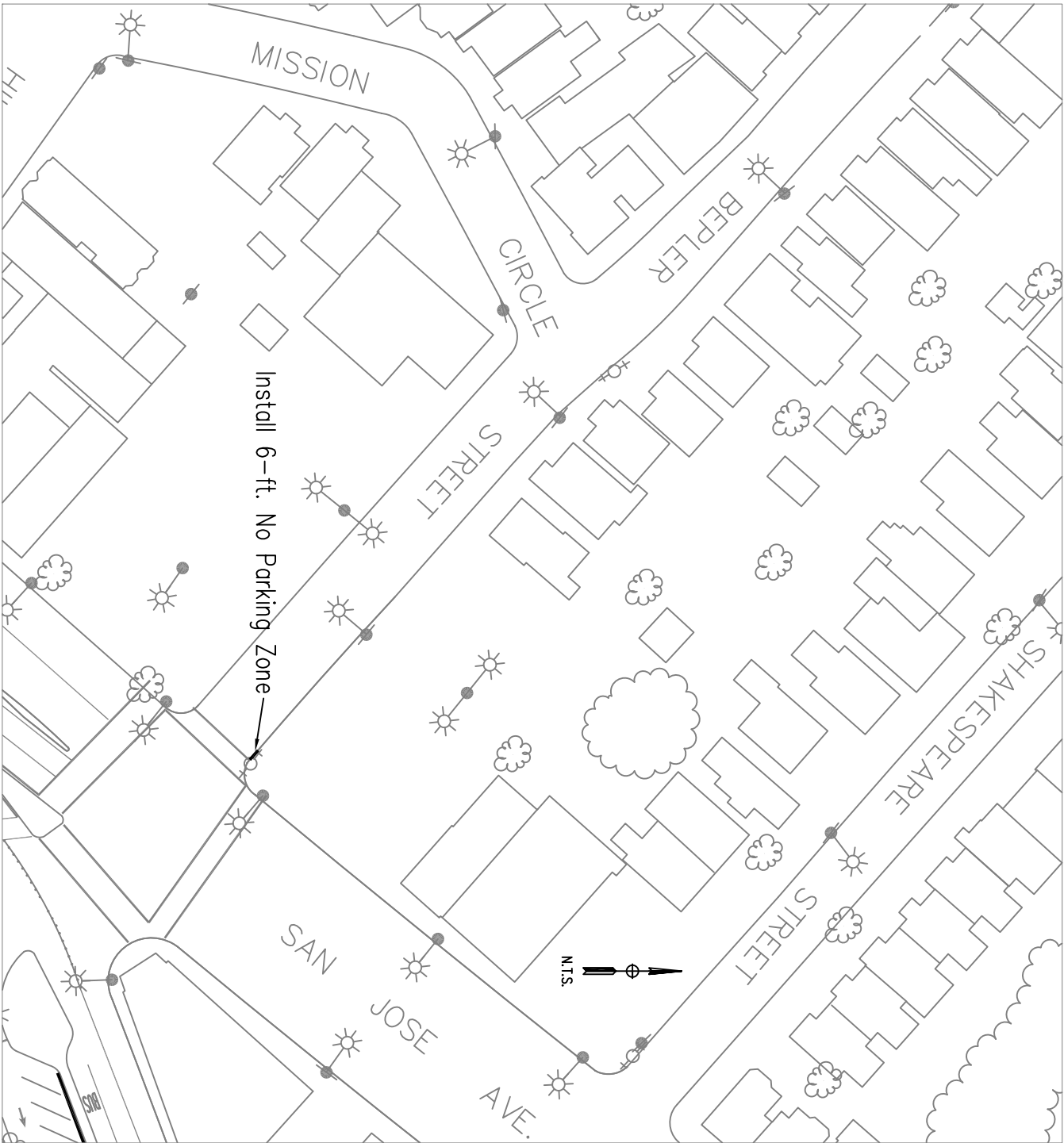
Attachment: Traffic Improvements Location Maps



THE CITY OF DALY CITY  
CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

TRAFFIC IMPROVEMENTS  
505 A Street

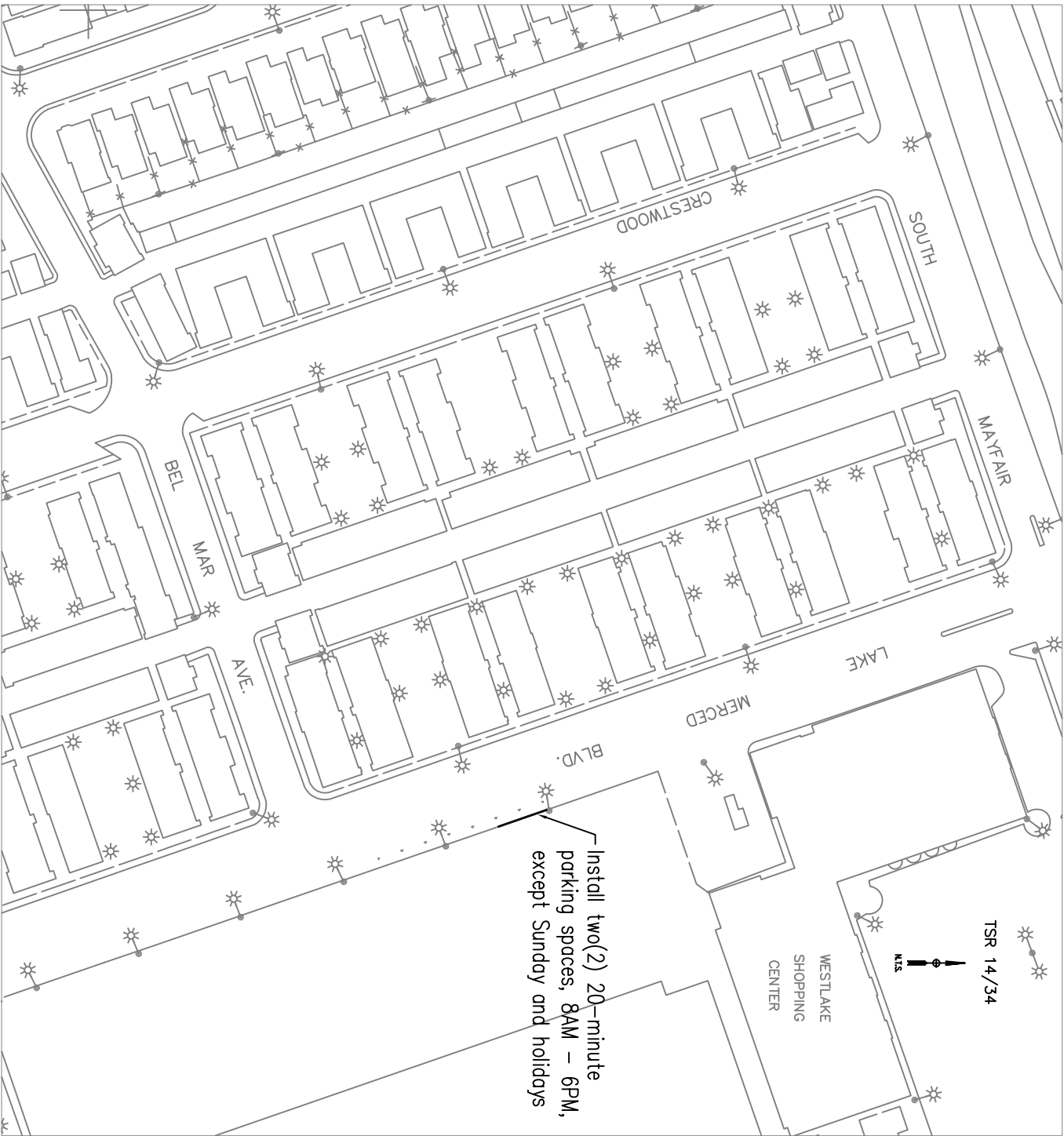
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|------------------------|----------------------|--------------------------------|---------------|
| DRAWN<br><b>SCY</b>    | DATE<br><b>05/14</b> | APPROVED                       | CITY ENGINEER |
| CHECKED<br><b>JLF</b>  | SCALE<br><b>NTS</b>  | SHEET NO. <b>1</b> OF <b>1</b> | TSR 14-28     |
| DESIGNED<br><b>SCY</b> | DRAWN NO.            | REVISION NUMBER                | REV.          |



THE CITY OF DALY CITY  
CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

TRAFFIC IMPROVEMENTS  
Beppler St./San Jose Ave.

|          |     |            |                  |               |
|----------|-----|------------|------------------|---------------|
| DATE     | SCY | DATE 05/14 | APPROVED         | CITY ENGINEER |
| CHECKED  | JLF | SCALE: NTS | SHEET NO. 1 OF 1 | TSR 14-32     |
| DESIGNED | SCY | REVIEW NO. |                  | REVIEW NUMBER |



|                                                                   |                            |                      |                                  |
|-------------------------------------------------------------------|----------------------------|----------------------|----------------------------------|
| THE CITY OF DALY CITY<br>CALIFORNIA<br>DEPARTMENT OF PUBLIC WORKS |                            |                      |                                  |
| TRAFFIC IMPROVEMENTS<br>219 Lake Merced Blvd.                     |                            |                      |                                  |
| DESIGNED BY<br><b>SCY</b>                                         | CHECKED BY<br><b>JLF</b>   | DATE<br><b>05/14</b> | APPROVED<br><b>CITY ENGINEER</b> |
| SCALE<br><b>N.T.S.</b>                                            | SHEET NO.<br><b>1 OF 1</b> | TSR 14-34            |                                  |





Install 295-ft. loading/unloading  
(white) zone, 7:15-8:15 am,  
2:45 - 3:45 pm, school days

TSR 14/30  
N.T.S.

|                            |       |             |       |
|----------------------------|-------|-------------|-------|
| THE CITY OF DALY CITY      |       |             |       |
| CALIFORNIA                 |       |             |       |
| DEPARTMENT OF PUBLIC WORKS |       |             |       |
| TRAFFIC IMPROVEMENTS       |       |             |       |
| Westmoor High School       |       |             |       |
| Edgemont Drive             |       |             |       |
| DESIGNED BY                | DATE  | APPROVED BY | DATE  |
| SCY                        | 05/14 | SCY         | 05/14 |
| CHIEF                      | NTS   | CHIEF       | NTS   |
| ENGINEER                   | NTS   | ENGINEER    | NTS   |
| SHEET NO. 1 OF 1           |       | TSR 14-30   |       |
| DRAWING NUMBER             |       | REV.        |       |



# City Council Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject: Adopt Revised Title VI Plan**

## Recommended Action

It is recommended that the City Council authorize the City Manager to adopt the revised Title VI Plan to allow the City to work in cooperation with the Metropolitan Transportation Commission (MTC) and the San Mateo County Transit District (SamTrans) to continue operating a shuttle service in the Bayshore neighborhood.

## Background

The City received a Lifeline Transportation Program grant, which is funded by a combination of federal and state funding sources, from the Metropolitan Transportation Commission (MTC), through the City/County Association of Governments of San Mateo County (C/CAG), to improve the mobility options for residents of the Bayshore neighborhood. MTC is the primary recipient of the federal assistance funds. MTC provides federal funds to the City of Daly City for the Bayshore Shuttle program as a sub recipient.

Since 1972, the Federal Transit Administration (FTA) has required recipients of federal funds to have a Title VI program (Title 49 Code of Federal Regulations part 21) adopted before grant funds will be distributed. Adoption of a Title VI program ensures the Shuttle will be operated in a manner that will not exclude any potential patrons or discriminate on the grounds of race, color or national origin, or create any additional barriers for patrons with mobility impairments in their use of the Bayshore Shuttle.

As a recipient of Lifeline Transportation Program funds, the City of Daly City is required to adhere to the Title VI regulations. In addition the City must integrate into its Title VI Program considerations expressed in the U.S. Department of Transportation's Policy Guidance Concerning Recipients' Responsibility to Limited English Proficient Persons (70 FR 74087, December 14 2005).

## Discussion

The Bayshore Shuttle connects Bayshore residents with shopping, grocery, and medical destinations in Daly City, San Francisco, and other areas of the Peninsula by serving areas within the Bayshore neighborhood and then stopping at Muni stops, SamTrans stops, BART stations, and the Top of the Hill area. Many of the destinations that the shuttle will serve are difficult to reach by using the limited public transportation options currently available.

In November 2013, the City Council adopted the City's first Title VI Plan, which documents the practices and operations of the Bayshore Shuttle service compliance with Title VI. As a sub recipient of federal funds, the City is required to annually update its Title VI Plan. A copy of the revised Title VI program is attached. The San Mateo County Transit District (SamTrans), which

manages the day-to-day operations of the Bayshore Shuttle service for Daly City, also has an adopted, compliant Title VI program.

Fiscal Impact

There is no direct fiscal impact related to the adoption of the amended Title VI program.

Summary/Conclusion

It is recommended that the City Council authorize the City Manager to adopt the revised Title VI Plan to allow the City to work with MTC and SamTrans to continue operating a shuttle service in the Bayshore neighborhood. Upon adoption, the attached Title VI Plan will be forwarded to MTC and will be made available electronically via the City of Daly City's webpage.

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

Respectfully submitted,



Shirley Chan  
Traffic Engineer



John L. Fuller  
Department of Public Works

Attachments: City of Daly City Title VI Plan (May 12, 2014)

City of Daly City  
Federally Funded Transportation Program  
TITLE VI PLAN

for Bayshore Shuttle Service

Submitted to the Metropolitan Transportation Commission

By:  
City of Daly City  
333 90<sup>th</sup> Street  
Daly City, CA 94015

May 12, 2014



## Policy Statement, Authorities, and Citations

- A. **Policy of Nondiscrimination** – City of Daly City assures that no person shall on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any City sponsored program or activity. City of Daly City further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

Title VI compliance is a condition of receipt for federal funds. Assurance of compliance, therefore, falls under the proper authority of the City Council of City of Daly City pursuant to its budgetary authority and responsibility. The City Manager is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulation (CFR) 200 and 49 CFR 21.

- B. **Authorities** – Title VI of the 1964 Civil Rights Act provides that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.
- C. **Additional Citations** – Title VI of the Civil Rights Act of 1964; 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h); 23 USC 324; DOT Order 1050.2; EO 12250; EO 12898; 28 CFR 50.3
- D. **Purpose** – The City of Daly City is submitting this Plan to the Metropolitan Transit Commission (MTC) as its Title VI Plan for FY 2013 – 2014. This plan outlines the practices and operations of the City of Daly City's shuttle program compliant with Title VI. The City of Daly City provides transit services without excluding or discriminating on the grounds of race, color or national origin, or creating additional barriers to their use of City of Daly City shuttle services.

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Patricia E. Martel – City Manager

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Date

## **I. Title VI Public Notice**

### **A. General Compliance**

The City of Daly City has developed procedures for its shuttle services program to meet the general reporting requirement which include procedures for filing civil rights complaints; Title VI investigations, complaints, and lawsuits; plans for providing access to persons with limited English proficiency; protection notifications; information distribution and outreach to ensure access to programs and services.

### **B. Title VI Public Notification of Protection**

Notice to the riders, notifying their protection under Title VI, has been posted on the City of Daly City's website ([http://www.dalycity.org/Residents/Bayshore\\_Shuttle/Title\\_VI.htm](http://www.dalycity.org/Residents/Bayshore_Shuttle/Title_VI.htm)). See Attachment A.

## **II. Filing Complaints**

### **A. Title VI Complaint Procedure**

The City of Daly City employs its best efforts to ensure all programs, services, activities and benefits are implemented without discrimination. The City follows complaint investigation and format procedures which ensure Title VI compliance. The discussion below outlines the City's procedure for tracking and investigating complaints alleging discrimination on the basis of race, color, or national origin.

Any person who believes they individually, or as a member of any specific class of persons, have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the City of Daly City, the Federal Transit Administration (FTA) or the Secretary of Transportation. The City prohibits intimidation, coercion or engagement in other discriminatory conduct against anyone because they have filed a complaint to secure Title VI protected rights.

A signed complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary of Transportation. The City of Daly City encourages complaints to be initially filed with the City for resolution. However, in those cases where the complainant is dissatisfied with the resolution by the City, the same complaint may be submitted to the FTA or the Secretary of Transportation for investigation. Unless otherwise permitted, the final determination of all Title VI complaints affecting programs administered by the FTA will be made by the Office of the Secretary, Department of Transportation (DOT).

Signed written complaints may be submitted to the City of Daly City directly or the FTA offices identified below:

City of Daly City  
Department of Public Works  
Title VI Program Coordinator  
333 90<sup>th</sup> Street  
Daly City, CA 94015

Federal Transit Administration Region IX  
Civil Rights Officer  
201 Mission Street, Suite 1650  
San Francisco, CA 94105-1839

Federal Transit Administration  
Office of Civil Rights  
Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The complaint information should include the date of the alleged act of discrimination, when the complainant(s) became aware of the alleged action of discrimination; or the date on which that conduct was observed or the latest instance of discriminatory conduct.

To the best of their ability, complainants should present a detailed description of the issue(s), including the name(s) and job title(s) of those individual(s) perceived as parties in the complaint. The allegation must involve discrimination on the grounds of race, color, or national origin. Allegations must involve a City of Daly City transit service, program(s) or activity of a federal-aid recipient, sub-recipient, or contractor.

In cases where the complainant is unable or incapable of providing a written statement but wishes the City of Daly City or the FTA to investigate alleged discrimination, a verbal complaint of discrimination may be made by calling the City at (650) 991-8038, or appearing in person at 333 90<sup>th</sup> Street, Daly City, California. The complainant will be interviewed by an appropriate official authorized to receive complaints. If necessary, the official will assist the complainant in converting verbal complaints to writing. Translation services will be provided to all complainants, as necessary. All complaints must, however, be signed by the complainant or his/her representative.

Information for filing a Title VI complaint can be accessed on the City of Daly City website at [www.dalycity.org](http://www.dalycity.org) or by contacting the City at 650-991-8038. E-mail inquiries or initial complaints can be sent directly to the City at [schan@dalycity.org](mailto:schan@dalycity.org).

## **B. Complaint Format**

All complaints must be in writing and signed by the complainant or his/her representative before action can be taken. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination. See Attachment B.

### **C. Tracking Complaints**

The following complaint information will be tracked by the City of Daly City:

1. Date the complaint was received by the City of Daly City
2. Date an acknowledgment letter was sent to the complainant
3. Entity
4. Program/Activity/Service
5. Summary of the allegation
6. Status of the complaint
7. Was the complaint investigated – yes/no
8. Action Taken
9. The response letter was sent to the complainant - action taken

### **D. Determination of Investigative Merit**

The City of Daly City will begin an investigation within fifteen (15) working days of valid complaint receipt. A complaint shall be regarded as meriting investigation unless:

1. It clearly appears on its face to be frivolous or trivial.
2. Within the time allotted for making the determination of jurisdiction and investigative merit, the party complained against, voluntarily concedes noncompliance and agrees to take appropriate remedial action.
3. Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or Other good cause for not investigating the complaint exists (e.g. respondent is presently under investigation by another Federal agency).

### **E. Request for Additional Information**

In the event the complainant or respondent have not submitted sufficient information to make a determination of jurisdiction or investigative merit, the City of Daly City may request additional information from either party. Failure of the complainant to submit additional information within the designated time frame may be considered good cause for a no investigative merit determination.

### **F. Record Keeping**

The City of Daly City will ensure all records relating to its shuttle program(s) Title VI Complaint Process are maintained with the department records for three years as of the date of the complaint. Records will be available for compliance review audits.



### **III. Public Transportation-Related Title VI Lawsuits**

There have been no lawsuits naming the City of Daly City alleging discrimination on the basis of race, color, or national origin.

### **IV. Public Participation**

#### **A. Information and Contacts**

The City of Daly City receives comments from shuttle patrons by phone, mail, email, and in-person. The City has multiple bilingual staff throughout the organization ensuring the ability to communicate with shuttle users.

#### **B. Public Hearings**

Public hearings will be held to solicit formal comments from the public regarding planned service changes and impacts of proposed service changes in accordance to the City's shuttle service policy. Advance notice of such public hearings is published at least 72 hours in advance. Advance notice of such public hearings shall be posted on the City's website. The City will make every effort to provide language interpreters upon request, if given sufficient notice.

#### **C. Community Meetings**

Transportation issues may be brought up at the City Council meetings. All Daly City City Council meetings are open to the public and follow the Opening Meetings Act. Daly City official and employees attend and participate in a number of meetings, workshops and other community events to promote its services to the public. The City will continually assess its communication and public involvement strategies and will employ best practices that foster meaningful involvement by traditionally underrepresented persons.

A satisfaction survey will be provided to all shuttle riders on a yearly basis. This survey will be reviewed by the Title VI Coordination and Director of Public Works.

Upon Request City personnel attend regularly scheduled or special civic and community-organization meetings to address proposed projects or service changes that are of interest to commuters. City staff maintains relationships with communities to ensure that relevant project or service related issues and concerns are addressed and resolved.

### **V. Limited English Proficiency**

The City of Daly City adheres to the attached plan (see Attachment C) to address the Title VI limited English proficiency requirement.

## **VI. Transit-Related Planning Boards**

This section is not applicable to the City of Daly City.

## **VII. Primary Recipient Efforts**

This section is not applicable to the City of Daly City.

## **VIII. Facility Construction and/or Operation**

This section is not applicable to the City of Daly City.

## **IX. Additional Information**

This section is not applicable to the City of Daly City.

## **Attachment A**

# **City of Daly City Title VI Notice to the Public**

The City of Daly City hereby gives public notice that it is the City's policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all transportation programs and activities. Title VI requires that no person shall, on the grounds of race, color, sex, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Federal Aid Highway program or other activity for which the City receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the City of Daly City. Any such complaint must be in writing and filed with the City within one hundred, eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Department of Public Works at no cost to the complainant by calling (650) 991-8038.

## **Attachment B**

# **City of Daly City Title VI Complaint Form**

Title VI of the Civil Rights Act of 1964 provides that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

It is the policy of the City of Daly City’s shuttle program to employ its best efforts to ensure all programs, services, activities, and benefits are implemented in a non-discrimination manner.

Any person who believes as an individual, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin may file a written complaint within 180 days after the date of the alleged discrimination with the City of Daly City, the FTA, or the Secretary of Transportation. Further, the City of Daly City prohibits intimidation, coercion, or engagement in other discriminatory conduct against anyone because he/she has filed a complaint to secure rights protected by Title VI.

Please provide the following information on the following form:

# Title VI Complaint Form

|                                                                                                              |               |                      |
|--------------------------------------------------------------------------------------------------------------|---------------|----------------------|
| <b>Your Name:</b>                                                                                            |               | <b>Phone Number:</b> |
| <b>Street Address:</b>                                                                                       |               |                      |
| <b>City:</b>                                                                                                 | <b>State:</b> | <b>Zip Code:</b>     |
| <b>Person(s) Discriminated Against (if other than complainant)</b>                                           |               |                      |
| <b>Street Address:</b>                                                                                       |               |                      |
| <b>City:</b>                                                                                                 | <b>State:</b> | <b>Zip Code:</b>     |
| <b>Date of Incident:</b>                                                                                     |               |                      |
| <b>Please Describe the Alleged Discrimination Incident (please attach additional sheet(s) if necessary):</b> |               |                      |

\_\_\_\_\_  
**Complainant's Signature**

\_\_\_\_\_  
**Date**

If you have filed a complaint with any other federal, state or local agencies please provide the following information:

|                        |               |                        |
|------------------------|---------------|------------------------|
| <b>Agency:</b>         |               | <b>Contact Person:</b> |
| <b>Street Address:</b> |               |                        |
| <b>City:</b>           | <b>State:</b> | <b>Zip Code:</b>       |

|                        |               |                        |
|------------------------|---------------|------------------------|
| <b>Agency:</b>         |               | <b>Contact Person:</b> |
| <b>Street Address:</b> |               |                        |
| <b>City:</b>           | <b>State:</b> | <b>Zip Code:</b>       |

|                        |               |                        |
|------------------------|---------------|------------------------|
| <b>Agency:</b>         |               | <b>Contact Person:</b> |
| <b>Street Address:</b> |               |                        |
| <b>City:</b>           | <b>State:</b> | <b>Zip Code:</b>       |

Please mail your complaint form directly to:

City of Daly City  
Department of Public Works  
Title VI Program Coordinator  
333 90<sup>th</sup> Street  
Daly City, CA 94015

Listed below are the state and federal addresses if you wish to file a Title VI complaint directly with one or both of these agencies:

Federal Transit Administration Region IX  
Civil Rights Officer  
201 Mission Street, Suite 1650  
San Francisco, CA 94105-1839

Federal Transit Administration  
Office of Civil Rights  
Title VI Program Coordinator  
East Building, 5<sup>th</sup> Floor-TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

## **Attachment C**

# **City of Daly City Title VI Limited English Proficiency (LEP) Plan**

### **Introduction**

This Limited English Proficiency (LEP) Plan has been prepared to address the City of Daly City's responsibilities as a recipient of federal financial assistance as it relates to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations which states no person in the United States shall be subjected to discrimination on basis of race, color, or national origin.

### **Four Factor Analyses**

The United States Department of Transportation (DOT) issued its Policy Guidelines Concerning Recipient's Responsibilities to Limited English Proficient (LEP) Persons (Federal Register: December 14, 2005, Volume 70, Number 239). This policy states DOT recipients are required to take reasonable steps to ensure meaningful access to programs by LEP persons. This coverage extends to the recipient's entire shuttle program. There are four factors the City of Daly City considers when assessing language needs and determining what steps to take to ensure access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient.
2. The frequency with which LEP individuals come into contact with the program.
3. The nature and importance of the program, activity or service provided by the recipient to people's lives.
4. The resources available to the recipient and cost of those resources.

A brief description of the self-assessment undertaken in each of these areas is as follows:

1. Twenty-eight percent of Bayshore's 973 households are considered linguistically isolated. The U.S. Census defines a linguistically isolated household as one with in which no one person 14 years or older speaks English "well" or "very well." Of the 436 households that speak primarily an Asian or Pacific Island language, 44% (192) do not include anyone over the age of 14 who can communicate comfortably in English. Only 10% of Asian and Pacific Islander households speak English as their primary language. There are also 182 households in the project area that speak primarily Spanish. Of these Spanish-speaking households, 40% (72) do not include anyone over age 14 who can speak English comfortably.

2. The shuttle has been in operation for three months. To date, the City of Daly City has had zero requests for interpreters and zero requests for translated City of Daly City documents related to the Bayshore Shuttle.
3. Eleven percent of the households in the Bayshore neighborhood do not have access to a car, as compared to 6% in San Mateo County and 8% in Daly City. Residents of both the Bayshore project area and Daly City have relatively high rates of transit use as compared to the State of California and San Mateo County. According to the 2000 U.S. Census, 16% (254 residents) of the Bayshore area population, and an even higher 18% (8,858) of Daly City's population, use public transit for their work commute. In California and the County, public transit use for commute trips is 5% and 7%, respectively.

Bayshore and Daly City residents also use other commute alternatives to driving alone at a higher rate than the state and county. Fifty-eight percent of both Bayshore and Daly City workers drive alone to work, while 72% of California workers and 73% of San Mateo County workers drive alone to work. In addition, the carpool rate in the project area is relatively high at 22%, compared to 20% in Daly City as a whole, 13% in the County, and 15% in the State.

4. The City of Daly City has staff whom are able to provide bilingual assistance and services and will make reasonable efforts to assist those with limited English language proficiency.

## **Language Assistance Measures**

There are various ways in which City of Daly City staff can assist and respond to LEP persons, whether in person, by telephone, or in writing. When these translation services are required, the City will attempt to provide services with bilingual staff, professional translation services, or from other qualified persons.

## **Monitoring and Updating the LEP Plan**

This plan is designed to be flexible and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons and also to monitor changes in demographics and types of services and to update the LEP plan when appropriate. At a minimum, the City of Daly City will follow the Title VI Program requirements.

Daly City also ensures the shuttle operator remains compliant and updates as needed its Title VI plan.





# City Council Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject:** Setting Time and Place of Public Hearing for May 27, 2014  
Re: Ordinance Amending Chapter 2.44, Temporary Disability

## **Recommended Action**

Staff recommends that the City Council set May 27, 7:00 p.m. as the date and time for a public hearing – Ordinance amending Chapter 2.44 of the Daly City Municipal Code regarding Temporary Disability.

## **Background/Analysis**

The City desires to amend Chapter 2.44 of the Daly City Municipal Code regarding Temporary Disability payments to employees. The City will also be recommending revisions to the Rules and Regulations of the Classified Service on the job injury leave.

## **Conclusion**

Staff recommends that the City Council set time and place of hearing to consider an Ordinance amending Chapter 2.44 of the Daly City Municipal Code regarding Temporary Disability. Staff is available to provide any additional information desired by the Mayor or City Council Members.

Respectfully submitted,

Shawwna Maltbie  
Director of Human Resources





# City Council Meeting Agenda Report

Item # \_\_\_\_\_

Meeting Date: May 12, 2014

**Subject: Setting Time and Place of Public Hearing – Proposed New Fee Schedule for the Police Department**

## **Recommended Action**

City Council to set May 27, 2014, as time and City Council Chambers as place of public hearing for proposed fee increases for the Police Department.

## **Background**

The last comprehensive review of Police Department fees was completed and adopted by the City Council in 2008.

## **Discussion**

The proposed fee schedule has been prepared to reasonably reflect the actual cost of providing the service for which the fee is imposed.

## **Fiscal Impact**

The proposed fee schedule will generate revenue that more accurately reflects the cost to the City for providing the services.

## **Summary/Conclusion**

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

Respectfully submitted,

Patrick Hensley  
Captain

Manuel Martinez Jr.  
Chief of Police

City of Daly City - Police Department

# Proposed Fees for Police Services

| POLICE SERVICE                           | Current Fee | Proposed Fee | % Inc |
|------------------------------------------|-------------|--------------|-------|
| Arrest Log                               | \$0         | \$20         |       |
| Audio Tape                               | \$10        | \$15         | 50%   |
| Auto Impound Fee                         | \$204       | \$240        | 18%   |
| Boot Release Fee                         | \$50        | \$60         | 20%   |
| Carry a Concealed Weapon Permit, New     | \$410       | \$515        | 26%   |
| Carry a Concealed Weapon Permit, Renewal | \$220       | \$265        | 20%   |
| Civil Court Appearance                   | \$275       | \$275        | 0%    |
| Clearance Letter                         | \$22        | \$25         | 14%   |
| Digital Photographs                      | \$10        | \$15         | 50%   |
| Dispatch Tape                            | \$58        | \$60         | 3%    |
| False Alarm Fines                        | \$100       | \$100        | 0%    |
| Fingerprinting - Ink                     | \$18        | \$25         | 39%   |
| Fingerprinting - Livescan                | \$23        | \$30         | 30%   |
| Massage Establishment Permit             | \$500       | \$550        | 10%   |
| Massage Technician Permit                | \$97        | \$112        | 15%   |
| Photograph Copies                        | \$10        | \$10         | 0%    |
| Repossession Fee                         | \$15        | \$15         | 0%    |
| Special Event Permit                     | \$0         | \$210        |       |
| Storage of Firearms                      | \$154       | \$190        | 23%   |
| Taxi Application, New                    | \$112       | \$127        | 13%   |
| Taxi Application, Renewal                | \$40        | \$50         | 25%   |
| Video Tape                               | \$20        | \$25         | 25%   |



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject: SETTING TIME AND PLACE OF PUBLIC HEARING – PROPOSED  
ORDINANCE AMENDING CHAPTER 8.35 REGARDING REGULATION OF  
SMOKING**

## Recommended Action

It is recommended that the City Council set May 27, 2014 as the date and time for a public hearing – Ordinance amending Chapter 8.36 of the Daly City Municipal Code regarding Regulation of Smoking.

## Background

The City of Daly City adopted a comprehensive second hand smoke ordinance on October 22, 2012. The ordinance does not currently address the use of electronic cigarettes.

The City desires to amend Chapter 8.36 of the Daly City Municipal Code regarding the Regulation of Smoking.

## Summary/Conclusion

Staff recommends that the City Council set May 27, 2014 at 7:00 p.m. as the date and time for a public hearing – Ordinance amending Chapter 8.36 of the Daly City Municipal Code regarding Regulation of Smoking.

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

Respectfully submitted,

Patricia E. Martel  
City Manager



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject:       Setting Time and Place of Public Hearing – Urgency Ordinance Regarding  
Proposed Amendment to a Development Agreement for 2665 Geneva Avenue**

## Recommended Action

Staff recommends that the City Council set May 27, 2014 at 7:00 p.m. as the date and time for a public hearing – proposed Urgency Ordinance for the first amendment to the Development Agreement between the City of Daly City and Al Baldini and Ottorino Pasian.

## Background/Analysis

The existing Development Agreement is set to expire on June 8, 2014 and because the project, specifically, the single-family lots, has not been fully entitled and because the overall project description has changed, the Development Agreement needs to be extended to allow the City and Al Baldini and Ottorino Pasian time to negotiate the terms of the agreement. Proposed Urgency Ordinance would extend its term until December 31, 2014.

## Conclusion

Staff recommends that the City Council set May 27, 2014 at 7:00 p.m. as the date and time for a public hearing – proposed Urgency Ordinance for the first amendment to the Development Agreement between the City of Daly City and Al Baldini and Ottorino Pasian.

Respectfully submitted,

Tatum Mothershead  
Interim Director, Economic and Community Development



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

## **Subject: Resolution of Local Support – Combatting Human Trafficking**

### Recommended Action

Staff recommends City Council approve the attached resolution supporting local efforts to combat human trafficking.

### Background

The City of Daly City provides the citizens and visitors of Daly City the highest degree of safety and security. One specific area the Daly City Police Department diligently addresses are the crimes related to human trafficking.

### Discussion

Human trafficking is the world's fastest growing criminal enterprise. It is the second most profitable criminal enterprise after drug trafficking. This is a concern that the City of Daly City and neighboring agencies are very much aware of and are working collectively to impact this multifaceted issue.

The Daly City Police Department is already involved in, or are providing, the following support:

- Partner with the Bay Area H.E.A.T. (Human Exploitation and Trafficking) Coalition (BAHC). BAHC was established to increase communication, cooperation, and collaboration between local, state, and federal law enforcement, service providers, systems, community members, and existing human trafficking task forces in the 9 Bay Area Counties.
- Member of the San Mateo County Keller Center Advisory Board.
- Interviewing runaways to ensure they are not victims of human trafficking.
- Providing training to line level personnel for signs related to human trafficking.
- Maintaining diligence and communication with local inn keepers and hotels for signs of human trafficking.
- Conducting operations such as "Operation Cross Country" involving the Daly City Police Department, San Mateo County agencies, and the Federal Bureau of Investigation to seek out underage human exploitation victims and their criminal handlers.

Staff is requesting that the Council approve the attached resolution to formally support all local efforts to combat human trafficking.

### Fiscal Impact

No fiscal impact

## City Council Agenda Report

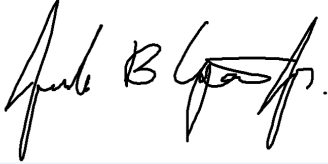
**Subject: Resolution of Local Support – Combatting Human Trafficking**  
**Meeting Date: May 12, 2014**

**Page 2 of 2**

### Summary/Conclusion

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

Respectfully submitted,



Julian Agustin  
Acting Captain



Manuel Martinez Jr.  
Chief of Police

Attachments: Resolution



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY IN SUPPORT  
OF COMBATting HUMAN TRAFFICKING, STAFF TRAINING, ASSISTANCE IN  
IDENTIFYING VULNERABLE POPULATIONS AND LEGISLATIVE ADVOCACY

WHEREAS, the crime of human trafficking destroys lives around the world and is present in every country and every U.S. state; and

WHEREAS, the State of California and its constituent communities are considered to be receptor sites for trafficking due to economic conditions and proximity to international borders; and

WHEREAS, forced labor, commercial sexual exploitation and involuntary domestic servitude have been found to exist within local communities; and

WHEREAS, trafficking affects both international and domestic victims; and

WHEREAS, local communities exercise police power, maintain collaborative relations with other governmental agencies and adopt positions of legislative advocacy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daly City that it does hereby state that:

1. The city will participate in available training of staff; and
2. The City will assist local agencies in identifying populations that are vulnerable to the crime of human trafficking; and
3. The City adopts a legislative advocacy position in support of anti-trafficking measures.

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the appropriate county, state and federal elected representatives.

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 \_\_\_\_\_, 2014, 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: May 12, 2014**

**Subject: Public Hearing – National Pollutant Discharge Elimination System  
Local Stormwater Program Regulatory Fee**

## Recommended Action

At the conclusion of the Public Hearing, staff recommends the City Council's adoption of a resolution maintaining National Pollutant Discharge Elimination System (NPDES) regulatory fees necessary to fund City of Daly City local specific program activities required under the State mandated Stormwater Management Plan and authorize the City Manager to enter into a contract with the County of San Mateo for the collection of the NPDES Local Stormwater Program fee.

## Background

The San Francisco Water Board issued a consolidated Bay Area Municipal Regional Stormwater Permit on October 6, 2009, with an implementation date of December 1, 2009. The permit conditions cover municipal stormwater management activities over the next five years. The City/County Association of Governments continues to administer the General Program components, while each municipality is responsible for achieving specific program activities.

## Discussion

As part of staff's presentation of the City's Biennial Budget, staff proposed the continuation of the current regulatory fee enacted under Ordinance No. 1219 in 1995 to finance local specific responses to the mandate of the Stormwater Pollution Prevention Program. With respect to the City of Daly City's specific responsibilities, staff estimates the local Fiscal Year 2014/15 costs at \$460,000. This amount is derived from total personnel, equipment rental and inspection services costs as set forth in the enclosed attachment.

The necessary funding for Daly City's local program does not include a rate increase from the past 19 years' fee and remains:

|                                       |                  |
|---------------------------------------|------------------|
| Single Family/Duplex .....            | \$9.80/APN       |
| Multi-Family (3-10 units) .....       | \$19.60/APN      |
| Multi-Family (11-20 units) .....      | \$36.76/APN      |
| Unimproved Land .....                 | \$4.90/APN       |
| Commercial/Retail/Manufacturing ..... | \$56.84/APN, EDU |
| Condominiums .....                    | \$4.90/APN       |

All other categories of use are assigned a factor compared to the single family/duplex rate and take into account frontage, impervious surface coverage and vehicle trips to allocate costs proportionately.

Fiscal Impact

The fee would generate approximately \$460,000 and is based on a nexus between parcel size and land use, with a base factor assigned to the single family/duplex parcel as it is the predominant land use in Daly City.

Summary/Conclusion

The regulatory fee established a local revenue to address an unfunded regulatory mandate and its amount is consistent with approved budget authorizations.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick Sweetland", with a stylized flourish at the end.

Patrick Sweetland  
Director of Water and Wastewater Resources

Attachment

**Department of Public Works - Street Division**  
**NPDES Regulatory Fee (3790)**  
**Revenue Justifications**

1. Storm water pollution prevention through inspection and/or cleaning of 2181 catchbasins; 75 full trash capture devices; and the maintenance and repair of stormwater systme's 61 miles of drainage lines. Programs include:

**Annual Catchbasin Inspection & Cleaning**

**Monthly Inspections of 75 Full Trash Capture Devises During the Rainy Season**

**Silt & Debris Removal from the Vista Grande Canal**

**Inclement Weather District Cleaning**

| <b>Areas</b>                        | <b>Est. Expenditures</b> |                   | <b>Est. Revenue</b>       |
|-------------------------------------|--------------------------|-------------------|---------------------------|
|                                     | <b>FY 14/15</b>          | <b>FY 15/16</b>   | <b>NPDES<br/>Reg. Fee</b> |
| Salaries & Benefits <sup>1</sup>    | \$ 233,102               | \$ 233,102        | \$ 233,102                |
| Vehicle Cost                        | \$ 62,582                | \$ 62,582         | \$ 62,582                 |
| Materials, Tools & Supplies         | \$ 22,240                | \$ 22,240         | \$ 22,240                 |
| Other Charges                       | \$ 30,034                | \$ 30,034         | \$ 30,034                 |
| Program Administration <sup>2</sup> | \$ 59,349                | \$ 59,349         | \$ 59,349                 |
| <b>Total for Programs</b>           | <b>\$ 407,307</b>        | <b>\$ 407,307</b> | <b>\$ 407,307</b>         |

2. Stormwater pollution prevention by mechanized sweeping of all city streets at least once per week. Estimated 22,692 curb miles annually. And city ROW debris removal.

Programs include:

**Street Sweeping**

**City ROW Cleaning and Debris and Rubbish Removal**

| <b>Areas</b>                        | <b>FY 14/15</b>   | <b>FY 15/16</b>   |                   |
|-------------------------------------|-------------------|-------------------|-------------------|
| Salaries & Benefits <sup>3</sup>    | \$ 238,594        | \$ 238,594        | \$ 52,693         |
| Vehicle Cost                        | \$ 64,601         | \$ 64,601         |                   |
| Materials, Tools & Supplies         | \$ 4,635          | \$ 4,635          |                   |
| Other Charges                       | \$ 30,874         | \$ 30,874         |                   |
| Program Administration <sup>4</sup> | \$ 38,118         | \$ 38,118         |                   |
| <b>Total</b>                        | <b>\$ 376,822</b> | <b>\$ 376,822</b> | <b>\$ 52,693</b>  |
| <b>Total for Programs</b>           | <b>\$ 784,129</b> | <b>\$ 784,129</b> | <b>\$ 460,000</b> |

**Notes**

1. Includes two full-time Street Maintenance Worker II, and 75% of Lead Public Works Maintenance Worker.

2. Includes 20% of Public Works Maintenance Supervisor, 15% of Public Works Maintenance Superintendent, 10% of Administrative Assistant and 10% of Office Assistant III.

3. Includes two full-time Street Sweeper Operators, 50% of one full-time Street Maintenance Worker II, and one hourly Utility Worker Aide

4. Includes 20% of Public Works Maintenance Supervisor, 10% of Administrative Assistant and 10% of Office Assistant III.

5. Salaries and program administration include a 30% flat charge for benefits. Salaries and benefits will be updated with finalized amounts when provided by finance.



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

Meeting Date: May 12, 2014

**Subject: General Plan Housing Element Implementation (2014)  
General Plan Amendment GPA 3-14-8719 and Zone Change ZC-3-14-8710**

## Recommended Action

Approve General Plan Amendment GPA 3-14-8719 and Zone Change ZC-3-14-8710, as identified in Attachment A – Draft Ordinance Amending Title 17.

## Planning Commission Discussion

*On April 1, 2014, the Planning Commission voted 5–0 to recommend that the City Council approve General Plan Amendment GPA 3-14-8719 and Zone Change ZC-3-14-8710. David Beaumont provided comments about the close connection between the type and amount of parking the City requires, and the ability of developers to produce affordable housing. Mr. Beaumont suggested that parking regulations be explored that would allow such projects to come forward that otherwise would not. Spencer Day, resident at 174 E. Market Street, raised a question about the rezoning of the site bounded by Mission, East Market, and First Avenue, and if development there would be something like the apartments that exist on the south side of East Market, east of First Avenue (Villa Fontana). Staff confirmed that the zoning change would allow similar development. Gloria Alioto, property owner at 169 First Avenue, whose property was proposed for rezoning, asked what the implication of the rezoning would be to an existing greenhouse operating at the site and about the purpose for the rezoning. Staff replied that although the greenhouse would be a legal, non-conforming land use, that the change had no effect on the operation of the greenhouse and that the purpose of the rezoning was to comply with State requirements that the City provide zoned land sufficient to comply with the City's Regional Housing Need Allocation.*

## Background

The Housing Element is one of seven State-mandated elements of the General Plan, and includes goals, policies, and programs addressing existing and future housing conditions and needs in Daly City. The City adopted the Housing Element for the 2009-2014 Regional Housing Need Allocation (RHNA) cycle in March 2013. The City is now in the process of updating the Housing Element for the 2013-2021 RHNA cycle and is preparing the document for eventual review by the State Department of Housing and Community Development (HCD).

In response to suggestions from jurisdictions, HCD has made significant changes to how it reviews Housing Elements. One of these changes is that certain parts of the Housing Element will be eligible for less HCD scrutiny in a process called "Streamlined Review." Under Streamlined Review, HCD staff will focus on changes to the City's existing Housing Element, rather than reviewing the entire document. Streamlined Review is critical to the schedule for Housing Element review by HCD and eventual adoption, which must occur prior to January 2015.

In order to qualify for Streamlined Review, there several steps the City must take in fulfillment of the Housing Element adopted for the 2009-2014 RHNA cycle, including the following:

1. Rezone the parcels identified in the Element that needed to be rezoned to meet the adequate sites inventory identified in the element (see Tasks HE-6.2 through HE-6.6 on pages 106 and 107 of the Housing Element, viewable at [www.dalycity.org/gp](http://www.dalycity.org/gp));
2. Amend the Sullivan Corridor Specific Plan to identify the allowance of emergency shelters as a permitted land use, i.e., without the requirement for a use permit, on properties designated C-R/O Commercial Retail and Office by the Specific Plan, and establish regulations for such facilities (see Task HE-14.2 on page 110 of the Housing Element);
3. Add Chapter 17.41.1 – Density Bonus to the Daly City Municipal Code, providing procedures that provide density and construction incentives for developments containing housing units that will be permanently affordable to very low, low, or moderate-income households, or provide senior citizen housing (see Task HE-14.4 on page 109 of the Housing Element);.
4. Add Chapter 17.51 – Reasonable Accommodation in Zoning to the Daly City Municipal Code, providing procedures and permit requirements for administrative relief from the Zoning Ordinance, where necessary, to accommodate the siting, funding, development, and use of housing by people with disabilities (see Task HE-15.3 on page 110 of the Housing Element);.

In addition to these amendments, HCD has communicated to the City that immediate implementation of Housing Element Tasks 14.3, 14.4, and 16.2 is necessary. These tasks relate to amending the R-1 Single-Family Residential District to identify transitional housing and supportive housing as allowed uses in any residential zone without the requirement for a use permit, and providing an updated definition of “Family” in the Zoning Ordinance consistent with State and federal fair housing laws.

#### Rezoning to Meet Adequate Sites Inventory

The City of Daly City is requesting approval to rezone sites on the Zoning Map and redesignate sites in the Sullivan Corridor Specific Plan and BART Station Area Specific Plan, as implementation measures of the General Plan Housing Element. The specific actions requested are as follows:

1. Amend the Zoning Map to rezone the 1.02-acre property located at 169 First Avenue from ID Interim District to R-3 Residential Multiple.
2. Amend the Zoning Map to rezone the 2.49-acre property located at 1050 St. Francis Boulevard from PD 46 to PD 46A, thereby removing the 36 dwelling unit maximum presently imposed by the PD 46 zoning. The maximum density shall instead reflect the permitted General Plan Medium Density designation currently attributable to the site, i.e., 35 dwelling units per acre.

3. Amend the Sullivan Corridor Specific Plan to redesignate five parcels totaling 1.38-acres (1670 and 1698 Bryant Street; others with no assigned addresses) situated north of Pierce Street between Bryant Street and Edgeworth Avenue from the C-R/R Residential Retail Commercial specific plan designation to the C-R/O Retail and Office Commercial designation (see Attachment B – 1670 and 1698 Bryant Street Redesignation Area).
4. Amend the BART Station Area Specific Plan to redesignate three parcels totaling the 1.73-acres (including 7367 and 7395 Mission Street; others with no assigned addresses) situated north of East Market Street between Mission Street and First Avenue from the Neighborhood Commercial specific plan designation to the Neighborhood Commercial Residential Above designation (see Attachment C – 7367 and 7395 Mission Street Redesignation Area). This redesignation essentially provides for a modification in development regulations consistent with the current C-1 Light Commercial zoning that exists along Mission Street. For example, the current designation allows for not more than two stories, or 35 feet, while the new designation would allow for three stories, or 45 feet.

In accordance with State law, the above rezonings and Specific Plan amendments must result in each of the sites having the following qualities: 1) development is by-right; 2) each site is large enough to accommodate 16 dwelling units; and 3) the minimum allowed density for each site is 20 dwelling units per acre. Also, State law requires that at least half these be zoned exclusively for residential development, i.e., they may not be mixed-use in nature.

To meet these requirements, it is necessary for the City to amend the Sullivan Corridor Specific Plan and development regulations in Chapter 17.21 – SC Sullivan Corridor Specific Plan District to allow mixed-use development exceeding 20 dwelling units/acre without the requirement for a use permit for parcels in the Specific Plan Area subject to the C-R/O Retail and Office Commercial designation. Staff has therefore prepared an amendment to Chapter 17.21.030 – Specific Plan Designations and Regulations, which contains development regulations, pertaining to C-R/O Commercial Retail and Office designated parcels, that identifies this allowance.

#### Allowance of Emergency Shelters

In 2007, the State Legislature adopted SB 2, amending the state's Government Code to require that every California jurisdiction have at least one identified zoning district in which emergency shelters are allowed without the requirement of a use permit. The Housing Element identified parcels designated C-R/O Commercial Retail and Office in the Sullivan Corridor Specific Plan Area as the most appropriate to allow emergency shelters and committed the City, in Policy HE-14, to amending the Zoning Ordinance and Sullivan Corridor Specific Plan appropriately.

In compliance with the requirements of SB2, the following amendments are necessary to the Zoning Ordinance and Sullivan Corridor Specific Plan:

1. Add the definition of "Emergency Shelter," as defined in the Health and Safety Code Section 50801(e), to Chapter 17.04 – Definitions, which is: "Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

2. Add “Emergency Shelters” as a permitted use, i.e., without the requirement for a use permit, in the area designated C-R/O Commercial – Retail and Office by the Sullivan Corridor Specific Plan (see Attachment D – Map of C-R/O Designation Area).
3. Add “Emergency Shelters” to Chapter 17.34 – Off-Street Parking and Loading, requiring 0.75 covered or uncovered parking spaces per employee for emergency shelters. This parking requirement considers the proximity of the C-R/O Commercial Retail and Office District to public transit (BART, SamTrans, Seton Shuttle) and is consistent with recently adopted regulations for Emergency Shelters adopted San Mateo County for unincorporated parcels around the Colma BART Station.
4. Amend Chapter 17.45.120 (Design Review) Applicability to specifically exclude Emergency Shelters in the C-R/O Designation Area from the City’s Design Review requirements.

In its review of the Housing Element, HCD determined that the amendment would fulfill the requirements of SB 2. The City Council specifically considered this amendment to the Sullivan Corridor Specific Plan during its consideration of the updated Housing Element when it adopted the Housing Element in March 2013.

#### Allowance of Transitional and Supportive Housing

These proposed amendments to the R-1 Residential Single Family District relate to identifying “Transitional Housing” and “Supportive Housing” as allowed uses in any residential zone without the requirement for a use permit and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

HCD required the inclusion of Housing Element Tasks HE-14.3 and HE.4, requiring that the City amend the Zoning Ordinance to allow these uses, in accordance with State law. According to HCD, the City must allow transitional and supportive housing in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family homes and apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same zone.

Transitional and supportive housing are interrelated. Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. A homeless person may live in a transitional apartment for up to two years while receiving supportive services that enable independent living. Supportive housing is permanent rental housing linked to a range of support services designed to enable residents to maintain stable housing and lead fuller lives.

In compliance with Housing Element Tasks HE-14.3 and HE-14.4, and the California Health and Safety Code, Chapter 17 (Zoning) would be amended as follows:

1. A new definition for “Transitional Housing” would be added to Chapter 17.04 as follows:  
“Buildings configured as rental housing developments, but operated under program



requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.”

2. A new definition for “Supportive Housing” Supportive Housing would be added to Chapter 17.04 as follows: “Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.”
3. A new definition for “Target Population” would be added to Chapter 17.04 as follows: “Adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act Division 4.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.”
4. “Transitional Housing” and “Supportive Housing” would be added as a permitted uses, i.e., without the requirement for a use permit, to the R-1 Single Family Residential District, with a footnote that indicates that these uses are, “Subject only to those restrictions that apply to other residential dwellings of the same type in the same zone” allowance.

Staff is proposing a change only in the R-1 zone because the City’s zoning is hierarchical in nature, meaning that the R-2 and R-3 zones allow all the uses in the R-3 zone by right. The allowance would also apply to all Planned Development zones which allow residential uses.

#### Density Bonus Provisions

State density bonus law requires local governments to provide density bonuses and other incentives to developers of affordable housing who commit to providing a certain percentage of dwelling units to persons whose incomes do not exceed specific thresholds. Housing Element Task HE-12.4 commits the City to developing a Density Bonus Ordinance consistent with State law.

Essentially, the draft ordinance establishes that a residential project of five or more units that provides affordable or senior housing at affordability levels specified in the State Government Code Section 65915 are eligible for a density bonus allowing more dwelling units than would otherwise be allowed on the site by the General Plan and Zoning Ordinance. The amount of the density bonus for each affordability level and for senior housing development is also prescribed by the Government Code Section 65915, which is included in the Ordinance by reference. Attachment E – Density Bonus Schedule provides an overview of the amount of density bonus a developer could expect based on affordability to very-low and low-income household, and development exclusively for occupancy by senior citizens.

In addition to the density bonus provision, the draft ordinance identifies the incentives and concessions for which developers of affordable housing may be eligible, depending on the affordability level within the project. These include setback reductions, increased lot coverage, increased building height, and reduction in parking standards. The number of incentives or concessions is similarly dictated by State law and varies from one to three incentives depending on the level of project affordability.

#### Reasonable Accommodation Provisions

Federal and state housing laws require that cities and counties provide flexibility or even waive certain land use regulations when it is necessary to eliminate barriers to housing opportunities for people with disabilities. An example of such a request might be to reduce the front yard setback to place a ramp in a front yard to provide access to a person using a wheelchair from the street to the front door. Task HE-15.3 commits the City to amending the Zoning Ordinance to establish clear procedures to ensure that development regulations contain flexibility to accommodate the special needs of the disabled.

In response to this requirement, the City is proposing a reasonable accommodation procedure allowing the Director of the Department of Economic and Community Development to review and grant reasonable accommodation requests using criteria identified. Central to the decision to grant the request is whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction, or would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program. If the Director can find that the request does not, and is necessary to make housing available to an individual with disabilities protected under the fair housing laws, the Director may grant the request for reasonable accommodation in accordance with specific findings.

#### Revision to Definition of "Family"

This proposed amendment will align the City's definition of "Family" with the definitions found in the State's Health and Safety Code, the Federal Fair Housing Amendments Act of 1988, and the California Fair Housing and Employment Act. HCD required the inclusion of a Housing Element task to amend the existing definition in the Housing Element to ensure compliance with these laws. The existing definition of "Family" in Chapter 17 is "a person or group of persons related by blood, marriage or adoption living together as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity, sorority or boardinghouse. A family shall be deemed to include necessary employees."

The proposed change to Chapter 17.04 – Definitions is actually three-part consisting of the following amendments:

1. The definition of "Family" would be revised to read as follows: "One or more persons living together as a single housekeeping unit in a dwelling unit."
2. A new definition for "Single Housekeeping Unit" would be added as follows: "One person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and

participating in recreational activities and having close social, economic and psychological commitments to each other”; and

3. A new definition for “Dwelling Unit” would be added as follows: “Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons living together as a single housekeeping unit, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.”

Of fundamental significance to these changes is the elimination of the distinction between related and unrelated persons living together within a dwelling unit. The City’s ability to regulate the ability of unrelated persons living together is preempted by California Constitution privacy clauses, which are intended to prevent infringement upon on an individual’s right to choose with whom he or she lives.

### Environmental Assessment

Because the above actions do not constitute approval of actual construction, will not result in a direct or reasonably foreseeable indirect physical change in the environment, and were evaluated as part of the Daly City General Plan Environmental Impact Report (EIR), no further environmental review under CEQA is required.

### Findings

Staff is recommending that the City Council find that General Plan Amendment GPA 3-14-8719 and Zone Change ZC-3-14-8710 are in compliance with General Plan Housing Element and Title 17 (Zoning) of the Daly City Municipal Code. Approval of the proposed amendments would not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in or working in Daly City, injurious or detrimental to the property and improvements in Daly City, or detrimental to the general welfare of the city. Approval of the proposed amendments are in the best interest of the public health, safety, and general welfare of the community. These findings are based on the following facts:

1. The City Council adopted the Daly City General Plan on March 25, 2013, including the Housing Element implementing the 2009-2014 Regional Housing Need Allocation (RHNA 4);
2. The State Department of Housing and Community Development (HCD) has certified that the Housing Element complies the statutory requirements of State housing element law (Article 10.6 of the California Government Code), conditional upon the City implementing pertinent policies and tasks identified in the Element;
3. The City is currently developing an updated Housing Element in compliance with the 2013-2021 Regional Housing Need Allocation (RHNA 5) and desires Streamlined Review from HCD;

4. The City, in recognition of prerequisites for Streamlined Review, has prepared amendments to the Daly City Municipal Code – Title 17 (Zoning), the Sullivan Corridor Specific Plan, and BART Station Area Specific Plan, which are required as pertinent implementation measures of the 2013 Housing Element;
5. The amendments to the Zoning Map, Sullivan Corridor Specific Plan, and BART Station Area Specific Plan are consistent with Housing Element Tasks HE-4, HE-5, HE-6.2, and HE-6.3, the General Plan Land Use Element, and California Government Code Sections 65580-65589.8;
6. The amendment to Chapter 17.21 – SC Sullivan Corridor Specific Plan District to allow mixed-use development on parcels designated C-R/O Retail and Office Commercial by the Sullivan Corridor Specific Plan is consistent with the Specific Plan allowance of residential uses on parcels within this designation;
7. The amendments to the Chapter 17 (Zoning) relating to Emergency Shelters, Transitional Housing, and Supportive Housing, are consistent with Housing Element Tasks HE-14.1, HE-14.2, HE-14.3, and HE-14.4, California Government Code Section 65583, and Health and Safety Code Sections 50800-50806.5;
8. The amendment to the Chapter 17 (Zoning) adding Chapter 17.47.1 – Density Bonus is consistent Housing Element Task HE-12.4 and California Government Code Sections 65915-65918;
9. The amendment to the Chapter 17 (Zoning) adding Chapter 17.51 – Reasonable Accommodation in Zoning is consistent with Housing Element Task HE-15.3, the California Government Code Section 65583(c)(3), the Federal Fair Housing Amendments Act of 1988, and the California Fair Employment and Housing Act; and
10. The amendments to Chapter 17.04 – Definitions relating to the definition of “Family” is consistent with Housing Element Tasks HE-16.2, the California Health and Safety Code, the Federal Fair Housing Amendments Act of 1988, and the California Fair Housing and Employment Act.

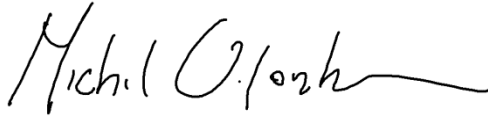
### Recommendations

The Planning Commission recommends that the City Council forward to the City Council the following recommendation:

1. Adopt the Findings as outlined herein;
2. Approve General Plan Amendment GPA 3-14-8719 and Zone Change ZC-3-14-8710, amending the Daly City Municipal Code – Title 17 (Zoning), the Sullivan Corridor Specific Plan, and the BART Station Area Specific Plan, as described in this staff report.

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

Respectfully submitted,



Michael Van Lonkhuysen  
Interim Planning Manager



Tatum Mothershead  
Interim Director of Economic and  
Community Development

Attachments

Attachment A – Draft Ordinance Amending Title 17

Attachment B – 1670 and 1698 Bryant Street Redesignation Area

Attachment C – 7367 and 7395 Mission Street Redesignation Area

Attachment D – Map of C-R/O Designation Area

Attachment E – Density Bonus Schedule

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY  
AMENDING TITLE 17 OF THE MUNICIPAL CODE RE: ZONING ORDINANCE

The City Council of the City of Daly City, DOES ORDAIN as follows:

SECTION 1. Chapter 17.04 of the Daly City Municipal Code is hereby amended to read as follows:

**17.04.010 – Definitions**

For the purpose of this title certain terms are defined as follows; words used in the present shall mean the future; words used in the singular shall include the plural; the word "shall" is mandatory and the word "may" is directory:

1. "Alley" means any public thoroughfare which affords only a secondary means of access to abutting property.
2. "Apartment" means a room or suite of rooms occupied or designed to be occupied by one family for living and sleeping purposes. See "dwelling unit."
3. "Boardinghouse" means a dwelling other than a hotel where lodging and meals for three or more persons are provided for compensation.
4. "Building" means any structure having a roof supported by columns or walls and designated for the shelter or enclosure of persons, animals, chattels or property of any kind.
5. "Building, accessory" means a detached subordinate building, not exceeding one story, the use of which is incidental to that of the principal building on the same lot or to the use of the land. This is not to be construed as permitting any commercial or industrial use in any residential district nor as permitting living or sleeping quarters in any accessory building. An accessory building in a residential district shall be located on the rear one-half of the lot and at least six feet from a dwelling existing or under construction on the same lot. A covered patio or a similar structure which is open on at least two sides shall be exempt from the use permit requirement for an accessory building.
6. "Building height" means the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height level between eaves and ridge for gable, hip or gambrel roofs. In no case shall the front of a building which faces a street exceed the required height limit. However, a building may be "stepped" to allow a total front building height in excess of this requirement, providing that no part of any upper building section shall intercept a plane having an angle of forty-five degrees from the horizontal toward the interior of the lot. Said plane shall originate at the intersection of the roof line of the lowest building section with the front of the building section.
7. "Building, principle" means a building in which the principle use of the property is conducted.
8. "Business office" means any office for the conduct of any one of the following uses: Advertising agency, collection agency, insurance, photographer, private

detective, real estate, social worker. Similar uses may be added to this list by resolution of the planning commission.

9. "Business, retail" means the retail sale of any article, substance or commodity for profit or livelihood conducted within a building, but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.
10. "Business, wholesale" means the wholesale handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity or the processing or manufacturing of any product or substance.
11. "Cemetery" means land used or intended to be used for the burial or interment of dead persons and dedicated or otherwise legally designated for cemetery purposes. Cemetery includes columbaria, crematories, chapels, mausoleums and garden crypts and may include administrative offices when operated in conjunction with and within the boundary of such cemetery.
- 11.1. "Child day care facility" means a facility which provides nonmedical care to children under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour-a-day basis. Child day care facilities include day care centers and family day care homes.
12. Convalescent Home. See "Rest home."
- 12.1. "Day care center" means a child day care facility other than a family day care home and includes infant centers, preschools, nurseries and extended day care facilities.
- 12.2. "Day care home, family" means a home which regularly provides care, protection and supervision of twelve or fewer children in the provider's own home for period of less than twenty-four hours per day while the parents or guardians are away.
- 12.3. "Day care home, small family" means a family day care home which provides care to six or fewer children including children who reside at home.
- 12.4. "Day care home, large family" means a family day care home which provides care to seven to twelve children including children who reside at home.
13. "District" means a portion of the city within which certain uses of land and buildings are permitted and within which certain yards and other open spaces are required and certain height limits are established as set forth and specified in this title.
14. "Dwelling" means a building or portion thereof, but not including a house trailer or mobile home, used exclusively for residential occupancy including one-family, two-family, multiple-family dwelling units and dwelling groups. See dwelling unit.
15. "Dwelling, one-family" means a building designed exclusively for the use and occupancy by one family and necessary employees of such family and containing but one kitchen.
16. "Dwelling, two-family" means a building designed for the use and occupancy by not more than two families living independently of each other and necessary employees of such families and containing not more than two kitchens.
17. "Dwelling, multiple-family" means a building designated to house three or more families living independently of each other.

- 17.5 "Dwelling, secondary" means a room or suite of rooms constructed or adapted within or onto a one-family (i.e., principal) dwelling being an integral part thereof, and designed for the use and occupancy by a person or persons living independently from the one family dwelling occupants. A secondary dwelling shall be subordinate to the principal dwelling.
18. "Dwelling group" means a group of two or more detached or semidetached one-family or two-family dwellings occupying a lot under one ownership and having any yard or court area in common, but not including motels.
19. "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more persons living together as a single housekeeping unit, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
20. "Drive-in establishment" means an establishment where the occupants of motor vehicles may watch, purchase or receive goods or services.
21. "Emergency homeless shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.
22. "Family" means one or more persons living together as a single housekeeping unit in a dwelling unit.
23. "Fence" means any structural device forming a physical barrier by means of wood, mesh, chain, brick, stake or other similar materials.
24. "Floor area ratio (F.A.R)" means the ratio of the maximum permissible floor area to the property of land area in square feet.
25. "Fortunetelling" means the telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind reading, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic of any kind or nature.
26. "Garage, private" means a building or portion of a building in which only motor vehicles intended to be used by the tenants of a building or buildings on the premises are stored or kept.
- 26.1. "Gasoline service station" means a business where the principal use involves the retail sale of gasoline or other automotive engine fuel, motor oil and other lubricants. It may also include the sale of minor accessories or parts, (e.g., windshield wiper blades, tires, fan belts, replacement bulbs or similar accessories) and services (e.g., engine tune-up, smog certificate testing, repairing tires or similar services).
- 26.2. "Gasoline service station, full-service" means a gasoline service station where gasoline dispensing at one or more pumps on the premises is performed by an attendant.
- 26.3. "Gasoline service station, self-service" means a gasoline service station where customers must dispense gasoline themselves.



- 26.4. "Gasoline service station, accessory use" means a gasoline service station accompanied by uses not expressly authorized as a part of the use, including: food markets, snack shops, flower stores, washing or polishing with automatic equipment, auto or truck rentals, auto towing or uses of similar character. The following uses are not allowed as accessory uses: automobile body repairs and paint and the storage of inoperative autos.
27. "Home occupation" means the conduct of a business, art or profession, the offering of a service, or the handcraft manufacture of products in a dwelling in accordance with the regulations prescribed in Chapter 17.36 Home Occupations.
28. "Hotel, motel, motor hotel or inn" means an establishment consisting of one building or group of buildings containing lodging accommodations designed for use by transients, travelers or temporary guests.
29. "Junkyard" means the use of more than two hundred square feet of the area of any lot for a period of more than three months for any scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.
30. "Lot" means a distinct portion of land, as in the smallest division of a block, that is used or capable of being used under the provisions of this title.
31. "Lot coverage" means the area of the property occupied above grade by the principal building or buildings and accessory buildings. For purposes of determining the lot coverage, any lot area used as a private street shall be excluded from the lot area for purposes of computing the lot coverage.
32. "Lot frontage" means the boundary of a lot along a public street. For corner lots, the owner may designate either street boundary as the front lot line. Where conflict exists, the direction in which the front of the building faces shall be considered the front yard and shall be subject to applicable requirements.
33. "Lot, through" means a lot having frontage on two streets, but not including corner lots. Both street lines shall be considered front lot lines.
34. "Massage parlor" means any establishment having a fixed place of business where, for consideration, an individual, firm, association, partnership, corporation, joint venture or combination of individuals engages in, conducts, carries on or permits to be engaged in, conducted or carried on, massages, baths or health treatments involving massages or baths as regular functions, including any business where a function of such business is to engage in or carry on massage not on a fixed location, but at a location designated by the customer, massage technician or other person.
35. "Nonconforming use" means the lawful use of land or a use within a building existing at the effective date of the ordinance codified in this section or amendments thereto which does not conform to the provisions of the district in which such use is located.
36. Nursing Home. See "Rest home."
37. Open Space, Required. The required open space is the arithmetical difference between the total lot area and the required lot coverage. It shall include any front, side or rear yard, court, driveway or open off-street parking area at grade level provided about a building which meet the requirements of the ordinance codified in this section. See lot coverage.
38. "Open space, usable" means a common or private outdoor area designated for outdoor living, recreation, domestic use or landscaping. Such area may be on the

- ground or on a roof, porch, deck, court, balcony or may include an open off-street parking area or driveway providing the driveway is not a means of vehicular access to an adjacent lot or building site.
39. "Pawnshop" means any establishment in which goods and materials pledged as security for loans on personal property are retail marketed. Establishments which trade only clothing and accessories are excluded from this definition and are categorized with other retail commercial uses.
40. "Person" means an individual, city, county, federal government, partnership, corporation, cooperative, association, trust or other legal entity.
41. "Professional office" means the office of persons qualified to practice dentistry, medicine, law, architecture, engineering, accounting and similar professions.
42. "Rest home" means a building in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons.
43. Roominghouse. See "Boardinghouse."
44. "Single housekeeping unit" shall mean one person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.
45. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.
46. "Street" means a vehicular thoroughfare which affords principal means of access to abutting property, including avenue, place, way, circle, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in this section.
47. "Structure" means anything which is built or constructed, such as an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
48. "Structural alteration" means any change in the supporting members of a building, such as bearing walls, foundations, lateral supports, columns, beams or other building elements which add to the structural stability of the buildings.
49. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community
50. "Tanning salon" means an establishment having a fixed place of business where, for consideration, customers are provided access to any tanning device as defined in Section 22702 of the California Business and Professions Code.
51. "Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the

Lanterman Developmental Disabilities Services Act Division 4.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

- 52. "Tattoo establishment" means any establishment in which a tattoo is inscribed upon the human body, a tattoo being an indelible mark or figure fixed upon the body by insertion of pigment under the skin or by the production of scars.
- 53. "Transitional Housing" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted units to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.
- 54. "Trailer court" means land used or intended to be used, let or rented for occupancy by one or more occupied trailers or by two or more unoccupied trailers or moveable dwellings, rooms or sleeping quarters of any kind.
- 55. "Use" means the purpose for which land or a building thereon is designed, arranged, intended or for which it is or may be occupied or maintained.
- 56. "Use, principal" means the main use of land or buildings as distinguished from a subordinate or accessory use.
- 57. "Yard" means any open space which is unoccupied or unobstructed, except as may be permitted by this title, which surrounds a building site.
- 58. "Yard, front" means a yard extending across the full width of the lot lying between the street line and the nearest vertical support or wall of a building or an enclosed or covered porch. Where conflict exists, the direction in which the front of the building faces shall be considered the front yard and shall be subject to applicable requirements.
- 59. "Yard, rear" means a yard extending across the full width of the lot lying between the rear line of the lot and nearest vertical support or wall of a building or an enclosed or covered porch.
- 60. "Yard, side" means a yard extending from the side lot line to the nearest vertical support or wall of a building and extending from the front yard to the rear yard.

**SECTION 2:** Section 17.34.020 of the Daly City Municipal Code is hereby amended to read as follows:

**Section 17.34.020 Schedule of parking requirements**

- A. Single-Family Residential - two spaces per unit;
- B. Duplex (two-family residential) - two spaces per unit totaling four spaces per structure;
- C. Emergency Homeless Shelter - 0.75 covered or uncovered parking spaces per employee;
- D. Multiple-Family Residential - one space for each studio unit. One and one-half spaces for each one bedroom unit. Two spaces for each two bedroom or larger unit. Apartment complexes designed and intended for the exclusive occupancy of low income elderly

- persons (e.g., subsidized apartment complexes), shall provide at least one-fourth the normally required amount of off-street parking. Housing complexes designed and intended for the exclusive occupancy of low income persons or families other than the elderly shall provide at least three-fourths the normally required number of spaces;
- E. Mobilehome Parks - one space for each mobile home, said space to be located on the individual trailer site, plus one space per site for guest parking, the latter to be grouped in common area;
  - F. Boardinghouses - one space per rentable room plus one space for every two hundred square feet of kitchen area and administrative office space;
  - G. Hotels and Motels - one space per room plus one space for each three hundred feet of lobby area and administrative office space;
  - H. Nursing Homes, Convalescent Hospitals and Similar Uses - one space for every four hundred square feet of gross floor area;
  - I. Clubs, Lodges and Other Assembly Buildings, Including Churches and Theaters - one space for every six permanent seats in the main auditorium. If there are to be no permanent seats, then the off-street parking requirement shall be one space for every two hundred square feet of gross building floor area;
  - J. Banks and Business or Professional Offices - one space for each three hundred square feet of gross floor area up to twenty-one thousand feet; thereafter, one space for each two hundred square feet of gross floor area;
  - K. Fast Food Restaurant or Drive-in - one space per seventy-five square feet of gross floor area;
  - L. Other Restaurants - one space per one hundred twenty-five square feet of gross floor area;
  - M. Mortuary - one space for each three hundred fifty square feet of gross floor area;
  - N. Bowling Alley - two and one-half spaces for each bowling lane;
  - O. Service Station - five spaces;
  - P. Service Station with Accessory Use - two spaces for the service station: retail accessory use will require an additional one space per three hundred square feet of gross floor area. Car wash accessory uses will require an additional five spaces. Automated car wash queuing lanes may be considered for inclusion in the required parking under a use permit, or at the discretion of the economic and community development director when a use permit is not required if it can be demonstrated that the queuing lanes would not encroach into the drive aisles, ROW or designated parking areas. If more than one accessory use is proposed, then up to fifty percent of the fuel dispensary parking spaces may be considered for inclusion in the required parking under a use permit, or at the discretion of the economic and community development director when a use permit is not required;
  - Q. Self-service gasoline station - two spaces;
  - R. New and/or Used Car Sales - one space per two thousand square feet of total site area;
  - S. Auto Service and Repair - one space per seven hundred fifty square feet of gross floor area;
  - T. Bulky Merchandise Retail Stores (e.g., furniture) - one space per seven hundred fifty square feet of gross floor area;
  - U. All Other Retail or Service Commercial - one space for each three hundred square feet of gross floor area up to twenty-one thousand square feet; thereafter, one space for each two hundred square feet of gross floor area;
  - V. Manufacturing, Public Utility, Warehousing - one space per fifteen hundred square feet of gross site or building area, whichever is greater, unless a more appropriate standard for a specific use is determined through use permit procedures;

- W. Day Care Centers, including Preschools, Nursery Schools and Private Elementary Schools - one space for each employee, plus one space for every ten children;
- X. For Uses Not Listed - the city planner shall establish a parking standard based upon the requirements for similar uses. If the city planner is unable to establish a parking requirement in this manner, the parking standard shall be determined by the planning commission.

**SECTION 3:** Section 17.45.120 of the Daly City Municipal Code is hereby amended to read as follows:

**Section 17.140.120 Applicability.**

- A. *Major Design Review* applications shall be reviewed by the design review committee, subject to the provisions in Section 17.45.020A. Major design review approval shall be required for the following projects:
  - 1. Residential projects consisting of four or more dwelling units;
  - 2. New commercial projects which exceed two thousand square feet in area or which are located on lots of two thousand five hundred square feet in area or greater;
  - 3. All new industrial projects where the improvements are visible from off-site;
- B. *Minor Design Review* applications consist of projects that are processing concurrent entitlements that involve physical modification of structures or site improvements. Minor design review applications shall be reviewed in conjunction with the additional entitlements by the city council, subject to the provisions of Section 17.45.020.C. Minor design review approval shall be required for projects including, but not limited to the following:
  - 1. Projects subject to the Mission Street urban design plan, the Colma BART Station area specific plan, the Peninsula Gateway specific plan, the Sullivan Corridor specific plan area or within the city's resource protection district.
- C. *Administrative Design Review* applications shall be reviewed and approved by the director of economic and community development. Administrative design review approval shall be required for the following classes of projects:
  - 1. Multifamily residential, commercial, office or industrial buildings incorporating exterior modifications that include any of the following: mechanical equipment visible from the exterior; repainting of the exterior of all or of the majority of building in a different pattern, color scheme or design; balconies, awnings or sunshades.
- D. Emergency homeless shelters in the C-R/O zone shall be exempt from design review.

**SECTION 4:** Chapter 17.52 of the Daly City Municipal Code is hereby added to read as follows:

**Chapter 17.52 – DENSITY BONUS**

**Sections:**

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| <b>17.52.010</b> | <b>Purpose.</b>                                           |
| <b>17.52.020</b> | <b>Applicability.</b>                                     |
| <b>17.52.030</b> | <b>Definitions.</b>                                       |
| <b>17.52.040</b> | <b>Incentives and Concessions</b>                         |
| <b>17.52.050</b> | <b>Waivers and Modifications of Development Standards</b> |
| <b>17.52.060</b> | <b>Application Procedure</b>                              |
| <b>17.52.070</b> | <b>Density Bonus Agreement</b>                            |

#### **17.52.010 Purpose.**

The purposes of this Chapter are as follows:

- A. To implement the housing element of the Daly City General Plan, which identifies increasing affordable housing production as a primary objective;
- B. Providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low, low, or moderate-income households, provide senior citizen housing, or include child care facilities.
- C. To comply with the State density bonus law (California Government Code section 65915);

#### **17.52.020 Applicability.**

The provisions of this section apply to the construction of five or more housing units that satisfy one or more of the following criteria:

- A. At least ten percent of the total units are designated for low income households.
- B. At least five percent of the total units are designated for very low income households.
- C. A senior citizen housing development, as defined in Section 51.3 and 51.12 of the Civil Code.
- D. At least ten percent of the total units in a condominium project as defined in subdivision (f) of, or in a planned development as defined in subdivision (k) of, Section 1351 of the Civil Code, are designated for moderate income households, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

#### **17.52.030 Definitions.**

The following terms are defined for purpose of this Chapter:

- A. “Density bonus” means a density increase, in the amount prescribed by Government Code section 65915, over the otherwise maximum allowable residential density as of the date the application is accepted as complete.
- B. “Low income household” has the meaning set forth in Health and Safety Code section 50079.5 and is a household whose income is equal to or less than eighty percent of the area median income, as published by the California Department of Housing and Community Development.
- C. “Moderate income household” has the meaning set forth in Health and Safety Code section 50093 and is a household whose income is equal to or less than one hundred twenty percent of the area median income, as published by the California Department of Housing and Community Development.

- D. “Senior citizens” means qualifying residents as defined in Section 51.3 of the Civil Code.
- E. “Very low income household” has the meaning set forth in Health and Safety Code section 50105 and means a household whose income is equal to or less than fifty percent of the area median income, as published by the California Department of Housing and Community Development.

#### **17.52.040 Incentives and Concessions.**

- A. When an applicant seeks a density bonus and/or concessions as prescribed by Government Code section 65915, the City will grant the density bonus and number of incentives or concessions required by that section unless it makes one of the following findings:
  - (1) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 65915(c) of the Government Code.
  - (2) The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5 (d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
- B. The following incentives and concessions are deemed not to have the adverse impact set forth in section 17.47.1.040(A)(2) above:
  - (1) Reduced setbacks so long as the project remains consistent with the City’s General Plan and any applicable design guidelines;
  - (2) Increased maximum lot coverage so long as the project remains consistent with the City’s General Plan and any applicable design guidelines;
  - (3) Increased maximum building height so long as the project remains consistent with the City’s General Plan and any applicable design guidelines;
  - (4) Reduction in parking standards beyond that set forth in Government Code section 65915(p); and.
  - (5) In addition to the additional density bonus provided in accordance with Government Code section 65915(g) for land donations within ¼ mile of an applicant’s project, provision of the additional density bonus set forth in Government Code section 65915(g) for land dedicated to the City that is located within ½ mile of the applicant’s project so long as the applicant demonstrates to the City’s satisfaction that building the requisite number of affordable units on-site is infeasible and there is an identified source of funding for the very low income units.
- C. The City will not, however, provide any direct financial assistance, waive fees or dedication requirements, or provide publicly owned land for a housing development as an incentive or concession.

#### **17.52.050 Waivers and Modifications of Development Standards.**

- A. Proposal. In accordance with Government Code section 65915(e), an applicant may propose waiver or modification of development standards if they would physically

preclude the construction of a development meeting the criteria of section 65915(b) at the densities or with the concessions or incentives permitted by section 65915.

B. Grounds for Denial. In accordance with Government Code section 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:

- (1) The application does not conform with the requirements of this section or Government Code section 65915.
- (2) The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site.
- (3) The waiver or reduction would have a specific, adverse impact, as defined in Government Code section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- (4) The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

#### **17.52.060 Application Procedure.**

A. An applicant requesting a density bonus, incentive or concession, or waiver or modification of development standards, in accordance with this section must submit the request with any application for a planning approval. The request must include the following information:

- (1) the number of proposed affordable housing units;
- (2) the specific incentive(s) or concession(s) sought, if any;
- (3) the specific waiver or modification to development standards sought, if any;
- (4) if seeking an incentive or concession, documentation required by the Director of Economic and Community Development, or his or her designee, regarding the necessity of the incentive or concession in order to provide affordable housing costs or rents;
- (5) if seeking a waiver or modification of development standards, documentation required by the Director of Economic and Community Development, or his or her designee, regarding the necessity of the waiver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;
- (6) if requesting a density bonus based on land donation in accordance with Government Code section 65915(g), the applicant must submit information sufficient to permit the City to determine that the proposed donation conforms with the requirements of section 65915(g) and this Code;
- (7) if requesting a density bonus based on the provision of a child care facility, the applicant must:
  - (a) provide the location of the proposed child care facility and the proposed operator.
  - (b) agree to operate the child care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;
  - (c) agree to have contracted with a child care facility operator for operation of the child care facility before the first building permit is issued; and



- (d) agree that the child care facility will be in operation when the first certificate of occupancy is issued.
- B. Action on Application. The body with approval authority for the planning approval sought will approve, deny or modify the incentive or concession as a part of the overall project approval.

**17.52.070 Density bonus agreement.**

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus has been awarded, the developer must enter into the City's standard density bonus agreement. The density bonus agreement will run with the land, be binding upon successors in interest, and be recorded with the County Recorder.

SECTION 5: Chapter 17.54 of the Daly City Municipal Code is hereby added to read as follows:

**Chapter 17.54 – REASONABLE ACCOMMODATION IN  
DEVELOPMENT REGULATIONS**

**Sections:**

|                  |                                                                      |
|------------------|----------------------------------------------------------------------|
| <b>17.54.010</b> | <b>Purpose</b>                                                       |
| <b>17.54.020</b> | <b>Eligibility for Accommodation Request</b>                         |
| <b>17.54.030</b> | <b>Notice to the Public of Availability of Accommodation Process</b> |
| <b>17.54.040</b> | <b>Requesting Reasonable Accommodation</b>                           |
| <b>17.54.050</b> | <b>Reviewing Authority</b>                                           |
| <b>17.54.060</b> | <b>Required Findings</b>                                             |
| <b>17.54.070</b> | <b>Written Decision</b>                                              |
| <b>17.45.080</b> | <b>Appeals</b>                                                       |

**17.54.010 Purpose.**

The purpose of this Chapter is to provide individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use, zoning, and building regulations, policies, practices, and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

**17.54.020 Eligibility for Accommodation Request.**

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment. A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

**17.54.030 Notice to the Public of Availability of Accommodation Process**

- A. In order to make housing available to an individual with a disability, any eligible person as defined in Section 17.54.020 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
- B. Requests for reasonable accommodation shall be in writing and provide the following information:
  - (1) Name and address of the individual(s) requesting reasonable accommodation ;
  - (2) Name and address of the property owner(s);
  - (3) Address of the property for which accommodation is requested;
  - (4) Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
  - (5) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- E. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

#### **17.54.050      Reviewing Authority**

- A. Requests for reasonable accommodation shall be reviewed by the Director of the Department of Economic and Community Development ("Director"), using the criteria set forth in Section 17.54.060.
- B. The Director shall issue a written decision on a request for reasonable accommodation within thirty (30) days of the date of the application and may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.54.060.
- C. If necessary to reach a determination on the request for reasonable accommodation, the Director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

#### **17.54.060      Required Findings**

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

- (1) Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
- (2) Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
- (3) Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction and;
- (4) Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

#### **17.54.070 Written Decision**

- A. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Section 17.54.060. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.
- B. The written decision of the Director shall be final unless an applicant appeals it to the City Council.
- C. If the Director fails to render a written decision on the request for reasonable accommodation within the thirty (30) day time period allotted by Section 17.54.050, the request shall be deemed granted.
- D. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

#### **17.54.080 Appeals**

- A. Within thirty (30) days of the date of the Director's written decision, an applicant may appeal an adverse decision to the City Council. Appeals from the adverse decision shall be made in writing.
- B. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
- C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

**SECTION 6: 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 as to the parcel or parcels identified on the attached Exhibit "A", and that in accordance with Title 17 of the Daly City Municipal Code, the zoning for the real property hereinafter described is hereby amended so as to change the zone classification of the property from PD46 to PD 46A. The text of PD 46A shall be the same as that text adopted in Ordinance 1191 on December 13, 1993, except that the *Land Use and Density* section of Exhibit "B" associated with the Planned Development zone shall be amended to read as follows: "The

permitted use on the site shall comply with the requirements of the Medium Density Residential Land Use Designation. Furthermore, the *Site Plan Components* section, which presently states, “Principal Buildings – The project shall consist of three (12) buildings, three stories over parking garages. The Buildings shall be sited in accordance with plans approved by the Planning Division,” shall be repealed in its entirety.

SECTION 8: 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 as to the parcel or parcels identified on the attached Exhibit “B”, and that in accordance with Title 17 of the Daly City Municipal Code, the zoning for the real property approximately 1.02 acres is hereby amended so as to change the zone classification of the property from ID Interim District to R-3 Multiple Family Residential District as such zones are designated and defined by Ordinance 635, Daly City Municipal Code Title 17.

SECTION 9: Chapter 17.08 of the Daly City Municipal Code (R-1 Single Family Residential District Land Use Regulations) is hereby amended to read as set forth in Exhibit “C” to this Ordinance.

SECTION 10: Chapter 17.21.030 of the Daly City Municipal Code (C-R/O Specific Plan Designations and Regulations) is hereby amended to read as set forth in Exhibit “D” to this Ordinance

SECTION 11: Environmental Determination. The City Council of the City of Daly City finds and determines that the implementation of measures described in this Chapter is in furtherance police powers of the City of Daly City, and that these purposes are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code, as provided in categorical exemption Classes 1, 4, 5, 7, 8, 9, and or 21 of the CEQA Guidelines (Title 14, *California Code of Regulations*, Sections 15301-15329).

SECTION 12: Publication/Summary 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 it 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 13. 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.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY  
AMENDING TITLE 17 OF THE MUNICIPAL CODE RE: ZONING ORDINANCE

DRAFT

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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 \_\_\_\_\_, 2014, by the following vote:

AYES, Councilmembers: \_\_\_\_\_

NOES, Councilmembers: \_\_\_\_\_

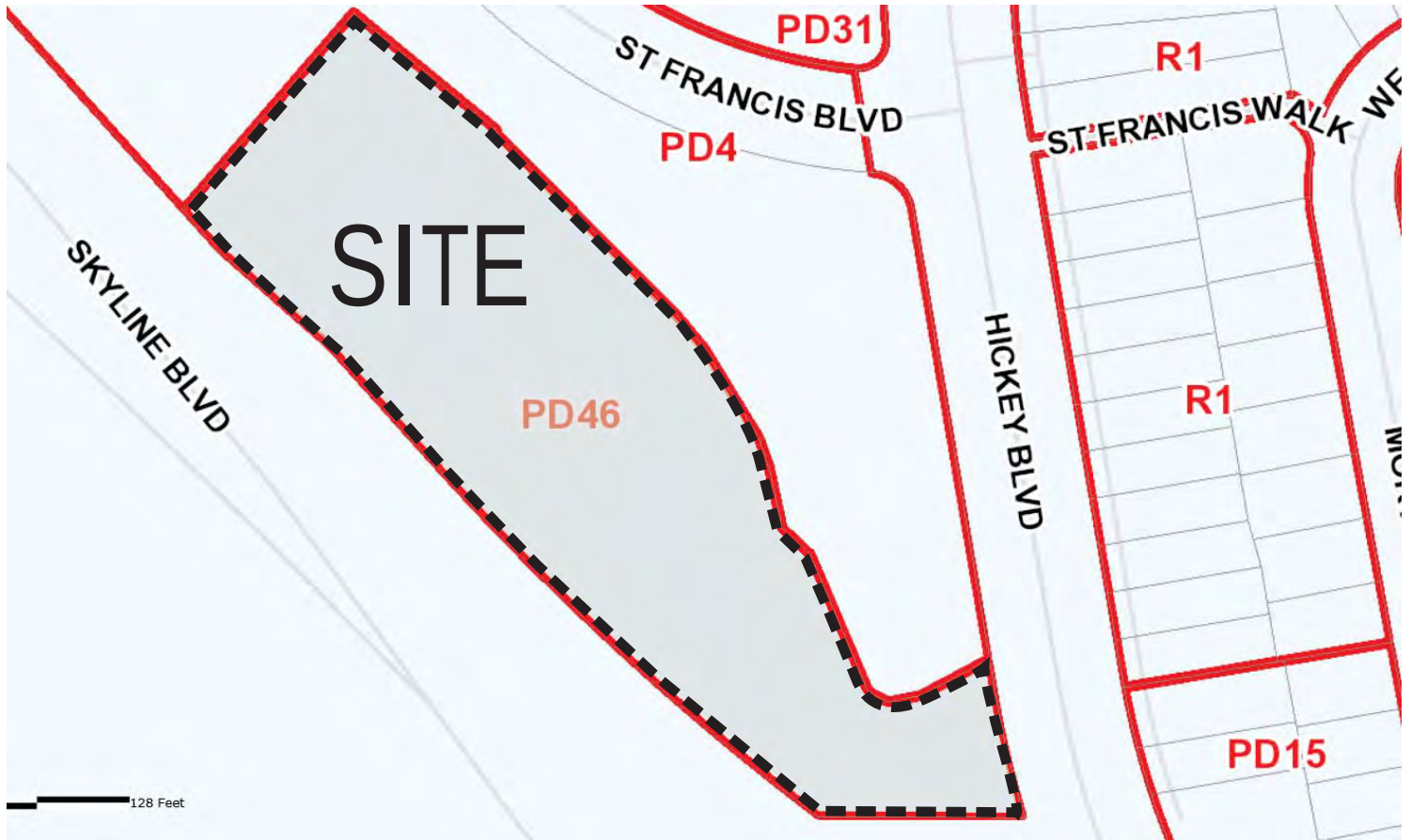
ABSENT, Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

\_\_\_\_\_  
MAYOR OF THE CITY OF DALY CITY

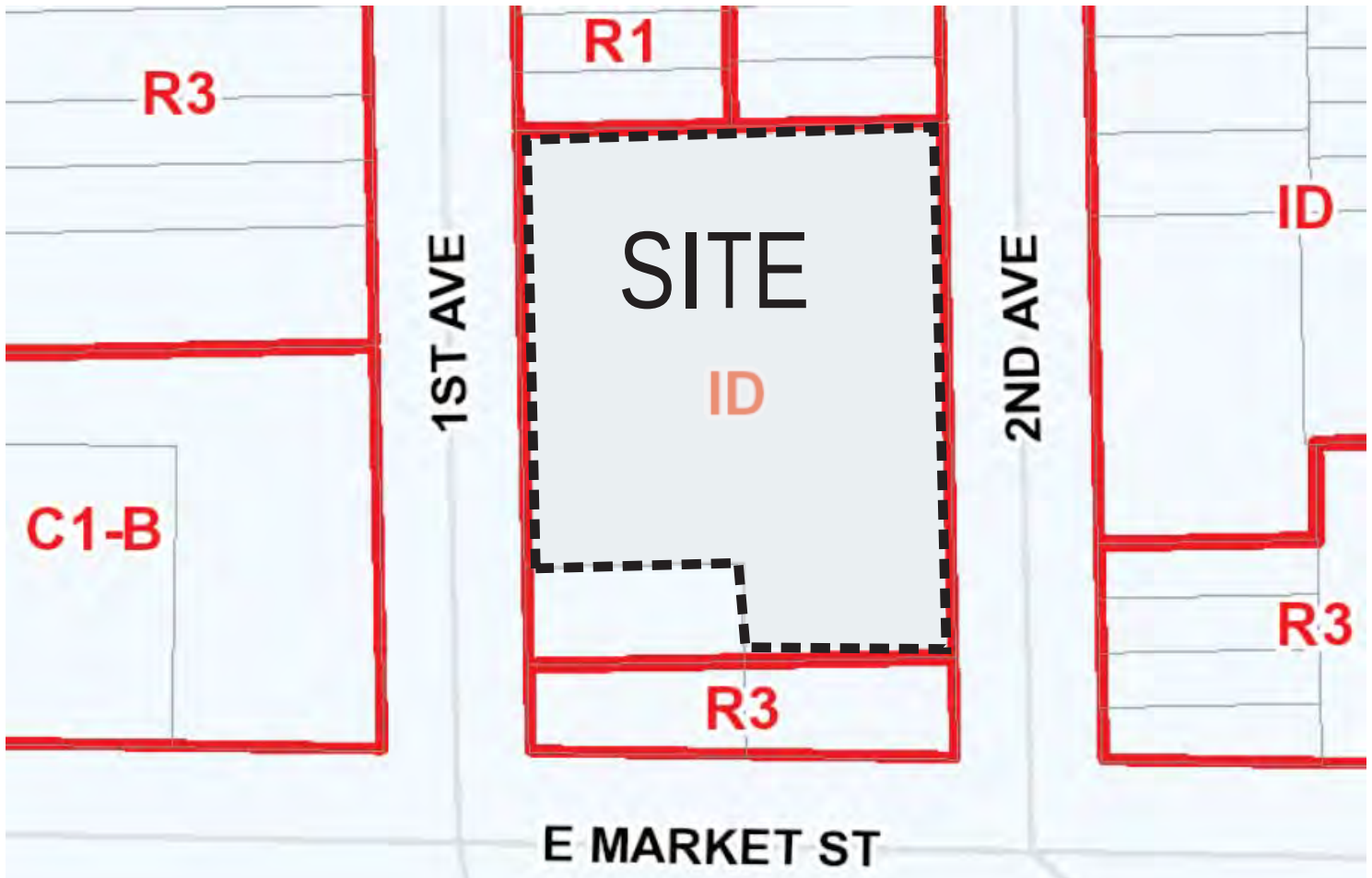
## EXHIBIT "A"



Amendments to Zoning Map –  
1050 St. Francis Boulevard (APN 091-211-340);  
2.49 acres

Proposed rezoning area from PD46 to PD46A

## EXHIBIT "B"



Amendments to Zoning Map –  
169 First Avenue (APN 006-252-080); 1.02 acres

Proposed rezoning area from ID Interim District  
to R-3 Multiple Family Residential

## EXHIBIT "C"

## Chapter 17.08 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

17.08.010 Table of uses.

| 1. Uses Permitted                                                                                                                                                                                                                                                                                                                       | 2. Use Permit    | 3. Maximum Height (feet) | 4. Minimum Lot Area (sq. ft.) | 5. Minimum Lot Width (feet) | 6. Maximum Lot Coverage | 7. Minimum Front Yard (feet) | 8. Minimum Rear Yard (feet) | 9. Lot Area Per Dwelling Unit (sq. ft) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------|-------------------------------|-----------------------------|-------------------------|------------------------------|-----------------------------|----------------------------------------|
| A. Single-family dwelling, home occupation in accordance with the regulations specified in Chapter 17.36, park, playground; <u>transitional housing</u> ; <u>supportive housing</u> <sup>e</sup><br><br>Secondary dwelling in accordance with the standards and requirements specified in Section 17.40.100, small family day care home | No               | 30                       | 3000-2500 <sup>a</sup>        | 33-25 <sup>(a)</sup>        | 50%—55%                 | 15                           | 10                          | 3000-2500 <sup>c</sup>                 |
| B. Accessory building                                                                                                                                                                                                                                                                                                                   | Yes              | 15                       |                               |                             |                         |                              |                             |                                        |
| C. Large family day care homes in accordance with the regulations specified in Chapter 17.49                                                                                                                                                                                                                                            | Yes <sup>d</sup> | 30                       |                               |                             |                         |                              |                             |                                        |
| D. Day care center, accessory use, dwelling group, golf course (not including driving range or miniature golf)                                                                                                                                                                                                                          | Yes              |                          |                               |                             |                         |                              |                             |                                        |
| E. Public utility facilities and public service uses, including: pumping stations, fire stations, reservoirs, public utility buildings and uses, railroad or rapid transit facilities or other public buildings or use                                                                                                                  |                  |                          |                               |                             |                         |                              |                             |                                        |
| F. Community service uses, including: community center (publicly owned), library, schools (elementary, junior high, high, but not including trade, business or other similar schools)                                                                                                                                                   |                  |                          |                               |                             |                         |                              |                             |                                        |
| G. Church                                                                                                                                                                                                                                                                                                                               | Yes              | 50                       | 10,000                        | 100                         |                         |                              |                             |                                        |

a. See Section 17.38.040  
b. See Section 17.38.060  
c. See Section 17.38.050  
d. Administrative use permit required pursuant to Chapter 17.49  
e. Subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.



### 17.21.030 Specific plan designations and regulations

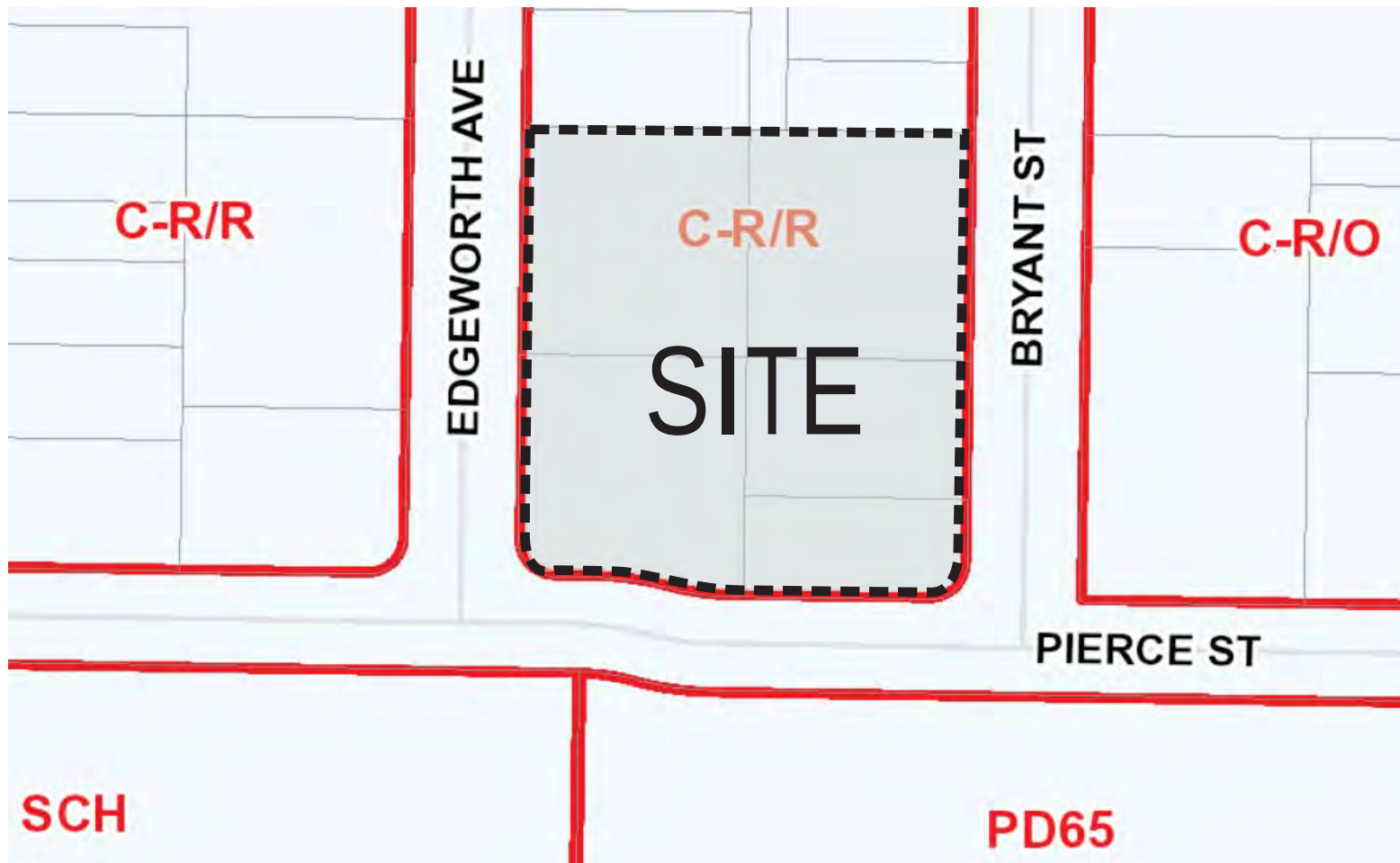
| C-R/O                                                                                                                                                                                                                                                                        |               |                                     |                               |                             |                              |                             |                             |                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------|-------------------------------|-----------------------------|------------------------------|-----------------------------|-----------------------------|-----------------------------------------|
| Retail and Office Commercial                                                                                                                                                                                                                                                 |               |                                     |                               |                             |                              |                             |                             |                                         |
| 1. Uses Permitted                                                                                                                                                                                                                                                            | 2. Use Permit | 3. Maximum Height (feet)            | 4. Minimum Lot Area (sq. ft.) | 5. Minimum Lot Width (feet) | 6. Minimum Front Yard (feet) | 7. Minimum Side Yard (feet) | 8. Minimum Rear Yard (feet) | 9. Lot Area Per Dwelling Unit (sq. ft.) |
| A. General merchandise stores, drug stores and pharmacies, <u>emergency homeless shelters</u> , restaurants and coffee shops, delicatessens and sandwich shops, specialty ethnic food stores, florists, gift shops, barber shops and beauty shops, art stores and galleries. | No*           | Floor Area Ratio:<br><br>5.0 to 1.0 | 2,500-3,000 <sup>a</sup>      | 25-33 <sup>a</sup>          | 3; <sup>sup</sup> \sup;      | None                        | None                        | 500 <sup>c</sup>                        |
| B. Medical, dental and health services, banks and financial institutions, real estate and insurance offices, legal offices, printing and photocopying services, administrative, business and professional offices.                                                           | No*           |                                     |                               |                             |                              |                             |                             |                                         |
| C. Automotive dealers and auto retail, hardware and building materials, hotels, motels and other lodging, drinking establishments, liquor stores, entertainment uses, any use with drive-through facilities, health and fitness center.                                      | Yes*          |                                     |                               |                             |                              |                             |                             |                                         |
| D. Any residential uses.                                                                                                                                                                                                                                                     | Yes*          |                                     |                               |                             |                              |                             |                             |                                         |
| E. Any residential uses in mixed-use building where residential density exceeds 20 du/ac.                                                                                                                                                                                    | No*           |                                     |                               |                             |                              |                             |                             |                                         |

[a. See Section 17.38.040](#)

b. Buildings shall provide setbacks of at least three feet from street facing property lines except where retail frontage with entries from the adjacent sidewalks are provided.

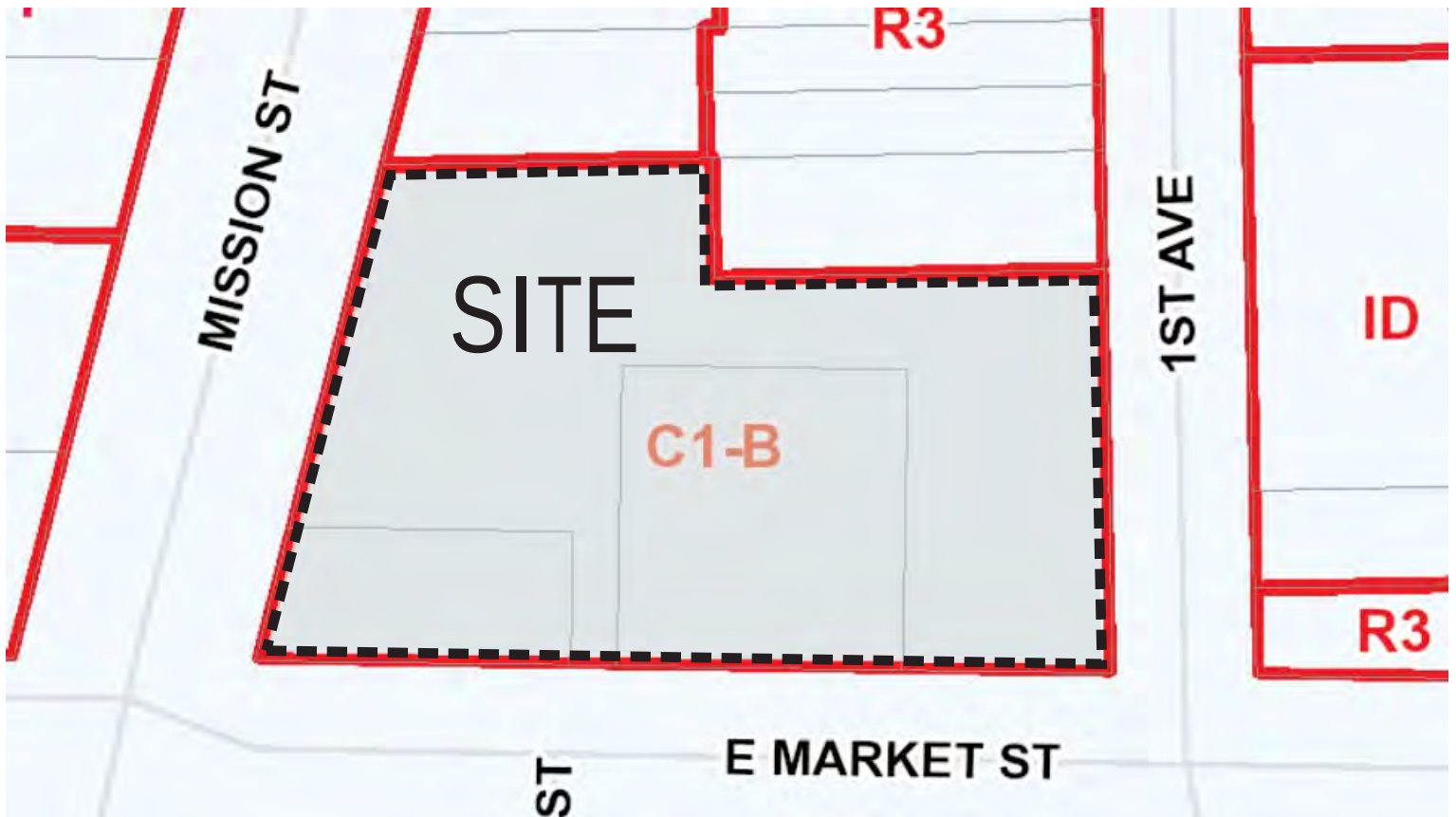
c. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area.

\* Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.



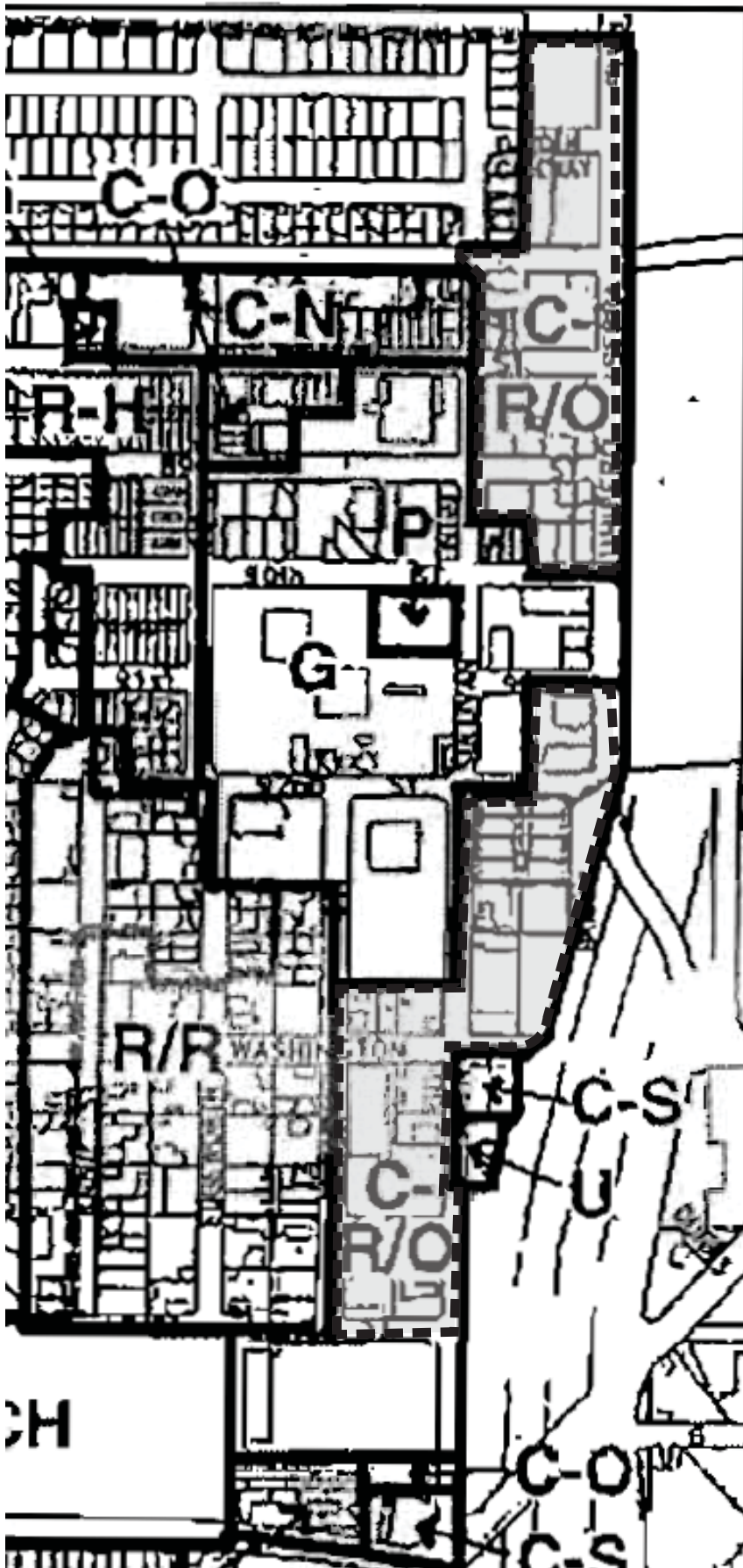
Amendment to Sullivan Corridor Specific Plan map – 1670 and 1698 Bryant Street; others with no assigned addresses; 1.38 acres (APNs 006- 346-080, 130, 140, 150, and 190)

Proposed redesignation of area from C-R/R Residential Retail Commercial to C-R/O Retail and Office Commercial



Amendment to BART Station Area Specific Plan map – 7367 and 7395 Mission Street; others with no assigned addresses; 1.73 acres (APNs 006-251-210, -220, and -230);

Proposed redesignation of area from Neighborhood Commercial to Neighborhood Commercial Residential Above



Map of C-R/O Designation Area

# Density Bonus Tables from California Government Code Section 65915

## PROJECTS WITH UNITS FOR LOW-INCOME HOUSEHOLDS

| <u>Percentage<br/>Low-Income Units</u> | <u>Percentage<br/>Density Bonus</u> |
|----------------------------------------|-------------------------------------|
| 10                                     | 20                                  |
| 11                                     | 21.5                                |
| 12                                     | 23                                  |
| 13                                     | 24.5                                |
| 14                                     | 26                                  |
| 15                                     | 27.5                                |
| 17                                     | 30.5                                |
| 18                                     | 32                                  |
| 19                                     | 33.5                                |
| 20                                     | 35                                  |

## PROJECTS WITH UNITS FOR VERY LOW-INCOME HOUSEHOLDS

| <u>Percentage<br/>Very Low-Income Units</u> | <u>Percentage<br/>Density Bonus</u> |
|---------------------------------------------|-------------------------------------|
| 5                                           | 20                                  |
| 6                                           | 22.5                                |
| 7                                           | 25                                  |
| 8                                           | 27.5                                |
| 9                                           | 30                                  |
| 10                                          | 32.5                                |
| 11                                          | 35                                  |

## PROJECTS WITH UNITS FOR SENIOR CITIZENS

20 percent of the number of senior housing units.



# City Council Meeting Agenda Report

Item # \_\_\_\_\_

Meeting Date: May 12, 2014

**Subject:      Planned Development PD 12-13-8312, Major Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, Design Review DR-12-8319, and Environmental Review CEQA-12-13-8313 — 54-Unit Residential Development at End of Peoria/Lausanne (KB Homes)**

## Recommended Action

Approve Planned Development PD 12-13-8312, Major Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, and Design Review DR-12-8319, and Adopt Environmental Review CEQA-12-13-8313 (Mitigated Negative Declaration).

## Planning Commission Discussion

*On April 1, 2014, the Planning Commission voted 5–0 to recommend that the City Council approve Planned Development PD 12-13-8312, Major Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, Design Review DR-12-8319, and Environmental Review CEQA-12-13-8313 (Mitigated Negative Declaration). The Commissioners discussed the proposed landscape treatment, traffic and circulation, public facilities, and the environmental review of the project. William Nack, representing the Building and Construction Trades Council of San Mateo County, expressed the support of his organization and that of the construction trades union members in Daly City and San Mateo County for the project proposed by KB Homes.*

Planning Commission meeting discussion items are shown in bold italics.

## Background

KB Home South Bay, Inc. is requesting approval for Planned Development zoning to allow the construction of 54 residential dwelling units at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court (Attachment A - Location Map). Additional entitlements sought include Major Subdivision, Use Permit, and Design Review for the 4.91-acre project. The City Council reviewed the Preliminary Plan for the project on March 24, 2014.

The Planning Commission and City Council had previously reviewed a proposal for 66 townhomes by the same applicant on the same parcel in August 2013, but the City Council denied the application at that time citing a concern for the project's traffic, parking, and aesthetic impacts. Due in part to these concerns, the applicant revised the project as follows (see Attachment B – Project Plans):

- Reduced the overall number of dwelling units from 66 to 54, thereby reducing traffic and parking impacts;

- Added 31 single family residential units and reduced the number of buildings containing townhouses from eleven to four, significantly reducing the bulk and mass of the project;
- Located the rear elevations of 14 single family homes adjacent to the existing neighborhood to the west be two stories where the previous townhouse rear elevations were three stories; and
- Increased the number of guest parking spaces from 21 to 23 spaces.

The current site layout is very similar to the site plan reviewed by the City Council last year. All of the single family homes and 19 of the townhouses would be constructed at the upper portion of the site adjacent to Peoria Street and Lausanne Avenue, while four townhouses would be constructed at the end of Chelsea Court. The townhouses at the upper portion of the site would be constructed within three buildings, while the townhouses at the end of Chelsea Court would be constructed within one building.

#### Precise Plan Review

Due to the irregular shape of the development site, only six of the proposed parcels designated for single family homes would comply with the current minimum 3,000 square foot parcel size required for single family development in the R-3 Residential Multifamily zoning district. The remaining single-family parcels are proposed to be as small as 1,560 square feet. Additionally, none of the single-family lots meet the mandated 33-foot minimum lot width and only five lots meet the maximum 55 percent lot coverage mandated by the Zoning Ordinance.

For these reasons, the applicant has proposed rezoning the entire site to Planned Development PD-68. The new PD-68 zoning district will replace the current R-1 Single Family Residential and R-3 Multiple Family Residential districts. Development standards and restrictions will be established through the approval of PD-68 (see Attachment C – Draft PD-68 Development Standards).

The PD designation allows variations in development standards otherwise required in other zoning districts, including building height. All of the townhouse units are less than 36 feet in height, below the maximum allowed in the R-3 district. Only the single-family units on the western edge of the project site are proposed to exceed R-3 standards, extending to a height of approximately 41 feet. These units have been situated at the base of an ascending slope to minimize their visibility to the adjacent neighborhood.

#### General Plan, Zoning, and Project Density

The General Plan identifies the land use designation for the subject site as Low Density Residential, which allows between two and 14.5 dwelling units per acre. Given that the proposed development is 54 units on 4.91 acres of land, the resulting project density would be 11 dwelling units per acre. This density is therefore consistent with the current Low Density Residential General Plan land use designation. Furthermore, the development would be appropriate in context with surrounding uses, which include Low Density Residential uses to the south and

west, higher density designations such as Medium-Low Density Residential to the east, and commercially zoned properties to the north.

In addition to compliance with the General Plan density allowance, the proposed development complies with the policies of the General Plan Housing Element, which encourage the development of infill housing on sites that are underutilized, where residential development represents the highest and best use, and where public infrastructure exists to support the intensity of the proposed development. The Housing Element identifies this site in particular as being capable of providing housing opportunities that contribute to the City's fulfillment of its Regional Housing Need Allocation.

### Use Permit

A use permit is required for the townhouse portion of the project consisting of 23 townhomes which will be subdivided as an airspace subdivision with the residential structure commonly owned and maintained by the HOA. Pursuant to Section 17.37.060 (Findings – Use Permit Approval) of the Daly City Zoning Ordinance, the City may approve a use permit for condominiums if it makes the following findings:

1. The townhouse aspect of the project will not have a detrimental effect on sound community planning, the economic, ecological, cultural, aesthetic qualities of the community, and on public health, safety, and general welfare.
  - The proposed residential townhouse project has been designed to be consistent with the Daly City Zoning Ordinance and generally in accordance with aesthetic requirements of the DCMC Chapter 17.45 Design Review (see discussion below under Architectural Design). The design proposed for the 23-unit townhouse development is consistent with the height and intensity of similar projects previously approved and constructed in this neighborhood. There exists no evidence in the public record to demonstrate that the project would be detrimental to the public health, safety, and general welfare.
2. The overall impact on schools, utilities, neighborhood streets, traffic, parking, and other community facilities and resources will not be detrimental.
  - Prior to construction, the applicant will pay fees that mitigate the potential impacts caused by the project related to schools, public facilities, and public utility connection fees. The proposed residential townhouse development is in compliance with the parking requirements established by the Daly City Zoning Ordinance. In addition to providing the Code required parking for the development, the project will be providing an additional 23 guest parking stalls for the project, resulting in a total of 131 parking stalls.
3. That tenants over the twelve months preceding the filing of any application required for a conversion shall not have been encouraged to vacate in order to bring about the conversion.



- The proposed residential townhouse project is not a condominium conversion, has no existing residential tenants, and therefore, this finding does not apply.

### Parking and Circulation

The applicant has proposed providing two parking spaces per unit and 23 guest parking stalls, resulting in a total of 131 parking spaces. This number exceeds the minimum number of spaces mandated by the Zoning Ordinance, which requires two spaces for each single family and townhouse unit, by approximately 21 percent. Each floor plan will have either a two-car side-by-side garage or a two-car tandem garage.

Similar to the site plan previously reviewed by the City Council, access to the site would be provided by new private driveway connection between Peoria Street and Lausanne Avenue, and an extension of Chelsea Court. All driveways associated with the project would be privately owned and maintained by a future homeowners association that the developer will establish for the project. As the development consists of no public streets, the developer has proposed vehicular access gates at the Peoria Street and Lausanne Avenue entries. No gate is proposed at the end of Chelsea Court.

- ***Fleur Reynolds, property owner at 362 Peoria Street, questioned the parking situation, both during construction and after the project was completed, and the effect that the additional traffic and parking would have on her neighborhood. Ray Panek, representing KB Homes, stated that construction staging and parking would be located on the project site and that the project would be built in phases so there shouldn't be any parking or staging on Peoria Street. Staff has added a restriction that all parking associated with the subdivision grading and construction shall occur on the project site only, i.e., adjacent City streets shall not be used, as a Condition of Approval.***
- ***Ping Hsu, owner of property adjacent to the project site on Lausanne Avenue, addressed the turnaround easement recorded on his property as part of a previous subdivision there. He stated that it was his understanding that the turnaround could be modified now that Lausanne Avenue would be extended. Staff communicated that Mr. Hsu dedicated the turn-around area to the City as part of a previous subdivision map and that the turn-around will remain until the older map is amended or a new subdivision map is recorded modifying the easement. Planning Commissioner Edelman clarified that the issue of the turn-around is not a part of the planned development and is instead a separate issue and staff concurred.***
- ***David Beaumont spoke on behalf of Ping Hsu, expounding on the modification of the turnaround area that exists on Ping Hsu's property and his support for the project.***

### Project Affordability

The applicant has submitted an affordable housing plan in accordance with the City's Inclusionary Housing Ordinance, which requires 20 percent of all units to be affordable (see

Attachment D – Affordable Housing Plan). The Ordinance also allows the payment of a fee in lieu of providing the total amount of affordable units. Based on the 20 percent requirement, a total of 10.8 affordable units are required (54 d.u. x 0.20). In compliance with the provisions of the Ordinance, six of the 23 townhouse units will be sold at Below Market Rate (BMR) and the developer would pay an in-lieu fee equivalent to four units plus a pro rata share of 0.8 of a unit (\$1,200,000). The developer would sell the remaining units of each housing type at market prices. The ordinance also requires that inclusionary units be dispersed throughout a residential development and be comparable in infrastructure (sewer, water and other utilities), construction quality and exterior materials to market rate units. Staff has determined that the affordable housing plan meets the intent of the Ordinance; however, it is at the City Manager's discretion to approve, conditionally approve, or deny the affordable housing plan.

### Architectural Design

The project consists of 23 townhouses in four buildings and 31 single family detached homes. The contemporary design incorporates multi-colored, smooth stucco walls, hipped and gable roof designs, and articulated facades, with Spanish Revival-inspired elements such as reddish-brown concrete tile roofs, arched entries, decorative, painted tile, decorative light fixtures which resemble lanterns, and wood entry and garage doors.

Floor plans for the 23 townhouse units would provide 16 three-bedroom units and seven four-bedroom units. All 31 single family homes would provide three-bedroom units although five homes would be offered with a bonus bedroom capability. Each unit will have a ground floor, two car garage, either in a side by side or tandem configuration, and either one or two levels of living area, depending on the Plan type. Although the Zoning Ordinance does not require guest parking, 23 guest parking stalls will be provided in this development.

The average overall building height of the development is less than 36 feet, which is comparable to the building heights allowed in the R-3 Multiple-Family Residential zoning district. The maximum height of the single family units located along the descending slopes (Plan 4, Lots 5-18) do not exceed 35 feet in overall height. Portions of the single family units located along the ascending slopes (Plan 5, Lots 19-35) extend up to 41 feet in height, a height allowance that would be permissible within the Planned Development zoning district.

The project site is visually prominent, and can be seen from several off-site public vantage points. The most prominent points of view will be from eastbound traffic on John Daly Boulevard as it reaches the intersection of Mission Street, southbound traffic on Mission Street as it reaches the same intersection, and the intersection of Crocker and Hanover Streets on the east side of the project.

Photo simulations illustrate how the proposed development will appear from these intersections (see Attachment E – Photo Simulations). In response to the prevailing topography of the site, the applicant's development plan utilizes a series of stepped retaining walls situated below and adjacent to the proposed three townhouse buildings on the upper portion of the site. Because the development will have a strong visual presence, it is important that the project exhibit high quality design in architecture and landscaping.

### Site Retaining Walls

Site retaining walls will be located along the perimeter of the development site, both on the upper portion accessed from Peoria Street and Lausanne Avenue, and on the lower portion accessed from Chelsea Court. The series of retaining walls will range in height from 1 foot to 21 feet. Several sections of retaining walls will be immediately adjacent to property lines, where the foundations and supporting structures will not encroach onto adjacent properties. The walls will be architecturally treated, using sculpted and stained shotcrete to resemble natural rock.

### Landscaping

The applicant has submitted a landscape plan with a proposed plant and tree palette for the project which identifies installation of an underground irrigation system designed to make efficient use of water through conservation practices. During the building permit submittal process, a more detailed plant and tree palette will be created, based on results of soil reports and recommendations for materials that will be most appropriate to the specific project site.

The landscape plan delineates large shrubs and trees planted on the uppermost tier of retaining walls, with smaller shrubs and vines planted on subsequent wall levels, moving down the hillside. The photographic simulations illustrate how the walls are anticipated to look one year and three years after completion. Wall details are best illustrated on the preliminary landscaping plan, where photographic examples are provided together with planting details.

Canopy trees are also proposed to border a majority of the site, as well as additional trees proposed for interior portions of the site around common space and the guest parking areas. The natural landscape will remain in its natural state for a majority of the site, where feasible. Ground cover options and no mow fescue are proposed for areas adjacent to the retaining walls at the eastern boundary to provide a low-maintenance, natural looking landscape.

The applicant will be required to establish a home owners association (HOA) for the purpose of infrastructure maintenance, building maintenance, landscape maintenance, and parking enforcement. The HOA membership will consist of all residential parcel owners and will be professionally managed.

### Subdivision Requirements

Pursuant to Section 66474 of the Subdivision Map Act, a legislative body of a city or county may approve a subdivision map if it makes the following findings:

1. The proposed subdivision and/or design or improvement must be consistent with applicable general and specific plans.
  - The site is designated as Low Density Residential, which allows for a maximum of 14.5 dwelling units per net acre. The proposed project will result in a density of 11

dwelling units per acre. The density and intensity of the project is consistent with other similar projects in the surrounding vicinity.

2. The site must be physically suitable for the type and density of the proposed subdivision.
  - The subject site is situated at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court, which is characterized by a mixture of multi- and single-family residential, and service commercial uses in the near vicinity. Given the size and shape of the subject property, together with adjacent land uses, a low-density residential development consisting of 23 townhouses and 31 single family residences, is the highest and best use of the subject property.
3. The design of the proposed subdivision or improvements must not cause substantial environmental damage or injure fish or wildlife or their habitat.
  - Staff has determined that the proposed townhome subdivision will not cause significant environmental damage or injure fish, wildlife, or their habitat, given the mitigation measures identified in the Mitigation Monitoring Plan. The proposed project would be constructed in a fully urbanized area on a previously disturbed site that contains no protected or unprotected habitat. Based on the Initial Study prepared, it has been determined that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment, given the mitigation measures identified in the Mitigation Monitoring Plan and therefore a Mitigated Negative Declaration will be prepared per CEQA.
4. The design of the proposed subdivision must not cause serious public health problems.
  - The proposed project consists of four, three-story buildings consisting of 23 townhouse units, and 31 single family detached residences with two- and three-story elements, all of which will be subject to Building Code requirements that set forth minimum safety standards for new construction. Other City and State regulations will assure that public health is not at risk.
5. The design of the proposed subdivision or improvements must not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
  - There are two known easements existing on the property owned by Pacific Gas & Electric Company (PG&E) for two gas pipelines. The applicant is working with PG&E to have the utility quitclaim the easement to the applicant (KB Home). Without the abandonment of this easement, the proposed subdivision or subsequent construction would not be possible. The applicant is moving forward with full understanding that unless PG&E vacates this easement through quitclaim or other means, the Final Map submittal will not be accepted by the City of Daly City. A condition of approval has

been added to address this issue. The project would occur exclusive of the public right-of-way and no new easements or encroachments are known to be required at this time.

### Utility Providers

The subject property is located within a fully urbanized area with all public services capable of serving the new lots. The City of Daly City has agreed to service the subject development, upon submittal of modeled water analysis by the applicant, illustrating the existing system can meet the demands of the project. Any upgrades in the system deemed necessary will be the applicant's responsibility. Conditions of approval have been added to address this issue. Utilities to serve the project are in place or will be in place prior to construction, within either the Lausanne Avenue, Peoria Street or Chelsea Court public right-of-way and will have the capacity to accommodate additional units. These include electrical, water, sewer, and the availability of telephone service and access to public streets.

| <i><b>Utility</b></i>                | <i><b>Provider</b></i>                     |
|--------------------------------------|--------------------------------------------|
| Water, Sanitary Sewers, Storm Drains | City of Daly City                          |
| Gas & Electric                       | PG&E                                       |
| Telephone                            | Pacific Bell                               |
| Cable Television                     | Astound! Cable Services                    |
| Fire/Police Protection               | North County Fire Authority/City Daly City |

### Fiscal Analysis & Impacts

The proposed project consists of the entitlements Major Subdivision, Zone Change, Use Permit, and Design Review for the construction of a new 54-unit residential development. Prior to project completion, the project applicant will be required to pay park in-lieu fees, building permit, plan check, and AB 1600 fees to the City. Upon sale of the residential properties, the future owners will pay property tax to the County, a portion of which is distributed to the City. The addition of the residential project to the subject project would add an incremental demand for City services. Per the Parkland Dedications Ordinance, park in-lieu fees would be required for park or recreational purposes.

### Environmental Assessment

Staff reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has found that the project requires approval of a Mitigated Negative Declaration (see Attachment F – Mitigated Negative Declaration, Initial Study, and MMRP). The Draft document was presented to the Planning Commission for recommendation to City Council during the Precise Plan review. The Planning Commission voted to recommend that the City Council adopt the Mitigated Negative Declaration.

## Findings

The Planning Commission has found that the proposed Planned Development PD 12-13-8312, Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, Design Review DR-12-13-8319, and Environmental Review CEQA-12-13-8313 are in accordance with Chapter 17 of the Daly City Municipal Code. Approval of the proposed project will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the vicinity. The proposed project would not be injurious or detrimental to property and improvements in the neighborhood or result in substantial environmental damage or disturbance, given the mitigation measures outlined in the Mitigation Monitoring Plan. These findings are based in part on the following facts:

1. In accordance with Title 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission will conduct a public hearing on April 1, 2014; notice of said hearing was by newspaper publication, and posting and first class mailing to property owners within 300 feet of the site, on May 2, 2014.
2. Staff has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and, based on the Initial Study prepared, has been determined that there is no substantial evidence, in light of the whole record that the project may have a significant impact, given the mitigation measures outlined in the Mitigation Monitoring Program and therefore a Mitigated Negative Declaration will be prepared per CEQA.
3. The project will minimize the risk to existing public improvements and adjacent private property by providing controlled stormwater runoff from the site to City facilities in full compliance with Order R-2 NPDES Permit No. CAS612008 and Order No. 2010-0014-DWQ, NPDES No. CAS000002, the statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit.
4. The site is physically suitable for the type of proposed development. The Daly City portion of the site is designated as Low Density Residential (2.1-14.5) du/ac. The proposed project will result in a density of 11 dwelling units per acre. The density and intensity of the project is generally consistent with other similar projects in the immediate vicinity.
5. The proposed development provides ample parking for residents by providing 131 off-street parking spaces, where only 108 are required. The volume of traffic expected to be generated by this project will not result in a significant impact to the adjacent street network.
6. The proposed development is consistent with Objective 6 of the Land Use Element of the General Plan, which encourages a pattern of residential land use which provides for a variety and balance of densities and offers opportunities for a mix of dwelling and tenure types.

7. The site is physically suitable for the type and density of the proposed development. The parcels are adjacent to fully urbanized areas with all public services capable of being extended to the new development. Within project site area, there is a predominant mix of residential housing types consisting of single family detached and condominium townhouse units, for sale at market rate and below market rate prices.
8. The proposed residential project has been designed in accordance with the Daly City Zoning Ordinance. There exists no evidence in the public record to demonstrate that the project would be detrimental to the public health, safety, and general welfare.
9. The project complies with applicable provisions of Design Review Section 17.45 of the Zoning Ordinance.
10. Prior to construction, the applicant will pay fees that mitigate the potential impacts caused by the project related to schools, public facilities, and public utility connection fees.
11. Architectural considerations have been incorporated in order to ensure the general compatibility of this development with the character of other adjacent buildings. These considerations include, but are not limited to, the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, and colors.

#### Conditions of Approval

The Planning Commission recommends approval of Planned Development PD 12-13-8312, Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, Design Review DR-12-13-8319, and Environmental Review CEQA-12-13-8313 based on the following conditions as specified by each Department and Division. The applicant shall comply with these conditions prior to or in conjunction with any building permit issuance for the proposed improvements.

#### **A. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

1. The applicant shall file a declaration of acceptance of all conditions with the City Clerk within thirty (30) days of Council approval. Until said Declaration is filed, the permits shall not be valid for any purpose.
2. The project shall be valid only in conjunction with detailed plans submitted with this project. Any modifications required, due to the Conditions of Approval and minor changes to the plan, must be approved by the Planning Division. Major site or architectural modifications shall be treated as an amendment and shall be subject to review of the Planning Commission and City Council.
3. The tentative subdivision map and use permit approvals granted herein shall be valid for a period of two years. If a final map has not been approved within this timeframe, the applicant shall apply for a time extension.

4. The design review approval granted herein shall be valid for the period of time specified in the Planned Development zoning. If building permits have not been issued within this timeframe, the applicant shall apply for a time extension.
5. Per the 2010 California Building Code, upon submittal for building permit, residential structures that are to be located in areas where the CNEL exceeds 60 db, the applicant will be required to provide an acoustical analysis report, that shows topographical relationships of noise sources and dwelling sites, identification of noise sources and their characteristics, predicted noise spectra and levels at the exterior of the proposed dwelling structure considering present and future land usage, basis for the prediction, noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met.
6. Compliance with DCMC Section 17.47.100 is required, and subject to all requirements in DCMC Chapter 17.47 Inclusionary Housing.
7. The applicant will be required to pay park-in-lieu fees, in compliance with DCMC Chapter 16.30 Parkland Dedications. Per DCMC Section 16.30.040.A, the required dedication in the specific case is 0.63 acres. Per DCMC Section 16.30.060, the in-lieu fee shall be based upon said dedication requirement. Per DCMC Section 16.30.090, in-lieu fees are required to be paid to the City of Daly City, prior to approval of the Final Map. The project is subject to full compliance with DCMC Chapter 16.30 Parkland Dedications.
8. The applicant shall survey all property boundaries and adequately protect the northwest portion of the site during grading and construction, so as not to encroach onto neighboring properties. Any encroachment during grading or construction activities will result in all site activity being halted until proper easements have been obtained by affected property owners. This condition is similar to Mitigation Measure 2, where adequate protection must be ensured along the southeastern corner of the property.
9. The applicant must submit evidence of abandonment of easements owned by PG&E on the subject site, prior to or in conjunction with, Final Map submittal.
10. The applicant shall record cross-access and cross-maintenance easements between all townhome owners on the subject site, and across any parcel containing a commonly-maintained facility (e.g., retaining wall). All easements and associated language shall be submitted to the Planning Division for review and approval prior to recordation.
11. If project construction-related activities would take place during the nesting season (February through August), preconstruction surveys for nesting passerine birds within the project site, and the surrounding area of influence of the project site, should be conducted by a competent biologist prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of



200 feet for raptors (birds of prey). The distance shall be determined by a competent biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a competent biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site.

12. Surveys shall be conducted by a wildlife biologist, raptor biologist or other qualified professional. Survey reports shall be submitted to the Planning Division for review prior to issuance of grading permit. If nest protection is required, the applicant shall submit plans to comply with protection recommendations of professional survey report. Inspection of protection buffer is required prior to commencement of site work (Mitigation Measure 1).
13. Property boundary survey and adequate protection of HCP boundary line is required prior to commencement of any site clearing and/or grading/or construction activities. No less than monthly inspections shall occur throughout the duration of grading and construction activities to ensure there is no encroachment into the HCP area by grading or construction activities. Should encroachment take place, all activities will be stopped and referred to the County of San Mateo for further action. Applicant shall submit property boundary survey and detailed plans exhibiting adequate protection from all grading and construction activities from the HCP boundary. Protections must be maintained throughout grading and construction activities (Mitigation Measure 2).
14. The applicant shall reconfigure the rear (west) boundaries of parcels five through 18 so that such boundaries do not include retaining walls or downslope areas. The downslope areas shall instead constitute a single parcel, owned and maintained by the HOA.
15. All parking associated with the subdivision grading and construction shall occur on the project site only, i.e., adjacent City streets shall not be used.

#### Homeowners Association

16. The applicant shall establish a homeowners association (HOA) for the purpose of maintaining all commonly owned private facilities, including, but not limited to, commonly-owned buildings, roads, landscaping, driveways, gates, fencing, retaining walls, stormwater treatment facilities, gates, and other facilities. The HOA shall be responsible for all front-yard landscaping of single-family homes and all parking enforcement.
17. The HOA membership shall consist of all residential parcel owners. The HOA shall be professionally managed by a management company acceptable to the City and the HOA by-laws and initial annual operating budget shall be reviewed and approved by the Planning Division prior to submittal to the California Department of Real Estate.

18. The developer shall submit to the City Attorney, for review and approval, a copy of the Covenants, Conditions, and Restrictions (CC&Rs) that will apply to the development prior to recordation of the Final Map.
19. Prior to the recordation of a Final Map, the developer shall submit a maintenance plan, which clearly specifies methods and standards for performance of common responsibilities and maintenance for all common areas and equipment and fees to be assessed for such purposes. The maintenance plan shall include a budget acceptable to the City for major repairs and extraordinary expenses.

#### Architectural Design

20. All pedestrian doors, garage doors, and windows shall receive either EFIS or 2X dimension wood trim, depending on the adjacent surface material.
21. Garage doors shall be of a design and color complimentary to the project, and shall provide greater design interest (lites, sash bars, etc.). This design shall be approved by the Planning Division and indicated on all plans submitted to the Building Division for plan check.
22. Plan Four and Five side elevations shall receive greater design interest (wainscoting, belly band, greater roof overhang, etc.), to the satisfaction of the Planning Division.

#### Site Design

23. The applicant shall propose a complementary color palette for the shotcrete retaining walls proposed for the site that is compatible with the natural topography of the site and that of adjacent properties, subject to approval by the Director of Economic and Community Development.
24. Gang mailboxes shall receive a decorative and weather-resistant cover, the design of which shall be approved by the Planning Division.
25. The applicant shall provide adequate pedestrian linkages from the project site to all rights-of-ways.
26. The applicant shall install accent paving of a material acceptable to the Planning Division at both project entrances, including the Peoria Street entrance.
27. The applicant shall provide a greater detail for all common areas, which shall provide usable amenities for residents of the development. The applicant shall explore, and the City may require, that the applicant design a tot-lot or similar facility in one the project common areas.
28. The applicant shall provide a detail for all fencing that is to be construction on the project site. Fencing that is determined by the City to be highly visible from off-site locations shall be subject to Planning Division review and may be required to be open metal

fencing. Wood fencing that will be visible from off-site locations shall be stained dark brown. Any chain link permitted by City shall be vinyl-clad black or dark green.

29. All approved wood fencing proposed between the project and adjacent property shall be commercial-grade (e.g., six-by-six nominal heavy-timber, overlapping fence panels, etc.).
30. The applicant shall submit a detail of the primary and secondary entry gates for the site. The design of these gates shall be subject to approval by the Planning Division.
31. The material for all outdoor seating and furniture, railing, flashing, and any other exterior metals used in the project shall be galvanized and/or capable of resisting rust in the long term.
32. Decorative trash, recycling, and green waste receptacles shall be provided in common open space areas. Receptacles must be pre-approved by Allied Waste prior to submitting location and number plan to the City. The number and location of said receptacles shall be subject to approval by the Director of Economic and Community Development.
33. Site lighting shall be provided in common open space areas and shall be illustrated on final landscaping plans submitted for building permit. Site lighting shall be directed downward to protect adjacent residential neighborhoods from glare, yet provide safety for residents utilizing the common walkways and open space areas. Site lighting shall be subject to the approval of the Director of Economic and Community Development.

#### Landscaping

34. A detailed landscape plan shall be submitted prior to the issuance of building plans that incorporates a substantial number of large (minimum 36-inch box) specimen trees, in quantities approved by the Planning Division, to ensure adequate screening of the project site. All landscaping shall be installed, inspected and approved prior to the issuance of occupancy permits.
35. Annual inspection of the landscaping shall be conducted for the first five years following construction completion to ensure the landscaping, especially along retaining walls on the northern portion of the site, are adequately maturing in a healthy manner. Should plants be determined to be significantly deficient in growth or health, additional landscaping shall be required to compensate for the lack of vegetation. Annual inspections shall be conducted by the Planning Division. A point of contact within the HOA shall be established to coordinate said annual inspections, and the HOA shall retain responsibility to maintain and, as necessary per the direction of the City, replace landscaping or enhance site and retaining walls.
36. The applicant shall establish an HOA budget item for screen-tree replacement within the first five years for all trees determined by the City to be dead or dying. The applicant shall provide an initial fund for budget item of not less than \$10,000. For this purpose of this Condition of Approval, screen-trees shall be those trees which are installed at the

subdivision periphery to screen the project from adjacent right-of-way to the north and west.

37. The landscape plan shall identify an excavation plan for all screen-trees which provide a sufficient trench allowing for root expansion, as determined by the City. Tree trenches shall be inspected by the City for size prior to tree installation.
38. The applicant shall provide establishment, and where necessary, long-term irrigation to all trees, shrubs, and groundcover.
39. The applicant shall triple-stake all trees and this staking shall be subject to initial inspection by the City. Trees shall remain triple-stake through the establishment period and tree staking shall be subject to the annual inspection identified above.

#### Stormwater Treatment

40. The applicant shall develop and submit a stormwater management plan that illustrates full compliance with Section C.3 of Order R-2-2009-0074 NPDES Permit No. CAS612008. The project must comply with Order No. 2010-0014-DWQ, NPDES No. CAS000002, the statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit.
41. The applicant shall receive approval of the stormwater management plan from a third-party reviewer appointed by the City prior to building permit submittal. The applicant shall pay the entire cost of the third-party reviewer.
42. All stormwater treatment facilities shall be inspected during construction to ensure eventual compliance with the stormwater management plan. The applicant shall pay the entire cost of these inspections.
43. The applicant shall enter into a Maintenance Agreement with the City to ensure long-term maintenance and servicing by the Property Owner of stormwater site design and treatment control measures according the approved Maintenance Plan.
44. The applicant shall arrange and pay for final inspection of installed treatment measure by municipality's Special Inspector within 45 days of installation or project construction completion, whichever comes first.

#### **B. DEPARTMENT OF PUBLIC WORKS**

45. Lausanne Avenue, Peoria Street, and Chelsea Court connections shall be designed as street extensions (full width) and include pedestrian facilities.
46. All plans submitted for review shall conform to the "City of Daly City General Conditions of Approval: Use Permits, Variances, Design Reviews, Planned Developments, and Subdivisions" dated 1999.

47. The applicant shall provide a soil report in conjunction with the proposed grading and land disturbance plans. Soil report to evaluate impact of dewatering and varying underground water table on surrounding subdivisions.
48. The applicant shall provide street lighting system layout per city standards. Street lights shall be LED or other City approved high efficiency street light.
49. The applicant shall provide minimum road turning radii to satisfy concurrent fire engines and other emergency vehicle requirements.
50. The applicant shall provide safe "site distance" for vehicles backing out of garages and for vehicles making the 90-degree turns on the driveway from the Peoria Street alignment around building 31.
51. The applicant shall provide an energy dissipating structure for storm drain runoff prior to its discharge to City main.
52. The applicant shall provide for periodic clean-out of debris from the detention pipe of the storm drain system.
53. Existing and proposed utility easements and lines are not shown on the site and grading plans. Retaining walls and other structures are not permitted within utility easements or over utility lines.
54. The soil report shall address the impact that the site grading may have on the neighboring developed areas. For instance the dewatering associated with major cuts can result in differential settlements of adjacent structures with partial foundations on compressible materials.
55. All improvement plans for roadways shall comply with City Standard Drawing S-25.
56. Provide ADA ramps for access to paths between Buildings 1, 2 and 3 from Peoria Street, and Building 4 from Chelsea Court.
57. Provide ADA compliant sidewalks and curbing along Street 'A', connecting to Peoria Street and Lausanne Avenue.
58. The existing drainage system downstream shall be evaluated to ascertain adequate capacity for flows from the existing and future developments during a 10, 25, and 100 year frequency storms. All storm drain facilities required shall be designed for at least a 10-year storm frequency, with duration of two (2) hours, including the required storm water detention reservoir. Developer may be required to undertake improvements or contribute to the cost of improvements of the downstream system to provide adequate drainage capacity and facilities. The cost of all required on and off-site improvements shall be borne solely by the developer.

59. The on-site drainage system shall be designed to detain on-site all flows in excess of the existing flows during a ten year frequency storm. The detention basin shall be equipped with oil and grease traps and be designed to receive water only during peak flows. Normal dry weather flows should remain in the storm drain pipes, bypassing the detention basins. The flow rate entering City's storm drain system shall not exceed the pre-development condition.
60. Stormwater study: Methodology - Shall conform to City Design Standards. Discharge Rate shall be calculated at the point of connection to City's System. The provided discharge, after detention does not take into account the pipelines and connections downstream of the proposed storage basin at the upper development site, flowing down the steep slope and connecting to City's system on Chelsea Court.
61. Retaining walls shall not be constructed within public rights of way or easements. Any retaining wall supporting or adjoining a City Street or emergency access easement shall be designed for a useful service life of no less than 100 years. Retaining walls built outside but adjacent to any public street right of way or emergency access easement shall require a deed restriction on the property requiring immediate repairs and property maintenance of soil retaining structures at all times and authorizing the City to undertake any required corrective work at property owners full cost. Retaining walls and other grading improvements shall be designed with adequate consideration and provisions for easy future maintenance.
62. All improvements, including on- and off-site improvements, and all public service and utility facilities required to serve the project, shall be completed by the applicant, or shall be incorporated into an Improvement Agreement(s) before issuance of a Building Permit. The improvements shall be consistent with the plans approved by the City Engineer and the Conditions of Approval. All construction shall meet the latest California Building Code, California Fire Code, Daly City Municipal Code and the City Standard Specifications and Drawings. Securities for all required improvements, and applicable fees and charges, shall be submitted with the Building Permits, or submission of the development agreement for approval. The applicant shall obtain all required permits before commencing work. All required improvements shall be constructed at no cost to the City except where specifically agreed to by the City under the provisions of a written agreement. Grading and improvement plan review and approval by the City Engineer are required before any City Permit is issued. The improvement plans shall include details for on-site and off-site improvements for vehicular and pedestrian access, parking, traffic signs and markings, utility service connections, modifications and extension of the City's sewer, water, storm drain, safety lighting, landscaping, and other public service facilities. All utility services shall be underground. Said improvements shall conform to Daly City and affected Agency's standards. Plans shall be accompanied by all required calculations and studies including geotechnical and impact studies to justify design. Submit photo-mylar reproducible (24" x 36"), electronic files (to City AutoCAD Standards) and blueprints as required for City's inspection and filing before permits are issued for construction of improvements. All required improvements shall be constructed at no cost to the City. All improvements shall be completed and functioning and as-built record plans of all improvements submitted in a form acceptable to the City before any

occupancy permit is issued or public service improvements are accepted by the City for maintenance.

63. The sanitary sewer system downstream of the development shall be evaluated to ascertain adequate capacity to accept flows from the existing and future developments to the satisfaction of the City Engineer and Department of Water and Wastewater Resources. Developer may be required to undertake capacity improvements of the downstream system to provide required capacities. The cost of all required on and off-site improvements shall be borne by the developer.
64. The applicant shall underground all utilities the presently traverse the site. This undergrounding shall be coordinated with utilities and shall be identified on all site improvement drawings.
65. The applicant shall provide easements for existing water and sewer lines presently located on-site, which serve adjacent properties.

**C. DEPARTMENT OF WATER AND WASTEWATER RESOURCES**

66. The applicant shall provide the estimated water demand in MGD.
67. The applicant shall provide modeled analysis of the existing Daly City water system to determine a) if the system can provide the domestic needs of the project, b) if the system can provide the fire flow required by the Fire Code. The City's consultant, Brown and Caldwell has current information on the Daly City water system. All costs associated with the development of the model shall be borne by the applicant.
68. All costs associated with any necessary water and sewer infrastructure improvements required to serve the development shall be borne by the applicant.
69. The water system shall be fed from two locations and shall be looped. No dead end mains shall be permitted.
70. Water system shall be designed in accordance with the water model performed by the City's consultant Brown and Caldwell. The water model and consultant's report shall be submitted to DWR for review prior to approval of the tentative map. Reconfiguration of the water system portrayed on the submitted plan may have impact on the PUE provided. Submit B&C Water Study.
71. Sanitary sewer system shall be designed in accordance with the sanitary sewer model performed by the City's consultant RMC Water & Environment. The sewer model and consultant's report shall be submitted to DWR for review prior to approval of the tentative map. Reconfiguration of the sewer system portrayed on the submitted plan may have impact on the PUE provided. Submit RMC Sanitary sewer system study.
72. Applicant shall bear the costs of all sewer improvements required as a result of the City's review of the sewer study performed as a requirement for this project.

- 73. Applicant shall bear all costs associated with all improvements required as a result of the Brown and Caldwell water model/ study.
- 74. On- and off-site sewer improvements shall be designed in accordance with the Daly City review of the sewer system study performed by the applicant. All costs associated with any improvements shall be borne by the applicant.

**D. FIRE DEPARTMENT**

- 75. Fire hydrant – additional fire hydrant(s) required.
- 76. Fire sprinklers required throughout development per code and ordinance.
- 77. Fire flow shall meet Fire Code requirements.
- 78. Fire apparatus access shall meet code requirements along with NCFA specs (width, weight restrictions, slope, turning radius, etc.).
- 79. Key box for gate access required.
- 80. Fire flow requirements based on largest structure.
- 81. Fire alarm as required – install fire alarm in accordance with NFPA 72.

**E. BUILDING DIVISION**

- 82. Assumed property lines between buildings shall be provided to check for fire rating and limiting wall or roof projections.
- 83. The project is subject to California Green Building Code and Daly City Green Building Program.
- 84. To establish feasibility of proposed tentative map, all site retaining wall, grading, compaction, backfill slope, and associated drainage needs to be designed in accordance with governing code provisions. Provide site specific engineering analysis and design of earth retaining structures assigned to seismic design category “E” complying with CBC 1832.5.1 and ASCE7-05 sections 15.6.1 and 11.8.3. Determine adequacy of retaining wall resisting and added lateral pressure due to earthquake shaking where applicable.
- 85. Where gravity wall such as keystone, Allan Block and etc. are used, provide engineering design to established required geogrid length behind retaining wall and distance to property line. Terrace retaining wall shall include required terrace distance based on manufacturer’s design and specification.
- 86. Project requires that an alternate setback and clearance request shall be submitted for review and approval together with a geotechnical investigation report to demonstrate that



the intent of California Building Code section 1808.7 (Foundation Walls, Retaining Walls and Embedded Post and Poles) would be satisfied. (Refer to California Building Code Section 1803.5.10 and 1808.7.5.

### Recommended Action

The Planning Commission recommends that the City Council take the following actions:

1. Adopt the Findings as outlined herein;
2. Approve Environmental Review CEQA-12-13-8313, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project; and
3. Approve Planned Development PD 12-13-8312 (PD-68), Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694, and Design Review DR-12-13-8319, and Conditions of Approval identified herein.

Respectfully submitted,



Steve Flint  
Contract Senior Planner



Tatum Mothershead  
Interim Director of Economic and  
Community Development

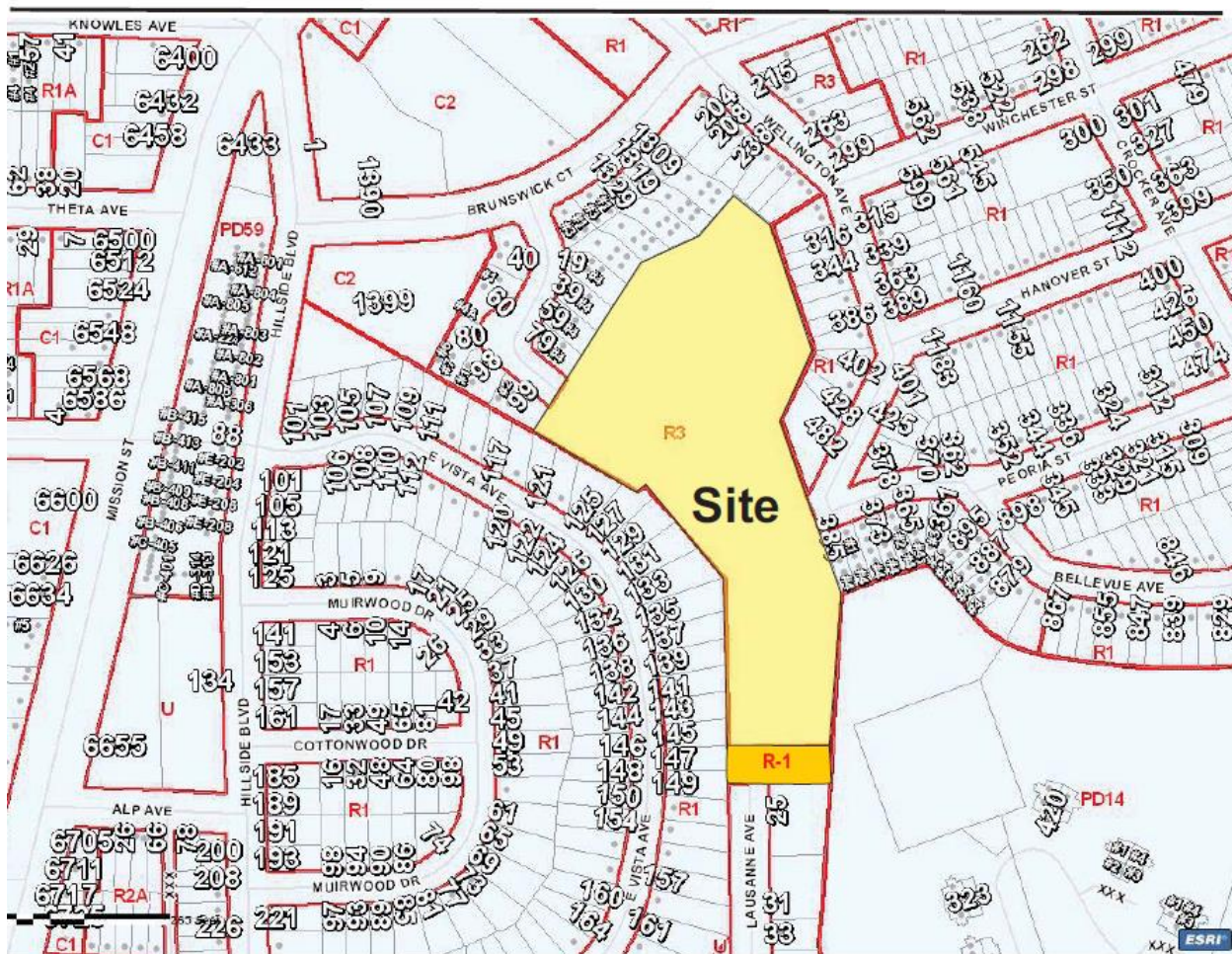
### Attachments

- Attachment A – Location Map
- Attachment B – Project Plans
- Attachment C – Draft PD-68 Zoning Regulations
- Attachment D – Inclusionary Housing Plan
- Attachment E – Photo Simulations
- Attachment F – Mitigated Negative Declaration, Initial Study, and MMRP

## LOCATION MAP



PD 12-13-8312, SUB-12-13-8315,  
DR-12-123-8319, and CEQA-12-13-8313  
Peoria St./Wellington Ave/Chelsea Ct.  
31 detached residences and 23 townhouses





BENCHMARK

NATIONAL GEODETIC SURVEY BRASS DISK "M 109", LOCATED AT THE JUNCTION OF SAN JOSE AVENUE – SAGAMORE STREET AND PLYMOUTH AVENUE AT SAN FRANCISCO, 104.7 FEET NORTHEAST OF BENCHMARK "R 1241", IN THE TOP OF THE NORTHWEST EDGE OF THE NORTHWEST SIDEWALK OF SAN JOSE AVENUE, 0.2 FOOT SOUTHEAST OF THE SOUTHEAST FACE OF A BRICK BUILDING FRONT THAT COVERS A PORTION OF THE DISK, 10.0 FEET NORTHWEST OF THE NORTHWEST CURB OF SAN JOSE AVENUE, 62 FEET SOUTH OF THE SOUTH CURB LINE OF SAGAMORE STREET, 35 FEET WEST OF THE EXTENDED CENTER LINE OF PLYMOUTH AVENUE, 0.5 FOOT NORTHEAST OF THE SOUTH CORNER OF A BUILDING OCEAN VIEW INN, 102.5 FEET NORTHEAST OF THE NORTHEAST END OF THE NORTHWEST ABUTMENT OF INTERSTATE HIGHWAY 280 BRIDGE OVER SAN JOSE AVENUE, AND FLUSH WITH THE SIDEWALK.

ELEVATION: 297.45 FEET (NGVD 29)

LEGEND

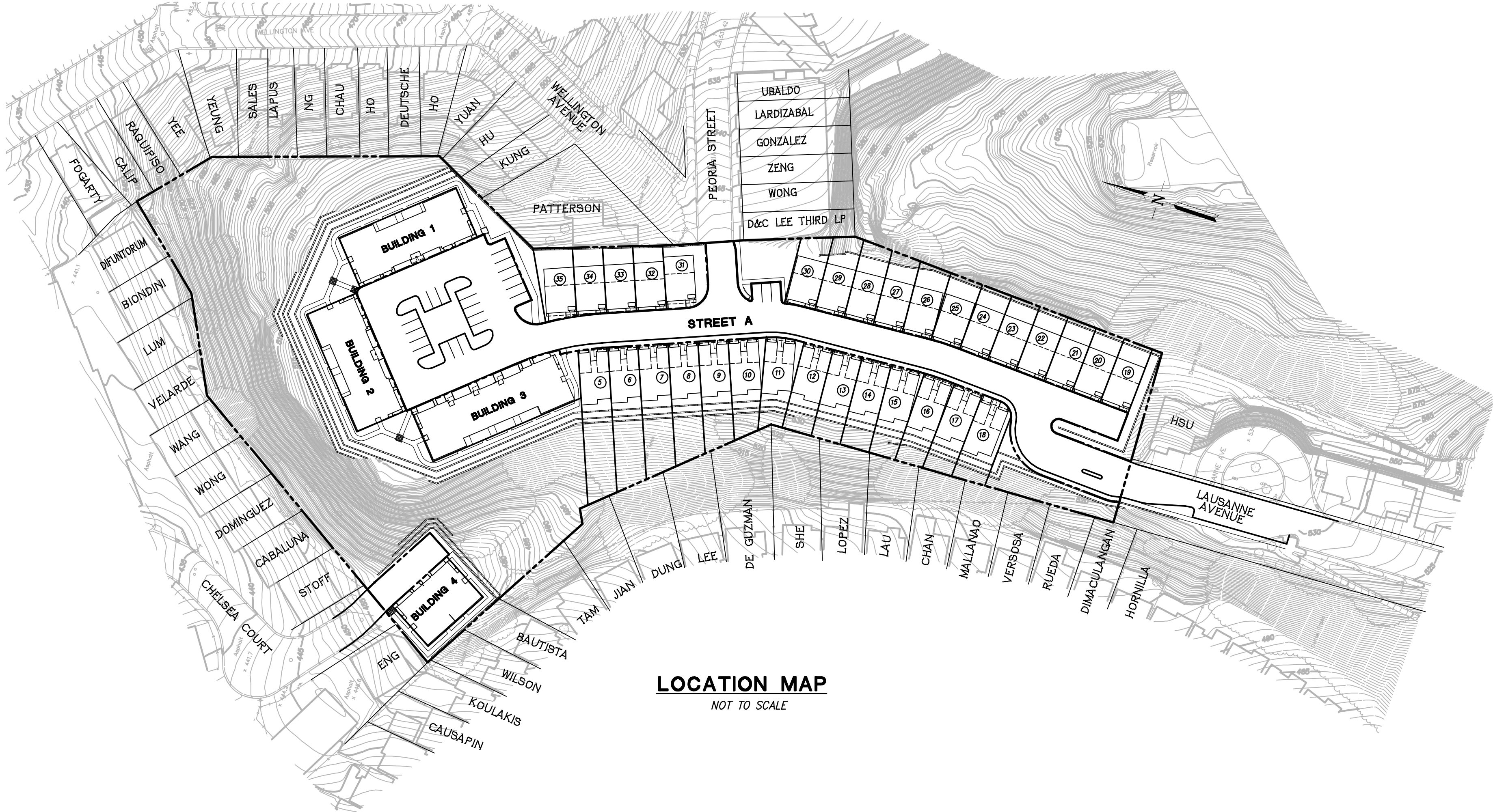
| PROPOSED | DESCRIPTION              | EXISTING |
|----------|--------------------------|----------|
|          | TRACT BOUNDARY           |          |
|          | LOT LINE                 |          |
|          | CENTER LINE              |          |
|          | RETAINING WALL           |          |
|          | EASEMENT LINE            |          |
|          | STORM DRAIN              |          |
|          | SANITARY SEWER           |          |
|          | WATER                    |          |
|          | RECYCLED WATER           |          |
|          | CURB & GUTTER            |          |
|          | SIDEWALK                 |          |
|          | CONCRETE DITCH           |          |
|          | STORM WATER INLET        |          |
|          | FIELD INLET              |          |
|          | AREA DRAIN               |          |
|          | DIRECTION OF FLOW        |          |
|          | MANHOLE                  |          |
|          | FIRE HYDRANT             |          |
|          | BLOW OFF                 |          |
|          | SANITARY SEWER CLEAN OUT |          |
|          | SANITARY SEWER LATERAL   |          |
|          | WATER LATERAL WITH METER |          |
|          | WATER VALVE              |          |
|          | STREET LIGHT             |          |
|          | MONUMENT                 |          |
|          | TRAFFIC SIGN             |          |
|          | STREET NAME SIGN         |          |
|          | FENCE                    |          |
|          | BARRICADE                |          |
|          | SLOPE                    |          |
|          | HANDICAP RAMP            |          |
|          | SAVE TREE                |          |
|          | REMOVE TREE              |          |
|          | CONTOUR ELEVATIONS       |          |
|          | SPOT ELEVATION           |          |

ABBREVIATIONS

|      |                              |
|------|------------------------------|
| BNBY | BOUNDARY                     |
| BO   | BLOW OFF                     |
| BW   | BOTTOM OF WALL               |
| CL   | CENTER LINE                  |
| EX   | EXISTING                     |
| FC   | FACE OF CURB                 |
| FL   | FLOW LINE                    |
| GR   | GRATE                        |
| HP   | HIGH POINT                   |
| INV  | INVERT ELEVATION             |
| LP   | LOW POINT                    |
| MH   | MANHOLE                      |
| PL   | PROPERTY LINE                |
| PSDE | PRIVATE STORM DRAIN EASEMENT |
| PUE  | PUBLIC UTILITY EASEMENT      |
| RET  | CURB RETURN                  |
| RW   | RIGHT OF WAY                 |
| SD   | STORM DRAIN                  |
| SS   | SANITARY SEWER               |
| SSCO | SANITARY SEWER CLEAN OUT     |
| STA  | STATION                      |
| SW   | STORM WATER INLET            |
| SWK  | SIDEWALK                     |
| TC   | TOP OF CURB                  |
| TW   | TOP OF WALL                  |
| W    | WATER                        |
| WLE  | WATER LINE EASEMENT          |
| WM   | WATER METER                  |

TENTATIVE MAP  
WELLINGTON SITE

DALY CITY, SAN MATEO COUNTY, CALIFORNIA  
FOR: KB HOME SOUTHBAY



SHEET INDEX

SHEET NO. DESCRIPTION

CIVIL PLANS

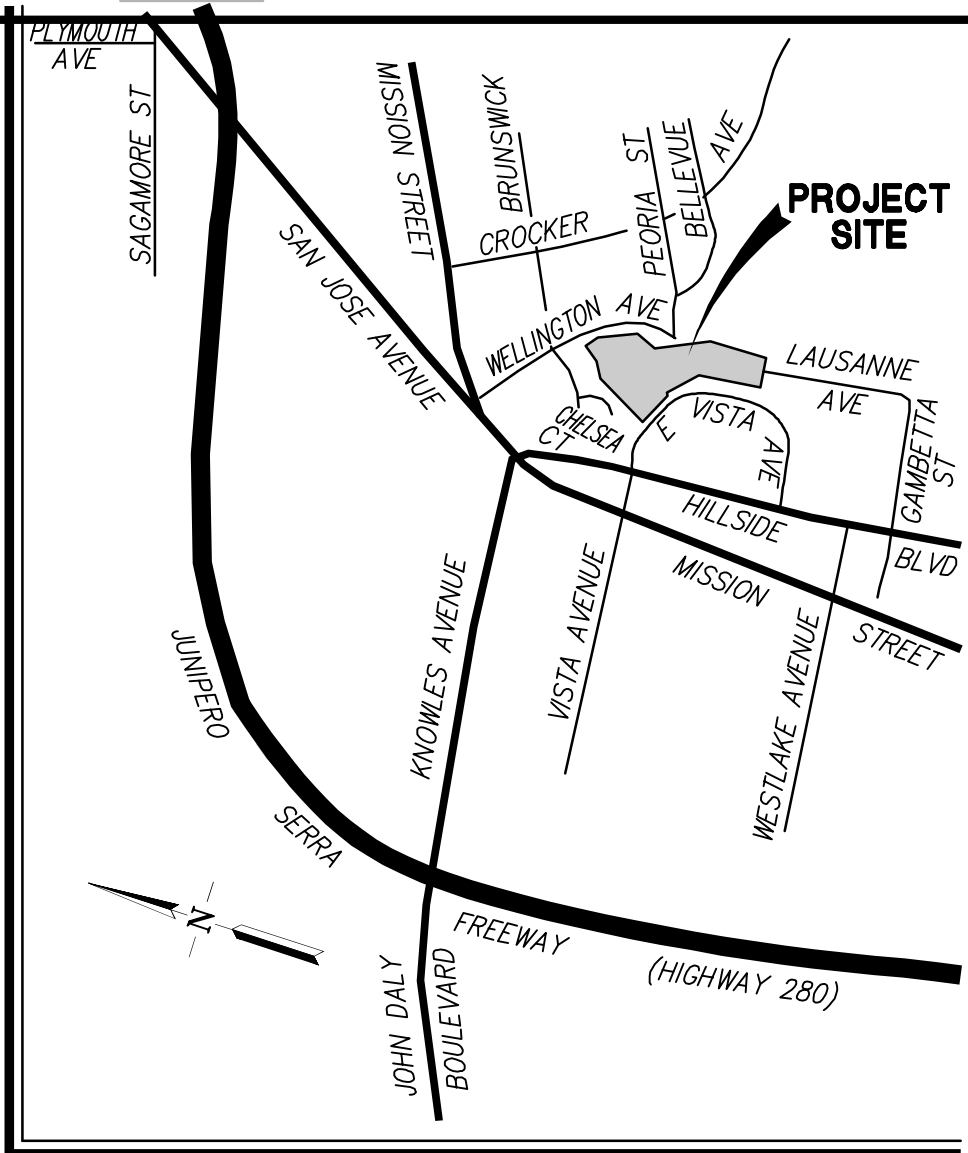
|    |                                           |
|----|-------------------------------------------|
| C1 | TITLE SHEET                               |
| C2 | EXISTING CONDITION PLAN                   |
| C3 | LOTING AND EASEMENT PLAN                  |
| C4 | PRELIMINARY SITE PLAN                     |
| C5 | PRELIMINARY GRADING AND DRAINAGE PLAN     |
| C6 | PRELIMINARY UTILITY PLAN                  |
| C7 | PRELIMINARY STORM WATER TREATMENT PLAN    |
| C8 | SIGHT DISTANCE PLAN                       |
| C9 | PRELIMINARY STORM WATER TREATMENT DETAILS |

ARCHITECTURAL PLANS

|      |                            |
|------|----------------------------|
| A0.0 | BUILDINGS 1-4 PERSPECTIVE  |
| A1.0 | BUILDINGS 1-4 ELEVATIONS   |
| A2.0 | BUILDING 4 FLOOR PLAN      |
| A2.1 | BUILDINGS 1 & 2 FLOOR PLAN |
| A2.2 | BUILDING 3 FLOOR PLAN      |
| A3.0 | PLANS 1 & 2 FLOOR PLAN     |
| A3.1 | PLAN 3 FLOOR PLAN          |
| A4.0 | PLAN 4 ELEVATIONS          |
| A4.1 | PLAN 5 ELEVATIONS          |
| A5.0 | PLAN 4 FLOOR PLAN          |
| A5.1 | PLAN 5 FLOOR PLAN          |

LANDSCAPE PLANS

|      |                            |
|------|----------------------------|
| L1.0 | PRELIMINARY LANDSCAPE PLAN |
|------|----------------------------|



VICINITY MAP  
NOT TO SCALE

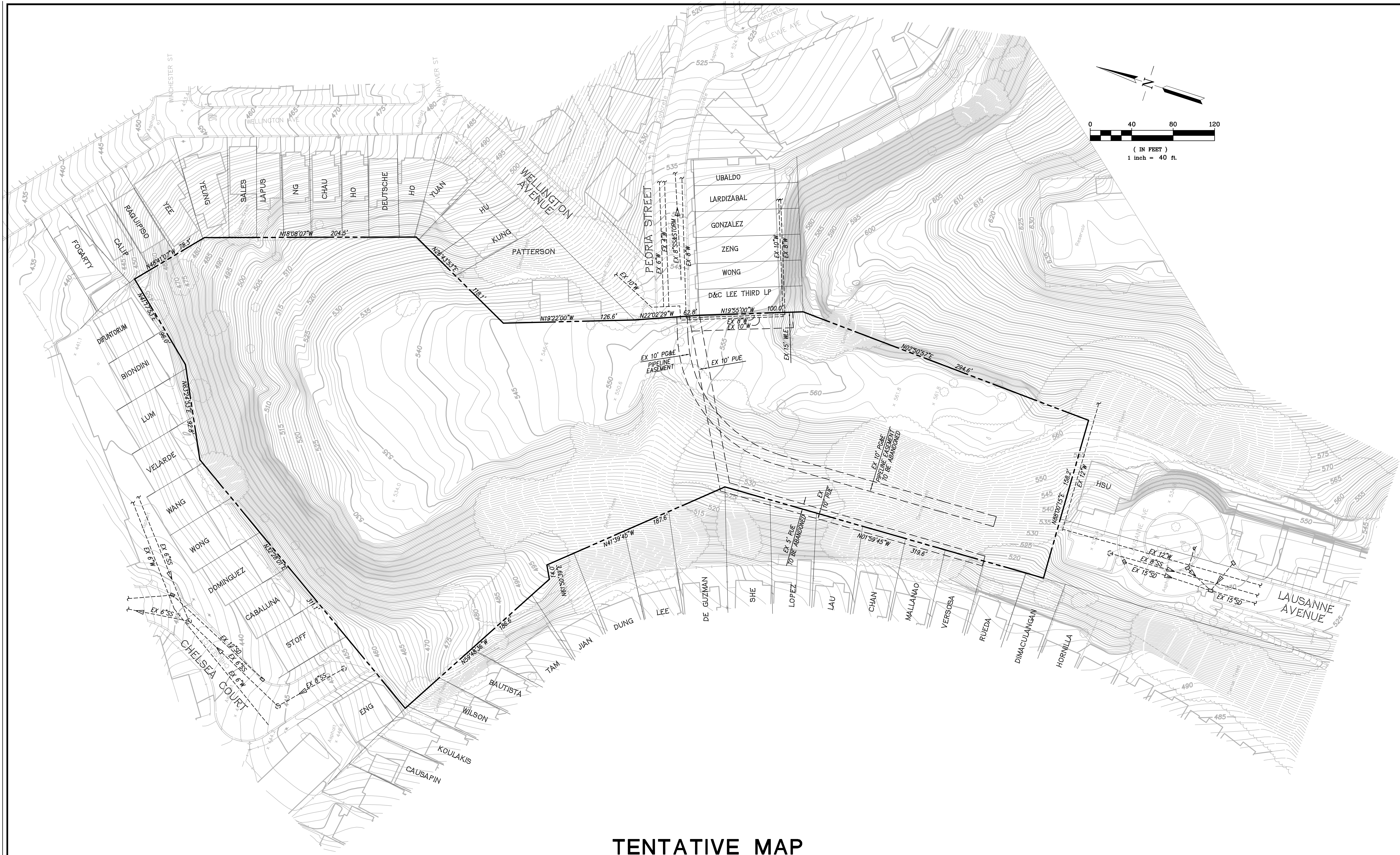
GENERAL NOTES:

- OWNER: PRIVATE CAPITAL FUND, LLC  
4300 STEVENS CREEK BOULEVARD #275  
SAN JOSE, CA 95129
- DEVELOPER: KB HOME SOUTHBAY  
6700 KOLL CENTER PARKWAY  
PLEASANTON, CA 94566  
(925) 750-1713
- ARCHITECT: KTG GROUP, INC.  
1733 OCEAN AVENUE, SUITE 250  
SANTA MONICA, CA 90401  
(949) 851-2133
- CIVIL ENGINEER: RUGGERI-JENSEN-AZAR  
4690 CHABOT DRIVE, SUITE 200  
PLEASANTON, CA 94588  
(925) 227-9100
- SOILS ENGINEER: STEVENS, FERRONE & BAILEY  
1600 WILLOW PASS COURT  
CONCORD, CA 94520  
(925) 688-1001
- CURRENT GENERAL PLAN DESIGNATION: LOW DENSITY RESIDENTIAL (2.1-14.5 DU/AC)
- CURRENT ZONING: LOW DENSITY RESIDENTIAL
- PROPOSED ZONING: R-3 MULTIPLE FAMILY RESIDENTIAL
- APN: 003-211-310
- GROSS SITE AREA: 4.9± ACRES
- TOTAL NO. OF PROPOSED UNITS: 54
- PARKING:  
REQUIRED: 108 (2.0 PER UNIT)  
PROVIDED: 131 (INCLUDES 23 GUEST STALLS)
- UTILITIES:  
WATER: CITY OF DALY CITY  
SANITARY SEWER: CITY OF DALY CITY  
STORM DRAIN: CITY OF DALY CITY  
FIRE: NORTH COUNTY FIRE AUTHORITY  
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC  
TELEPHONE: AT&T  
CABLE TV: COMCAST
- BOUNDARY AS SHOWN IS COMPILED FROM RECORD INFORMATION.
- TOPOGRAPHY SHOWN IS BASED ON AN AERIAL TOPOGRAPHIC MAP PREPARED BY TETRA-TECH IN JUNE 2011.



**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300





**TENTATIVE MAP**  
**EXISTING CONDITION PLAN**  
**WELLINGTON SITE**

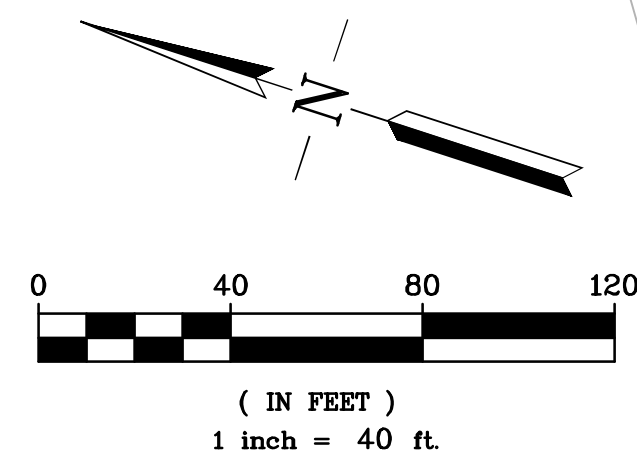
**DALY CITY, SAN MATEO COUNTY, CALIFORNIA**



DATE: DECEMBER 3, 2013      JOB NO. 111060      SHEET C2



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**TENTATIVE MAP**  
**LOTING AND EASEMENT PLAN**  
**WELLINGTON SITE**  
DALY CITY, SAN MATEO COUNTY, CALIFORNIA

**RJA**  
**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: DECEMBER 3, 2013 JOB NO. 111060 SHEET C3

| LOT AREA TABLE |           |
|----------------|-----------|
| LOT NUMBER     | AREA (SF) |
| 1              | 5,534     |
| 2              | 5,534     |
| 3              | 7,643     |
| 4              | 3,231     |
| 5              | 3,628     |
| 6              | 3,382     |
| 7              | 3,116     |
| 8              | 2,850     |
| 9              | 2,584     |
| 10             | 2,404     |
| 11             | 2,247     |
| 12             | 2,149     |
| 13             | 2,169     |
| 14             | 2,188     |
| 15             | 2,241     |
| 16             | 2,222     |
| 17             | 2,153     |
| 18             | 2,355     |
| 19             | 1,643     |
| 20             | 1,643     |
| 21             | 1,643     |
| 22             | 1,643     |
| 23             | 1,643     |
| 24             | 1,676     |
| 25             | 1,750     |
| 26             | 1,787     |
| 27             | 1,807     |
| 28             | 1,889     |
| 29             | 1,900     |
| 30             | 1,766     |
| 31             | 2,105     |
| 32             | 1,560     |
| 33             | 1,588     |
| 34             | 1,624     |
| 35             | 2,024     |
| A              | 39,474    |
| B              | 1,985     |
| C              | 74,922    |
| D              | 2,280     |
| E              | 2,127     |
| F              | 3,049     |



# PROJECT SUMMARY

A. GROSS SITE AREA: 4.9± ACRES  
 B. PROPOSED # OF UNITS: 54  
 C. GROSS DENSITY: 11.0 UNITS/AC

D. FLOOR AREA RATIO (FAR):  
 111,937± TOTAL BUILDING AREA/211,158± SITE AREA  
 =0.53  
 E. LOT SUMMARY  
 LOTS (MULTIFAMILY HOMES) (LOTS 1-4)  
 LOTS (SINGLE FAMILY DETACHED HOMES) (LOTS 5-35)  
 LOTS (OPEN/Common SPACE) (LOTS C)  
 STREETS/PARKING (LOTS A-B)  
 TOTAL

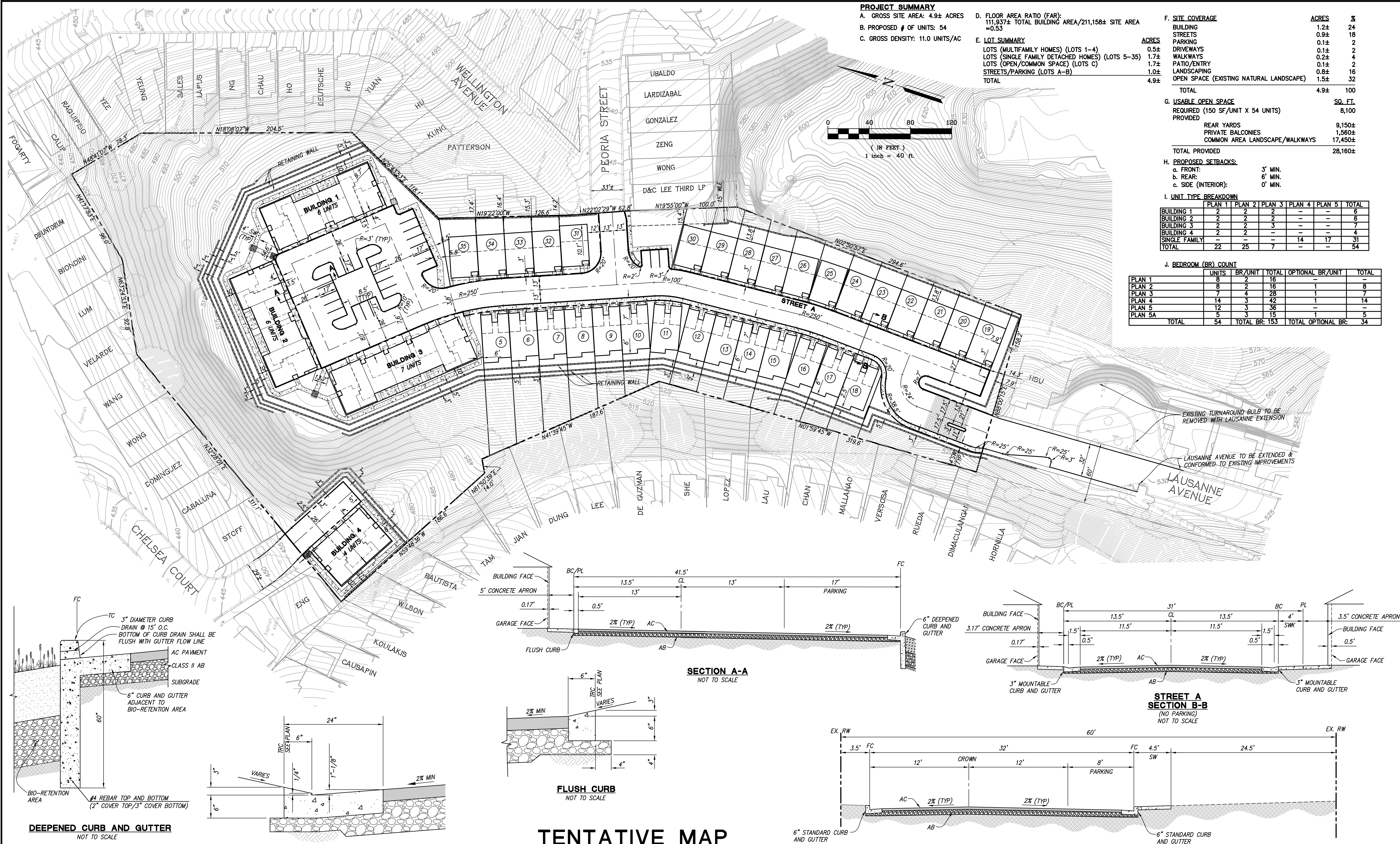
| ACRES                                   | %    |
|-----------------------------------------|------|
| BUILDING                                | 1.2± |
| STREETS                                 | 0.9± |
| PARKING                                 | 0.1± |
| DRIVEWAYS                               | 0.1± |
| WALKWAYS                                | 0.2± |
| PATIO/ENTRY                             | 0.1± |
| LANDSCAPING                             | 0.8± |
| OPEN SPACE (EXISTING NATURAL LANDSCAPE) | 1.5± |
| TOTAL                                   | 4.9± |

| USABLE OPEN SPACE                 | SQ. FT. |
|-----------------------------------|---------|
| REQUIRED (150 SF/UNIT X 54 UNITS) | 8,100   |
| PROVIDED                          |         |
| REAR YARDS                        | 9,150±  |
| PRIVATE BALCONIES                 | 1,560±  |
| COMMON AREA LANDSCAPE/WALKWAYS    | 17,450± |
| TOTAL PROVIDED                    | 28,160± |

| PROPOSED SETBACKS:  | 3' MIN. | 6' MIN. | 0' MIN. |
|---------------------|---------|---------|---------|
| a. FRONT:           |         |         |         |
| b. REAR:            |         |         |         |
| c. SIDE (INTERIOR): |         |         |         |

| UNIT TYPE BREAKDOWN | PLAN 1 | PLAN 2 | PLAN 3 | PLAN 4 | PLAN 5 | TOTAL |
|---------------------|--------|--------|--------|--------|--------|-------|
| BUILDING 1          | 2      | 2      | 2      | -      | -      | 6     |
| BUILDING 2          | 2      | 2      | 2      | -      | -      | 6     |
| BUILDING 3          | 2      | 2      | 3      | -      | -      | 7     |
| BUILDING 4          | 2      | -      | -      | -      | -      | 4     |
| SINGLE FAMILY       | -      | -      | -      | 14     | 17     | 31    |
| TOTAL               | 22     | 25     | 7      | -      | -      | 54    |

| BEDROOM (BR) COUNT | UNITS | BR/UNIT       | TOTAL                 | OPTIONAL BR/UNIT | TOTAL |
|--------------------|-------|---------------|-----------------------|------------------|-------|
| PLAN 1             | 8     | 2             | 16                    | -                | -     |
| PLAN 2             | 8     | 2             | 16                    | 1                | 8     |
| PLAN 3             | 7     | 4             | 28                    | 1                | 7     |
| PLAN 4             | 14    | 3             | 42                    | 1                | 14    |
| PLAN 5             | 12    | 3             | 36                    | -                | -     |
| PLAN 5A            | 5     | 3             | 15                    | 1                | 5     |
| TOTAL              | 54    | TOTAL BR: 153 | TOTAL OPTIONAL BR: 34 |                  |       |

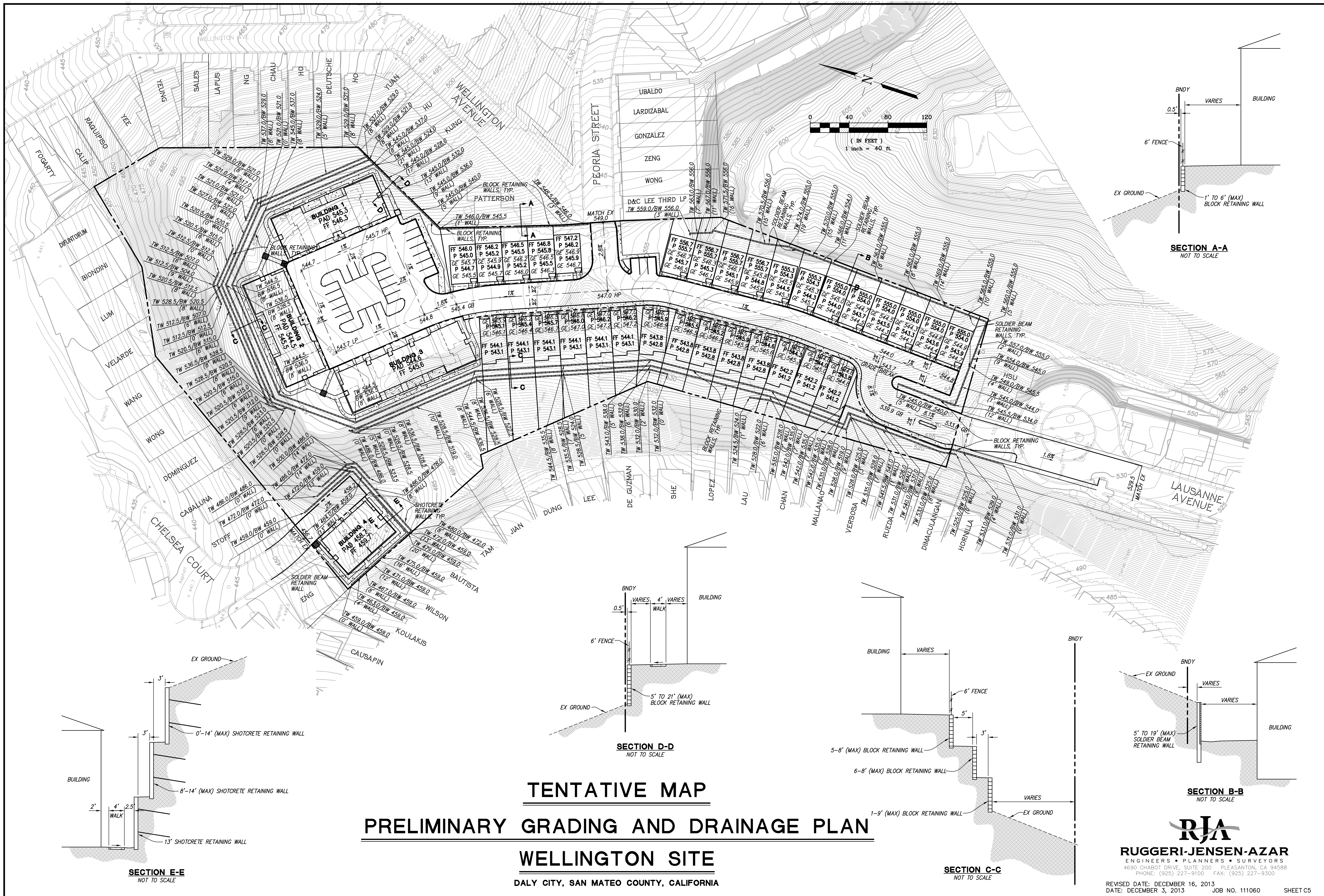


## TENTATIVE MAP PRELIMINARY SITE PLAN WELLINGTON SITE DALY CITY, SAN MATEO COUNTY, CALIFORNIA

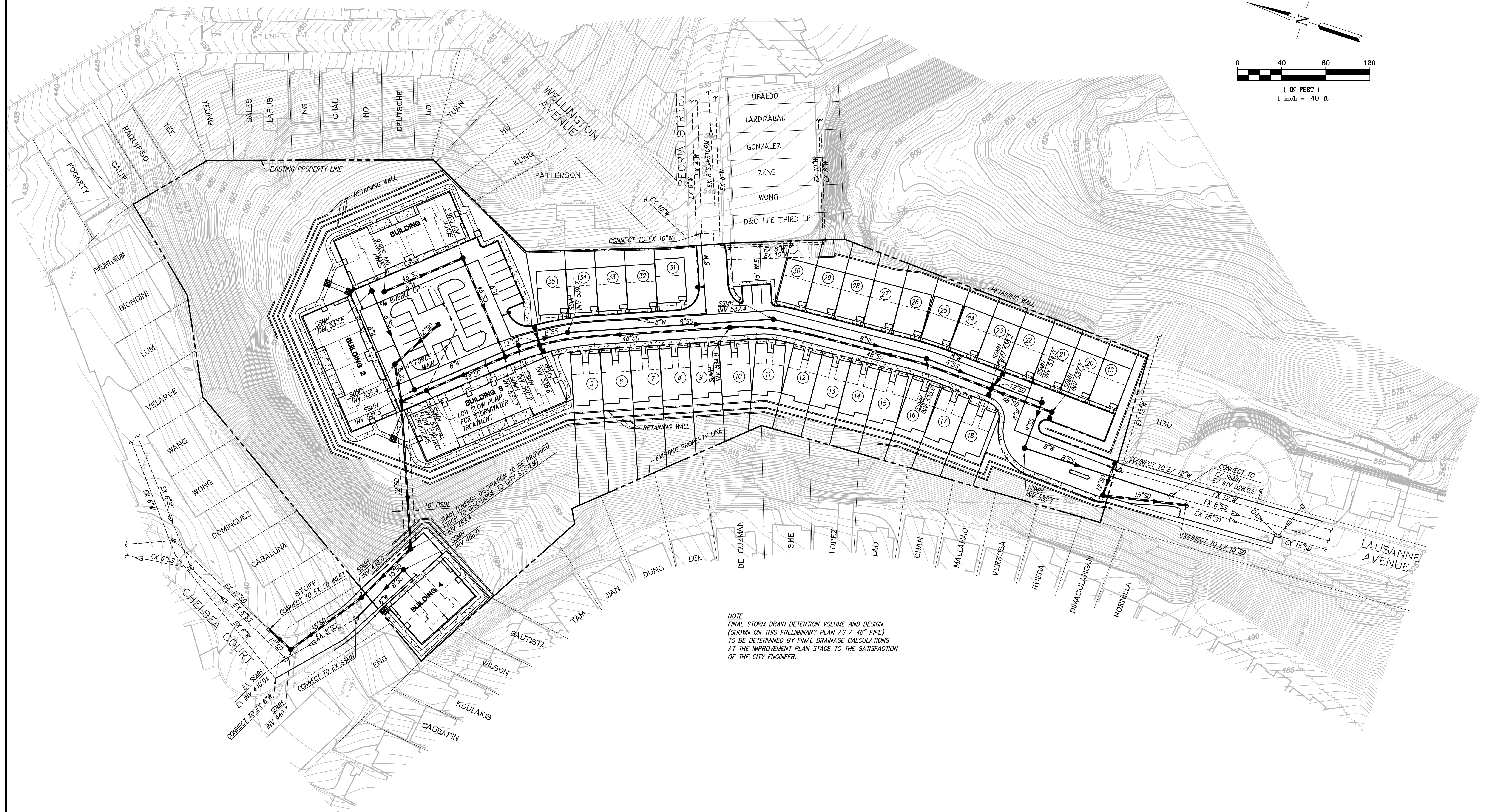
### TYPICAL LAUSANNE AVENUE SECTION NOT TO SCALE

**RJA**  
**RUGGERI-JENSEN-AZAR**  
 ENGINEERS • PLANNERS • SURVEYORS  
 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
 PHONE: (925) 227-9100 FAX: (925) 227-9300







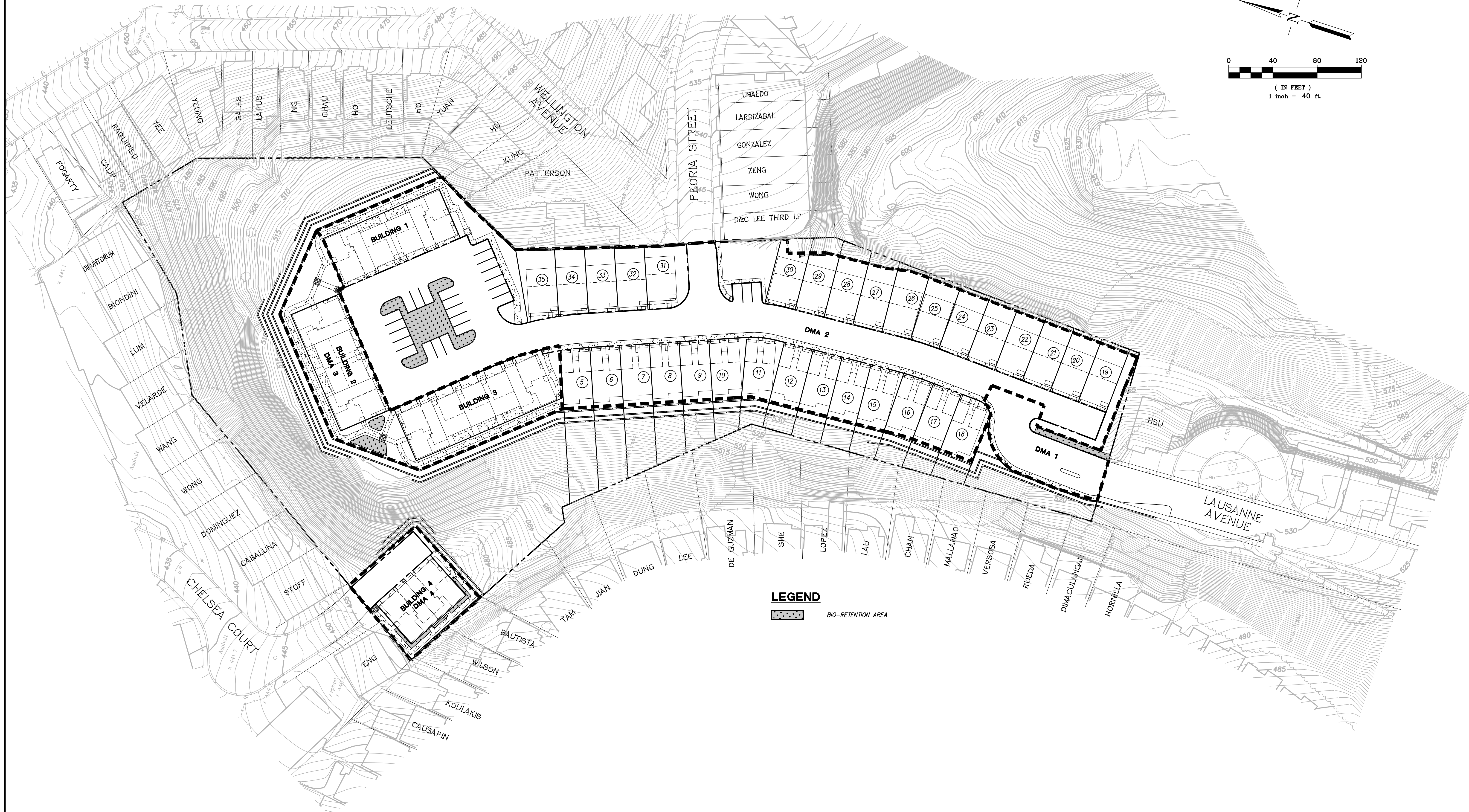
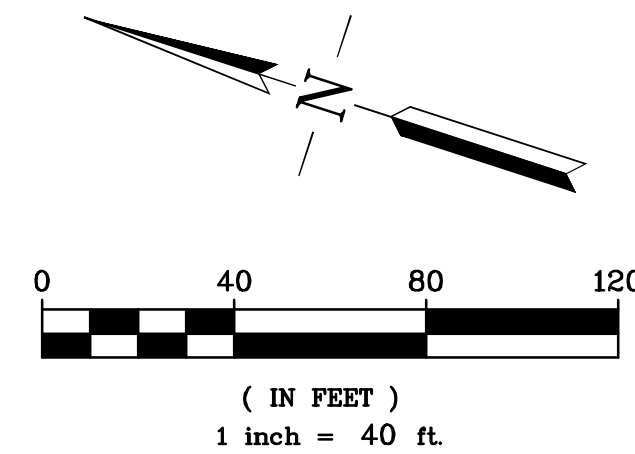


**TENTATIVE MAP**  
**PRELIMINARY UTILITY PLAN**  
**WELLINGTON SITE**



DATE: DECEMBER 3, 2013      JOB NO. 111060      SHEET C6





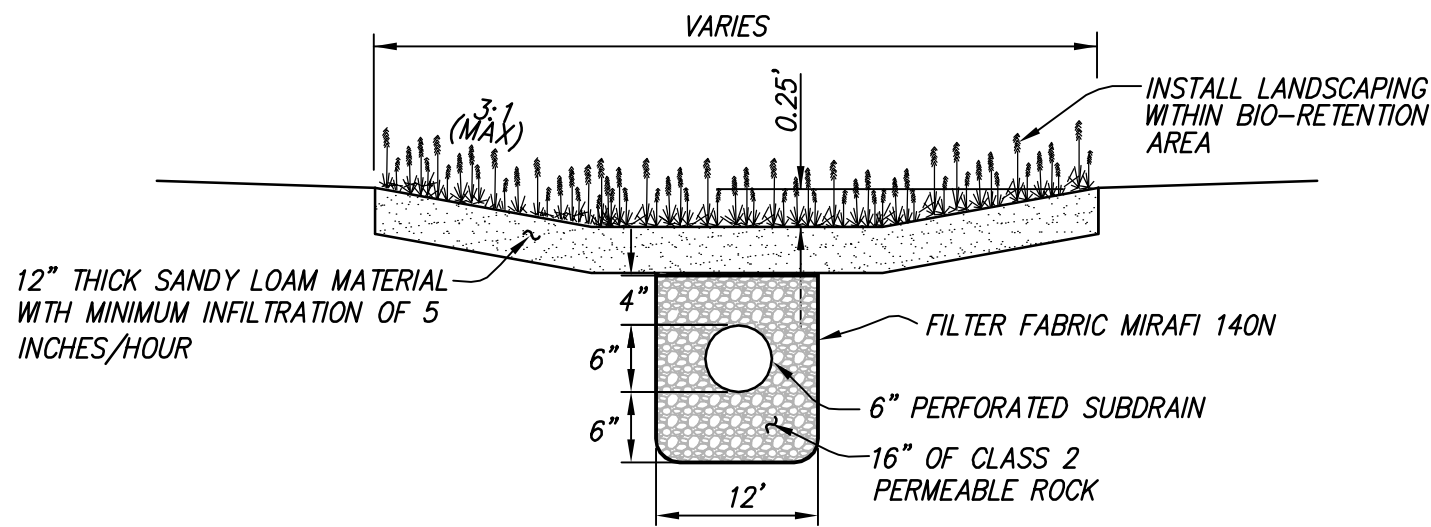
**TENTATIVE MAP**  
**PRELIMINARY STORM WATER TREATMENT PLAN**  
**WELLINGTON SITE**  
 DALY CITY, SAN MATEO COUNTY, CALIFORNIA

**RJA**  
**RUGGERI-JENSEN-AZAR**  
 ENGINEERS • PLANNERS • SURVEYORS  
 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
 PHONE: (925) 227-9100 FAX: (925) 227-9300

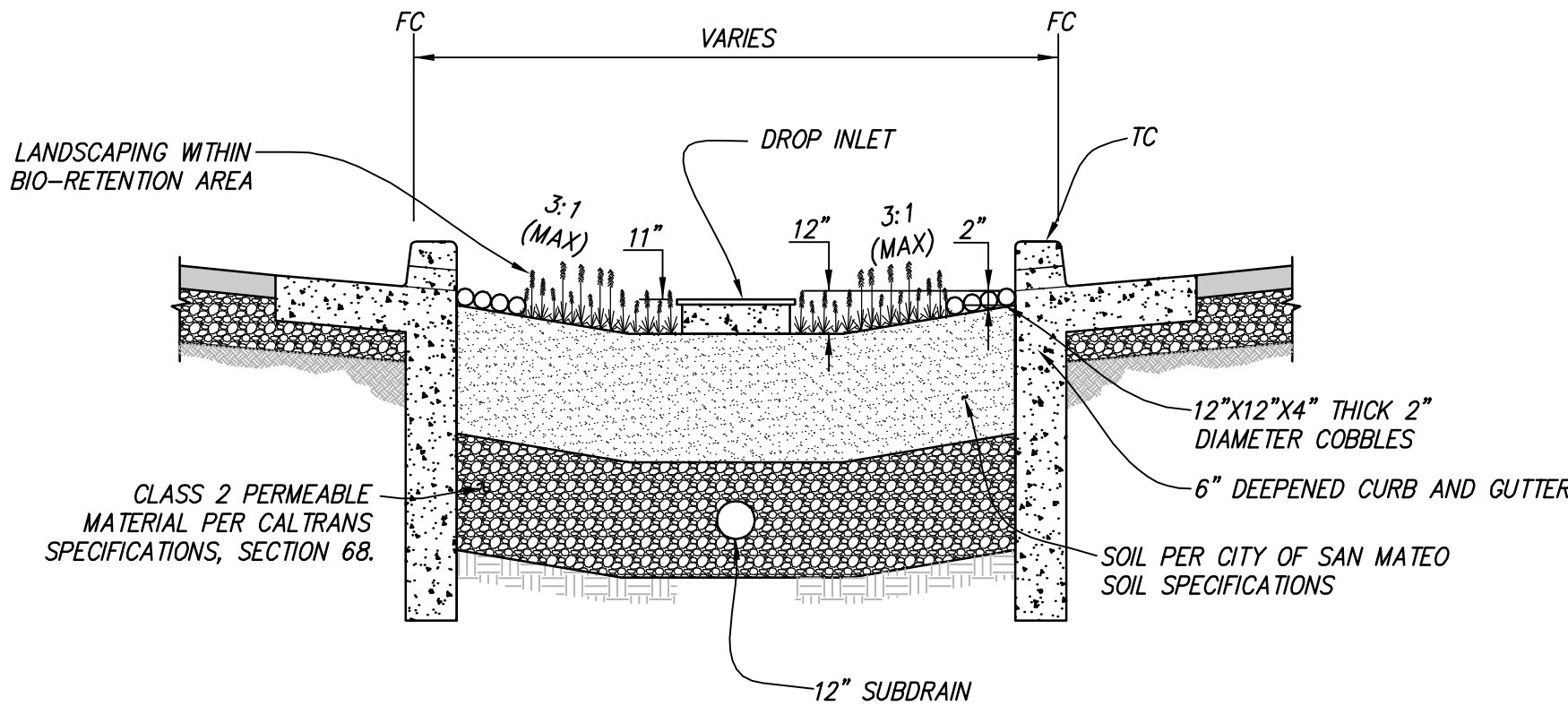


| DMA#  | DMA Area (SF) | % Impervious | Adjusted Unit Basin Storage Volume (in) | Treatment Volume Required (cf) | Treatment Area Bottom (SF) | Runoff Filtered Through Soils (CF) | Storage Volume Required Above Soils (CF) | Ponding Depth at Bio-Retention (in) | Bio-Retention Area vs. Imp Area (%) |
|-------|---------------|--------------|-----------------------------------------|--------------------------------|----------------------------|------------------------------------|------------------------------------------|-------------------------------------|-------------------------------------|
| 1     | 6,264         | 65%          | 0.55                                    | 287                            | 250                        | 286                                | 1                                        | 0.0                                 | 3.99%                               |
| 2     | 96,523        | 68%          | 0.58                                    | 4665                           | 2,146                      | 2593                               | 2072                                     | 11.6                                | 2.22%                               |
| 3     | 18,638        | 66%          | 0.56                                    | 870                            | 440                        | 513                                | 356                                      | 9.7                                 | 2.36%                               |
| 4     | 7,102         | 70%          | 0.60                                    | 355                            | 275                        | 344                                | 11                                       | 0.5                                 | 3.87%                               |
| TOTAL | 128,527       |              |                                         | 6,177                          | 3,111                      |                                    |                                          |                                     |                                     |

- NOTES:
- 90% OF THE DMA AREA IS ASSUMED TO BE IMPERVIOUS.
  - THE ABOVE CALCULATIONS ARE BASED ON THE SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE, DATED OCTOBER 20, 2010 AND THE FOLLOWING CRITERIA:
    - 0.2 INCHES/HOUR RAINFALL INTENSITY ON 100% IMPERVIOUS AREA.
    - SOIL FOR TREATMENT MEDIUM WITH A 5 INCHES/HOUR INFILTRATION RATE.
  - SIZING FACTOR BASED ON COMBO FLOW VOLUME METHOD PER SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE.



TYPICAL BIO-RETENTION DETAIL  
NOT TO SCALE



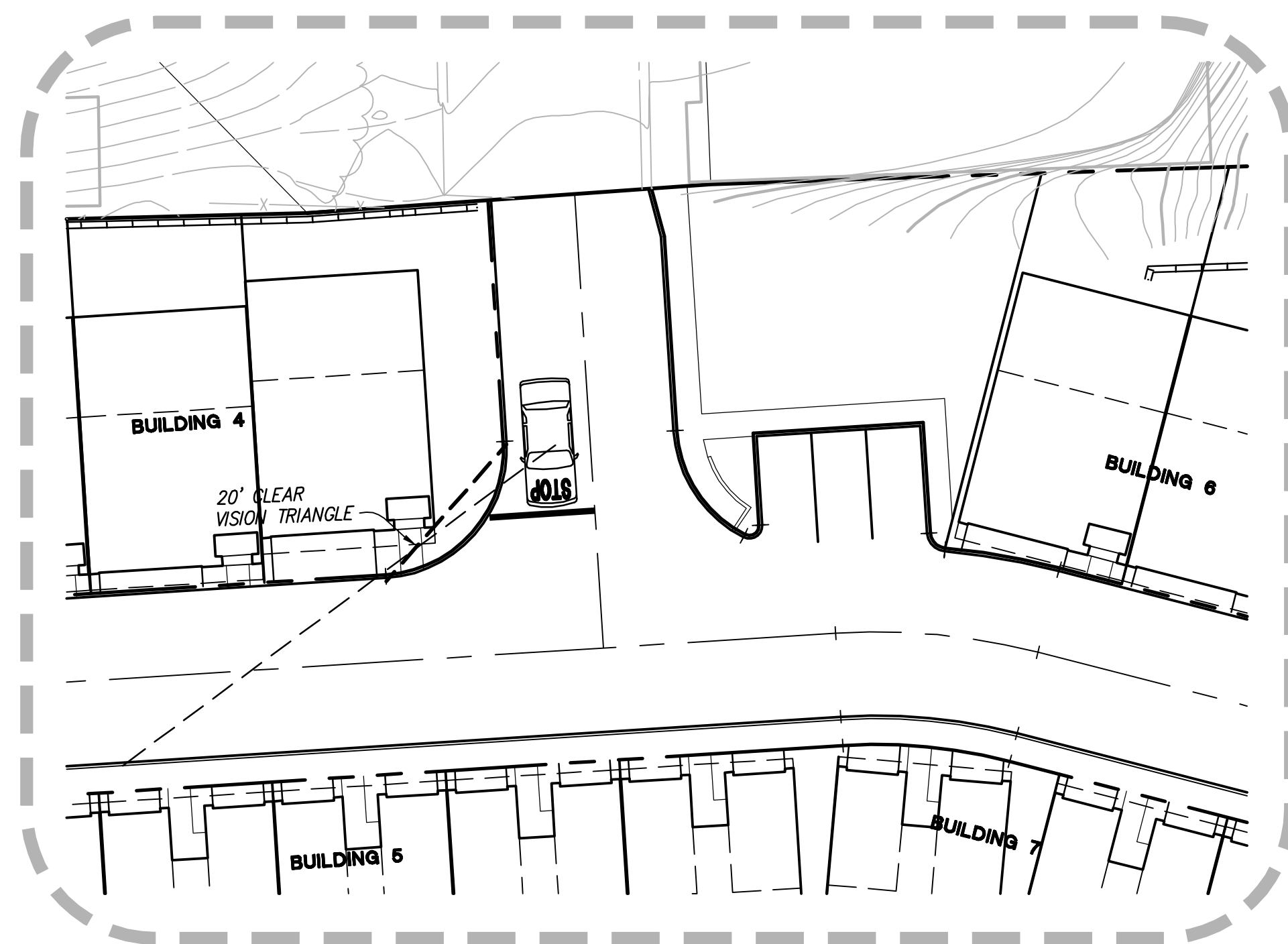
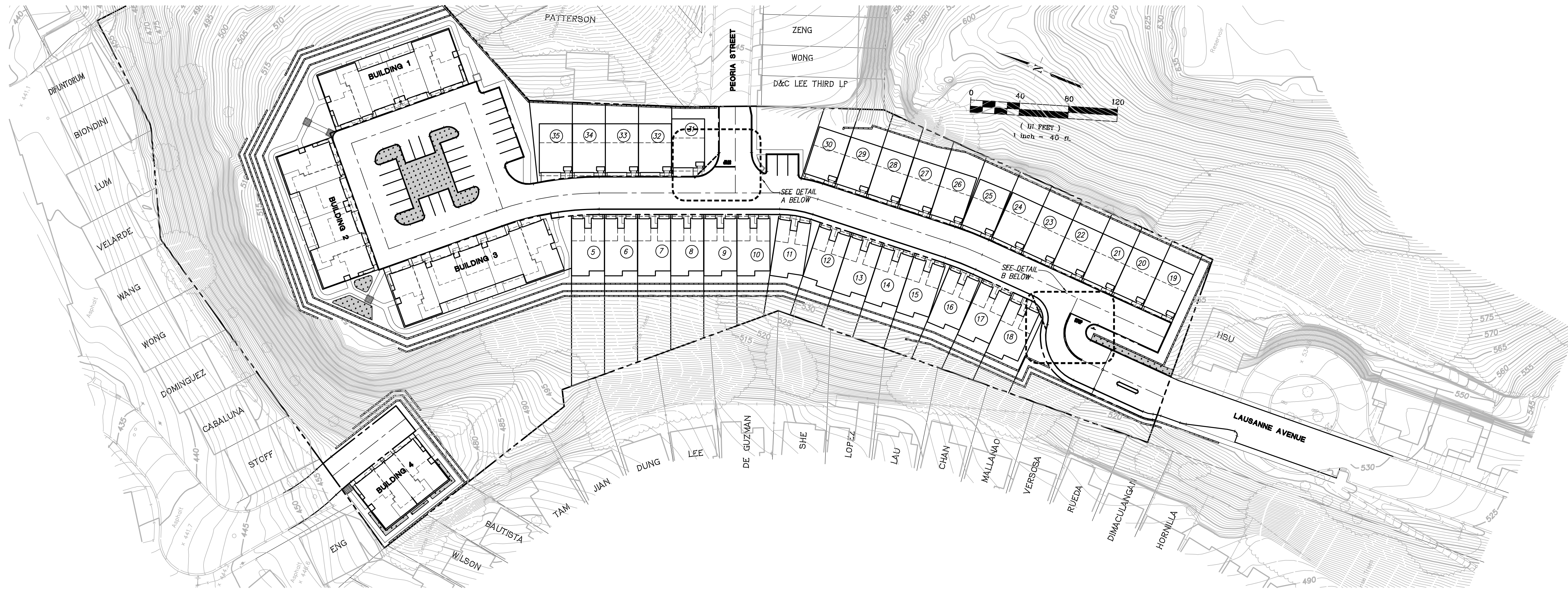
BIO-RETENTION AREA BEHIND CURB DETAIL  
NOT TO SCALE

TENTATIVE MAP  
PRELIMINARY STORM WATER TREATMENT DETAILS  
WELLINGTON SITE

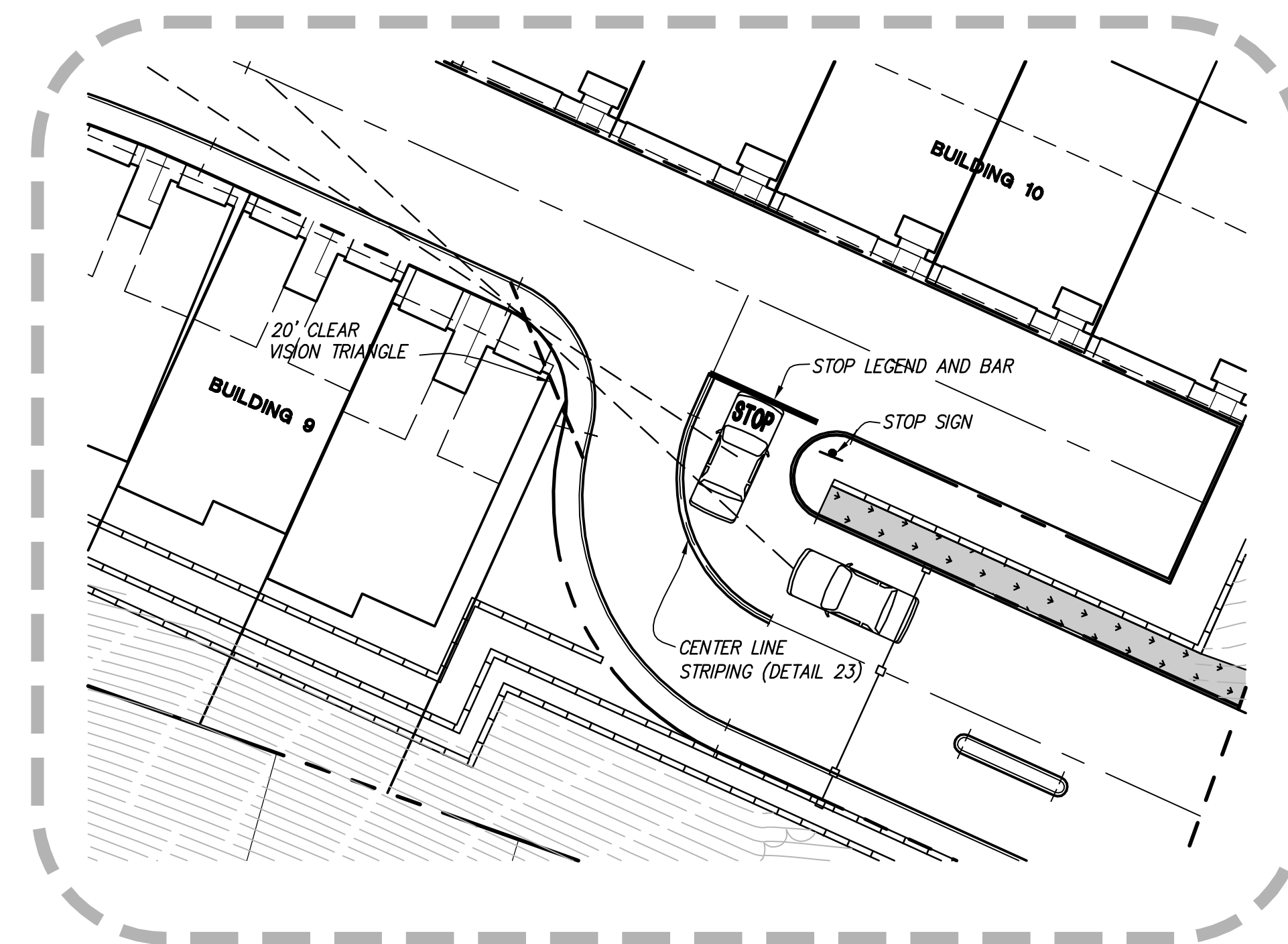
DALY CITY, SAN MATEO COUNTY, CALIFORNIA

**RJA**  
**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300





**DETAIL A**  
SCALE: 1" = 20'

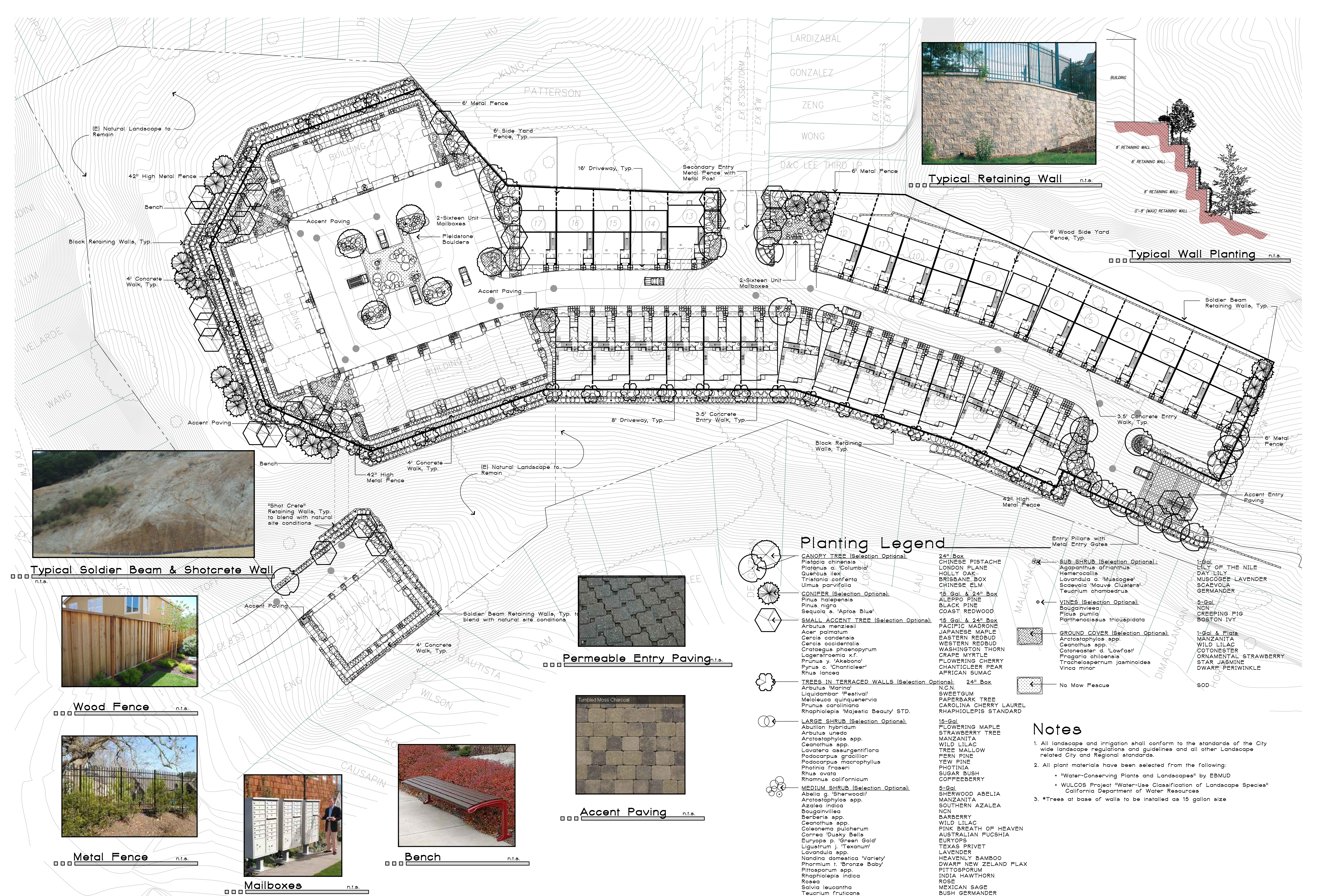


**DETAIL B**  
SCALE: 1" = 20'

# **TENATIVE MAP** **SIGHT DISTANCE PLAN** **WELLINGTON SITE** DALY CITY, SAN MATEO COUNTY, CALIFORNIA

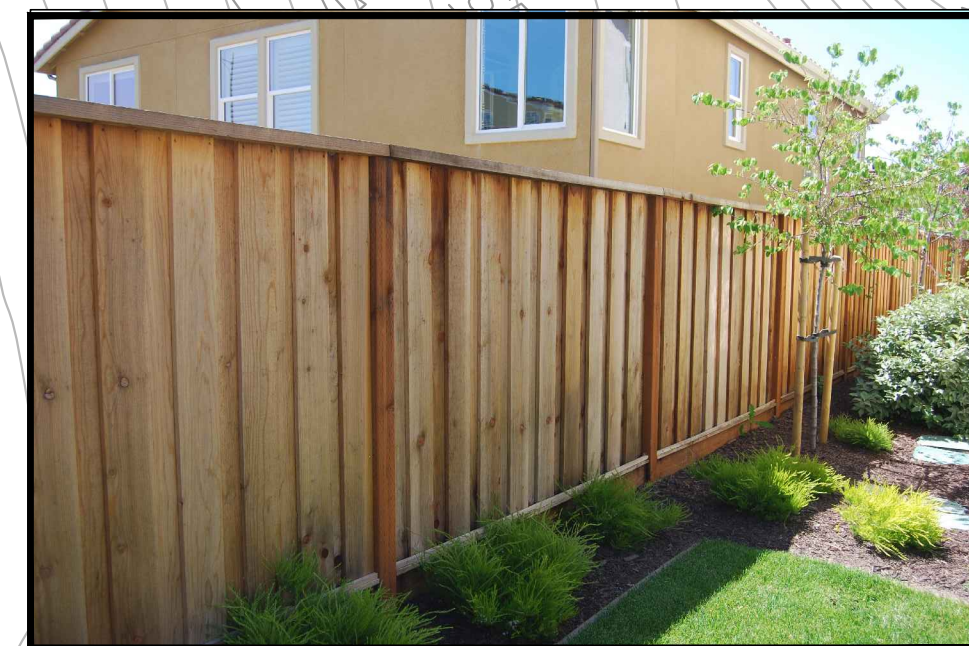
**RJA**  
**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300





Typical Soldier Beam & Shotcrete Wall

n.t.s.



Wood Fence

n.t.s.



Metal Fence

n.t.s.



Mailboxes

n.t.s.



Bench

n.t.s.



Permeable Entry Paving

n.t.s.



Accent Paving

n.t.s.





# W E L L I N G T O N

# BUILDINGS 1-4 PERSPECTIVE



**KB Home South Bay Inc.**  
 6700 Koll Center Parkway  
 Pleasanton, CA 94566  
 Contact: Ray Panek  
 Phone: 925-750-1713

**DALY CITY, CALIFORNIA**  
 K T G Y # 2011-0126 DATE 12.02.2013

**Architecture + Planning**  
 1733 Ocean Ave., Suite 250  
 Santa Monica, CA 90401  
 ktgy.com  
 310 394 2623







LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

# W E L L I N G T O N



**KB Home South Bay Inc.**  
 6700 Koll Center Parkway  
 Pleasanton, CA 94566  
 Contact: Ray Panek  
 Phone: 925-750-1713

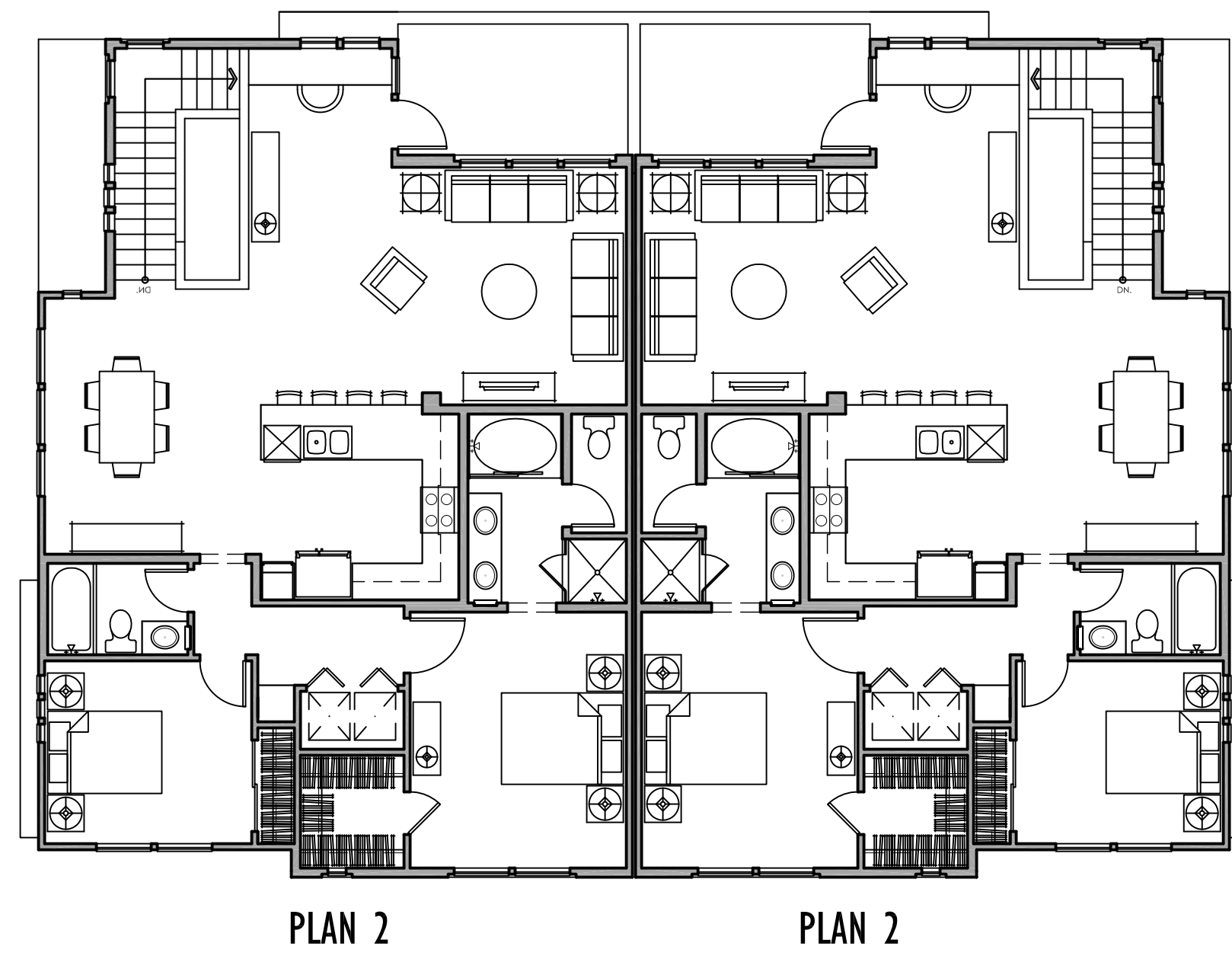
# BUILDINGS 1-4 ELEVATIONS

DALY CITY, CALIFORNIA  
 K T G Y # 2011-0126 DATE 12.02.2013

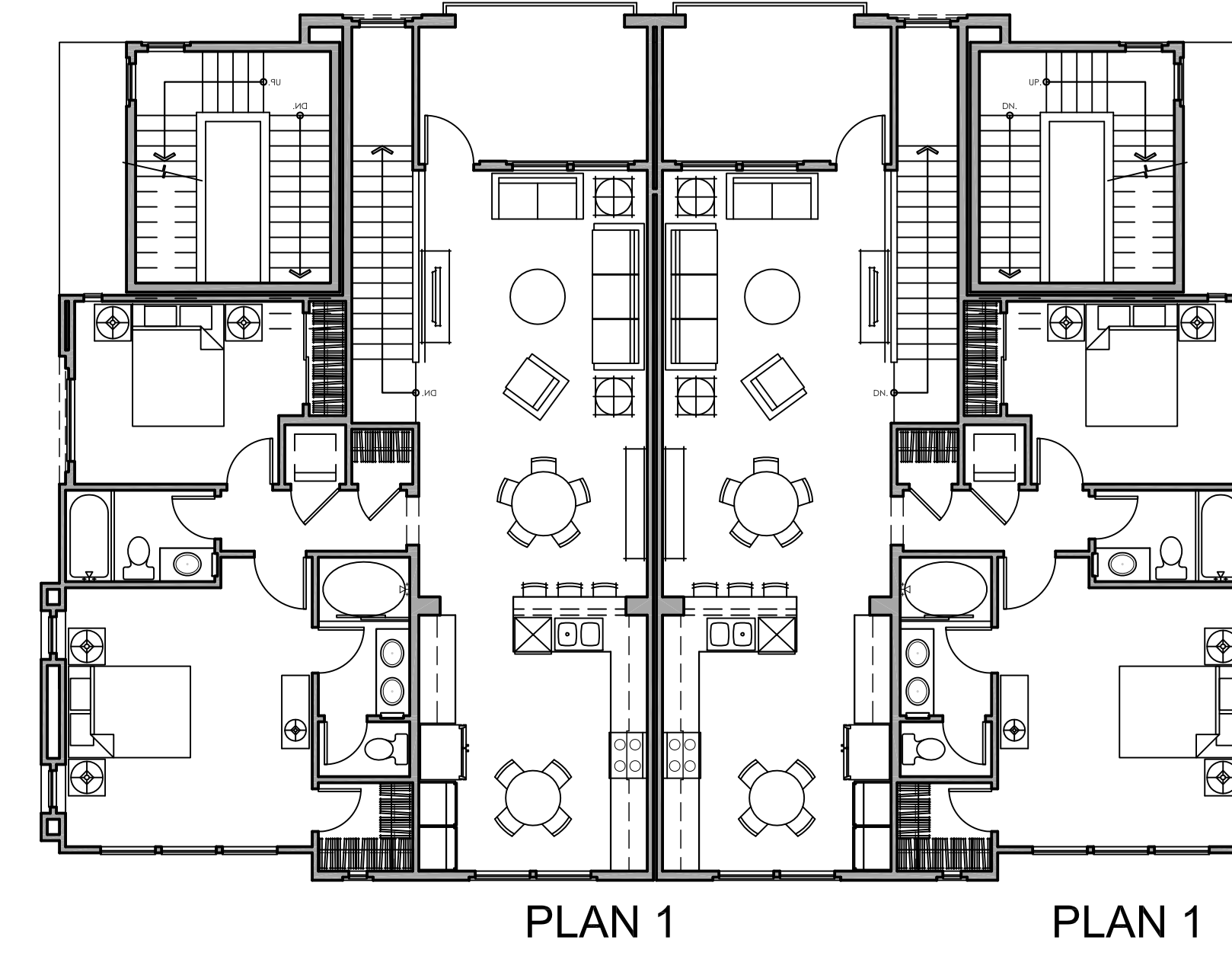
**Architecture + Planning**  
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 Santa Monica, CA 90401  
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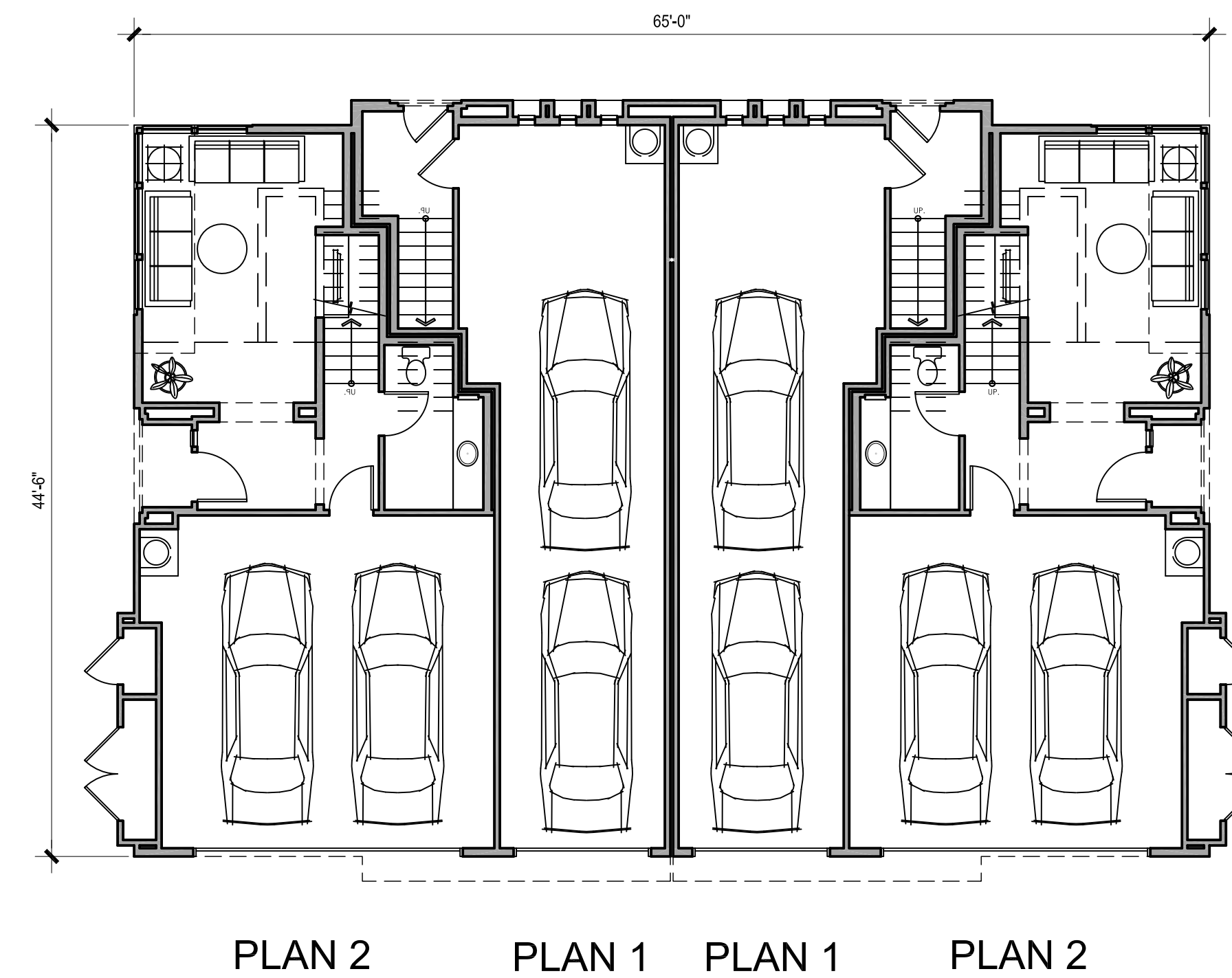




THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

## BUILDING 4 - 4 UNITS

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013

Architecture + Planning  
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Santa Monica, CA 90401  
ktgy.com  
310 394 2623

Scale 0 4 8 16

A2.0

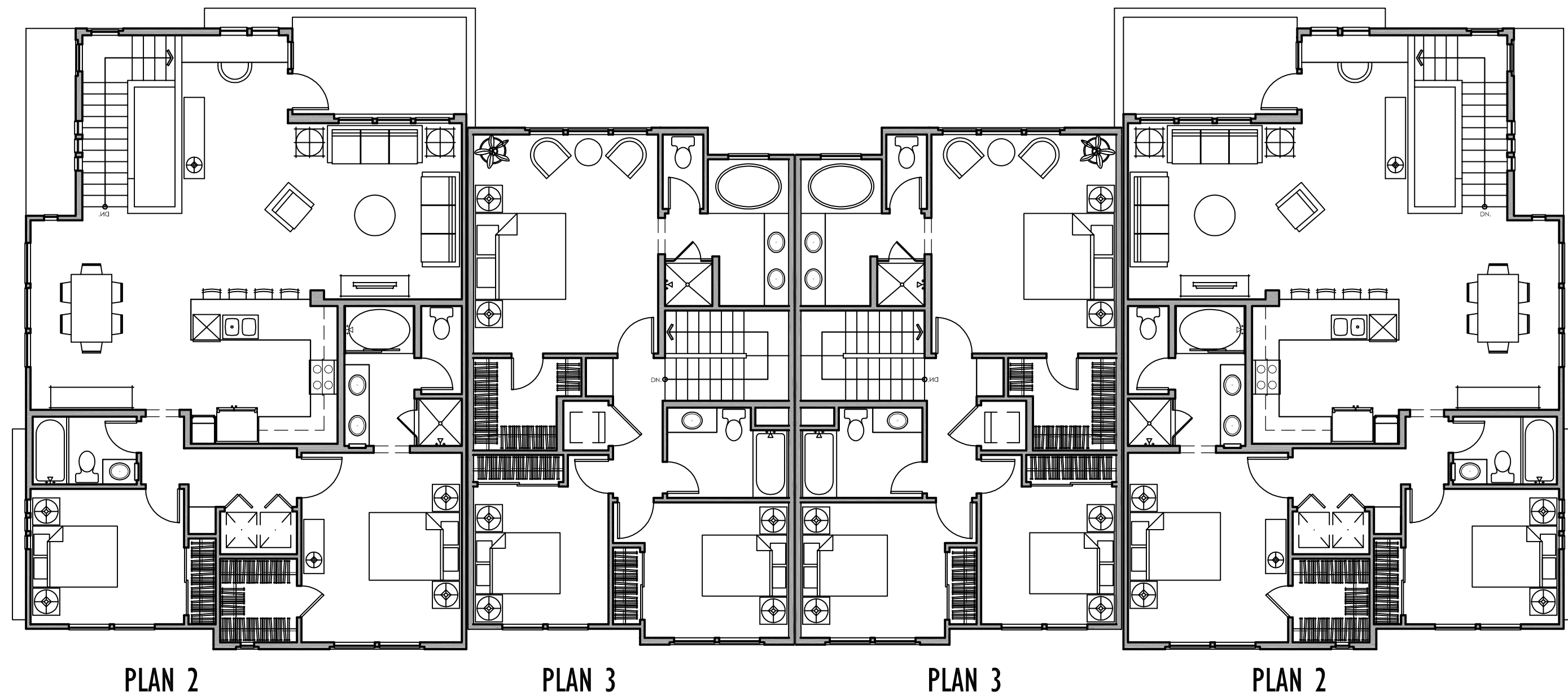
W E L L I N G T O N



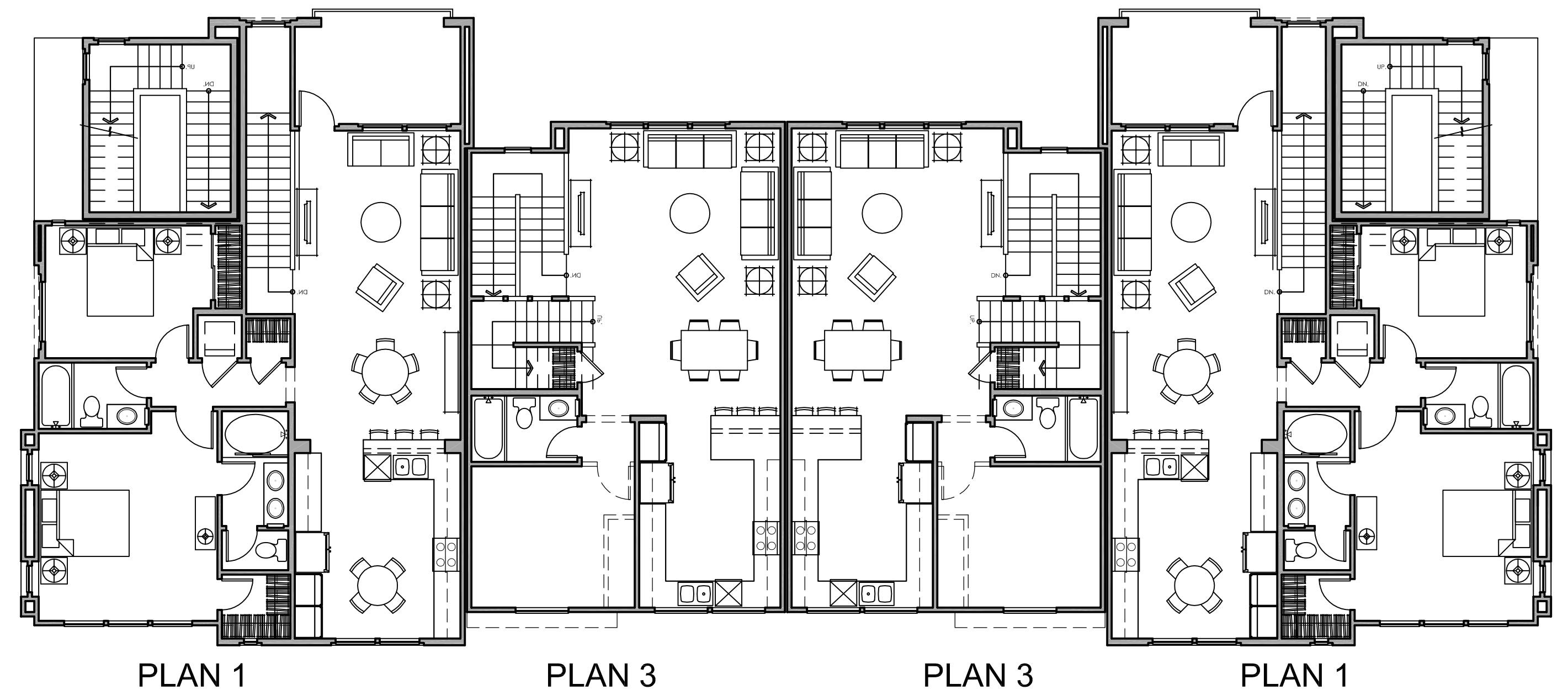
**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713



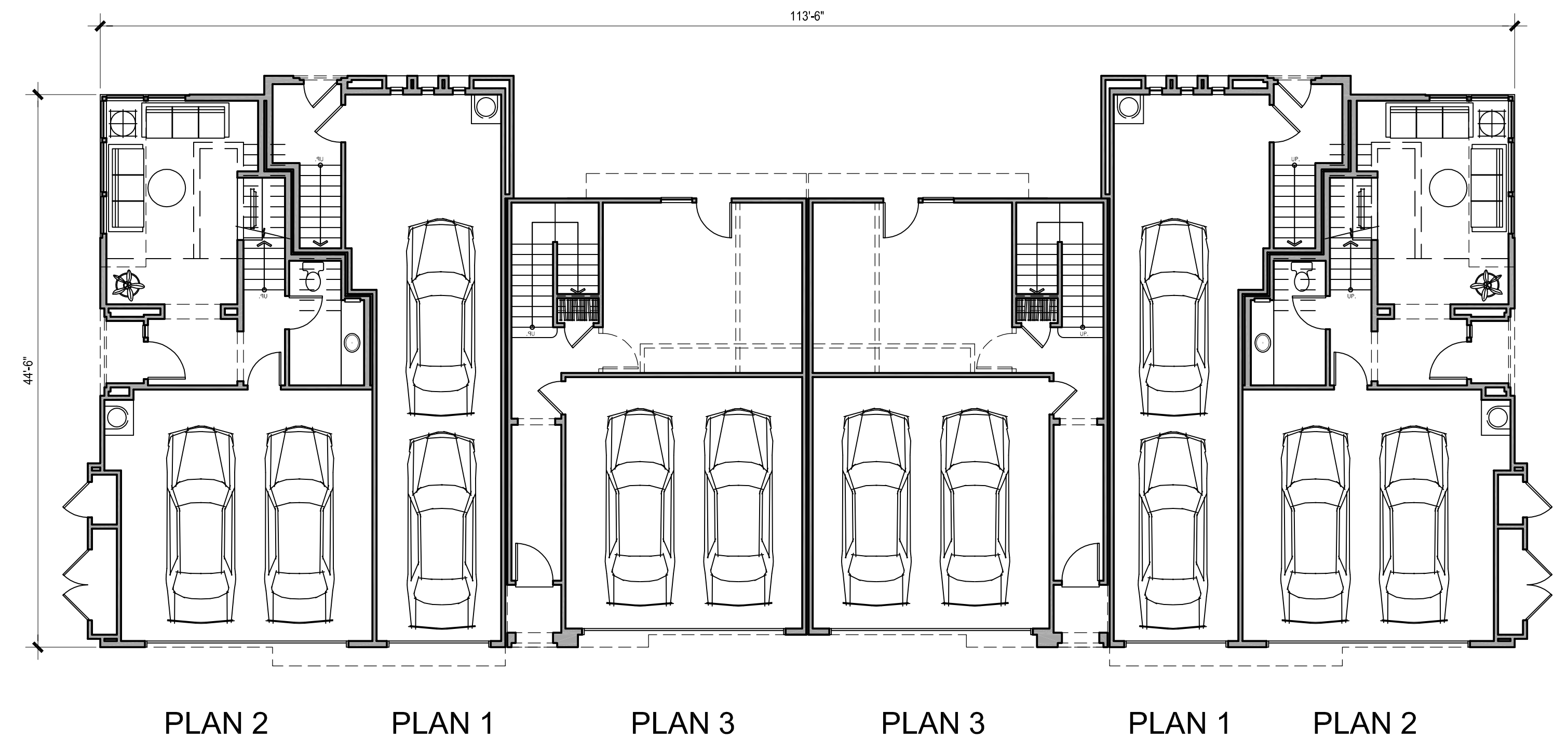




## THIRD FLOOR



## SECOND FLOOR



## FIRST FLOOR

W E L L I N G T O N

BUILDING 1&2 - 6 UNITS

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013

Architecture + Planning  
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Santa Monica, CA 90401  
ktgy.com  
310 394 2623

Scale 0 4 8 16

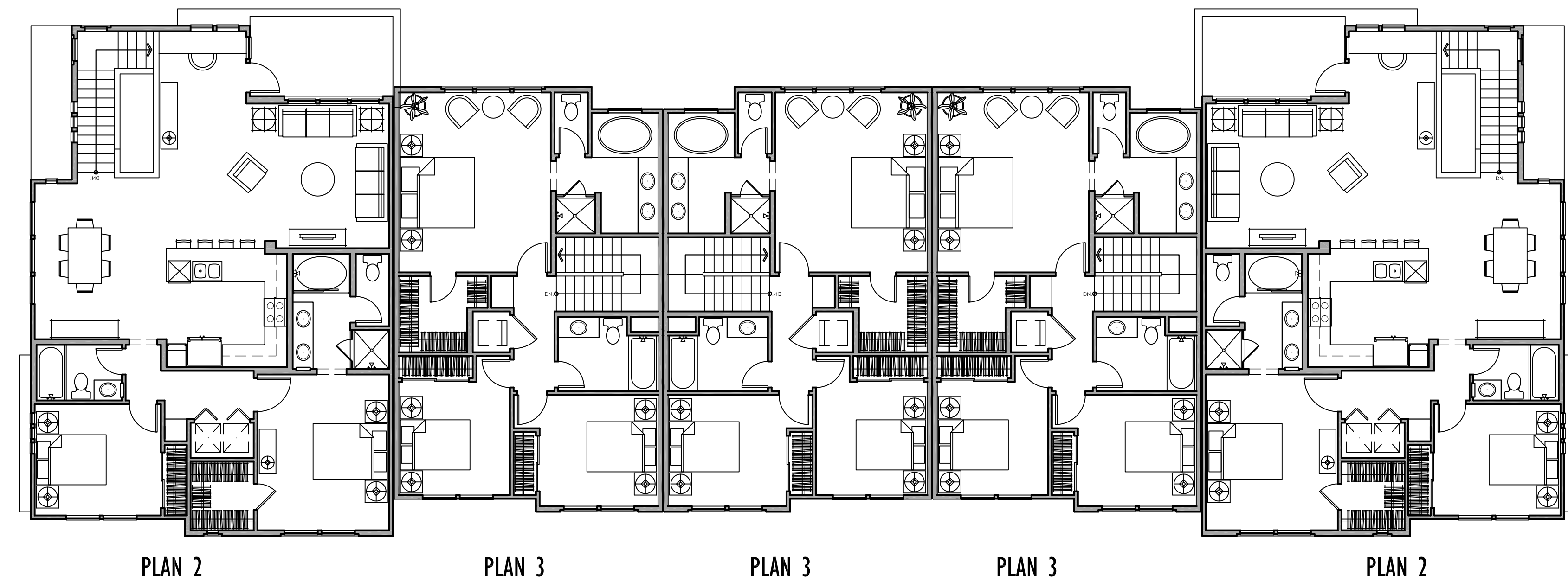
A2.1



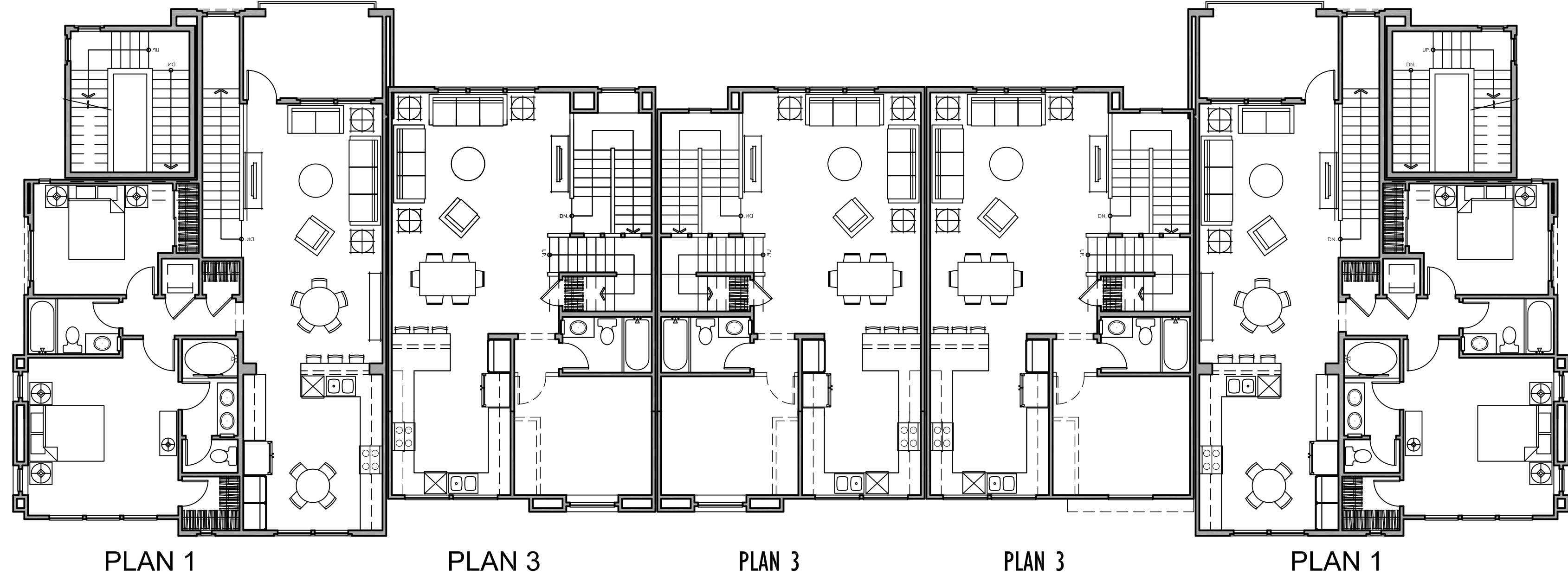
**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713



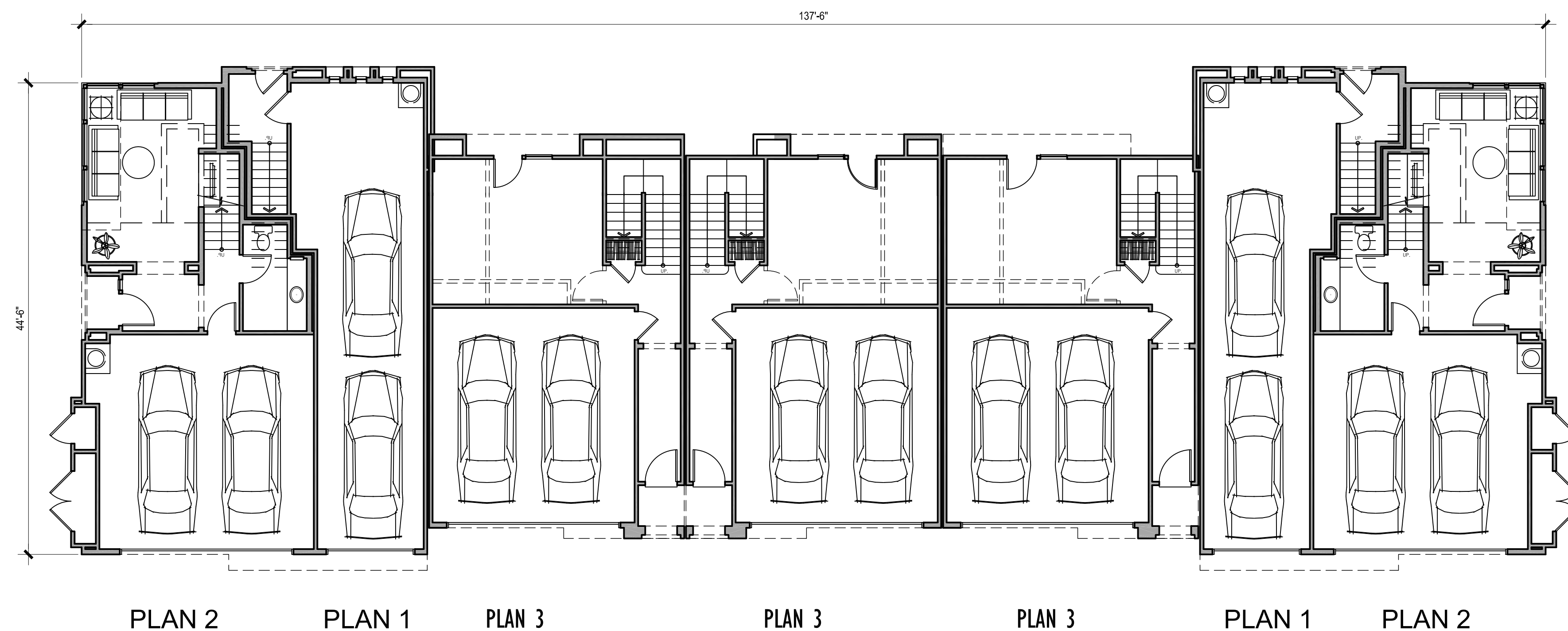




THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

W E L L I N G T O N

BUILDING 3 - 7 UNITS

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013

Architecture + Planning  
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Santa Monica, CA 90401  
ktgy.com  
310 394 2623

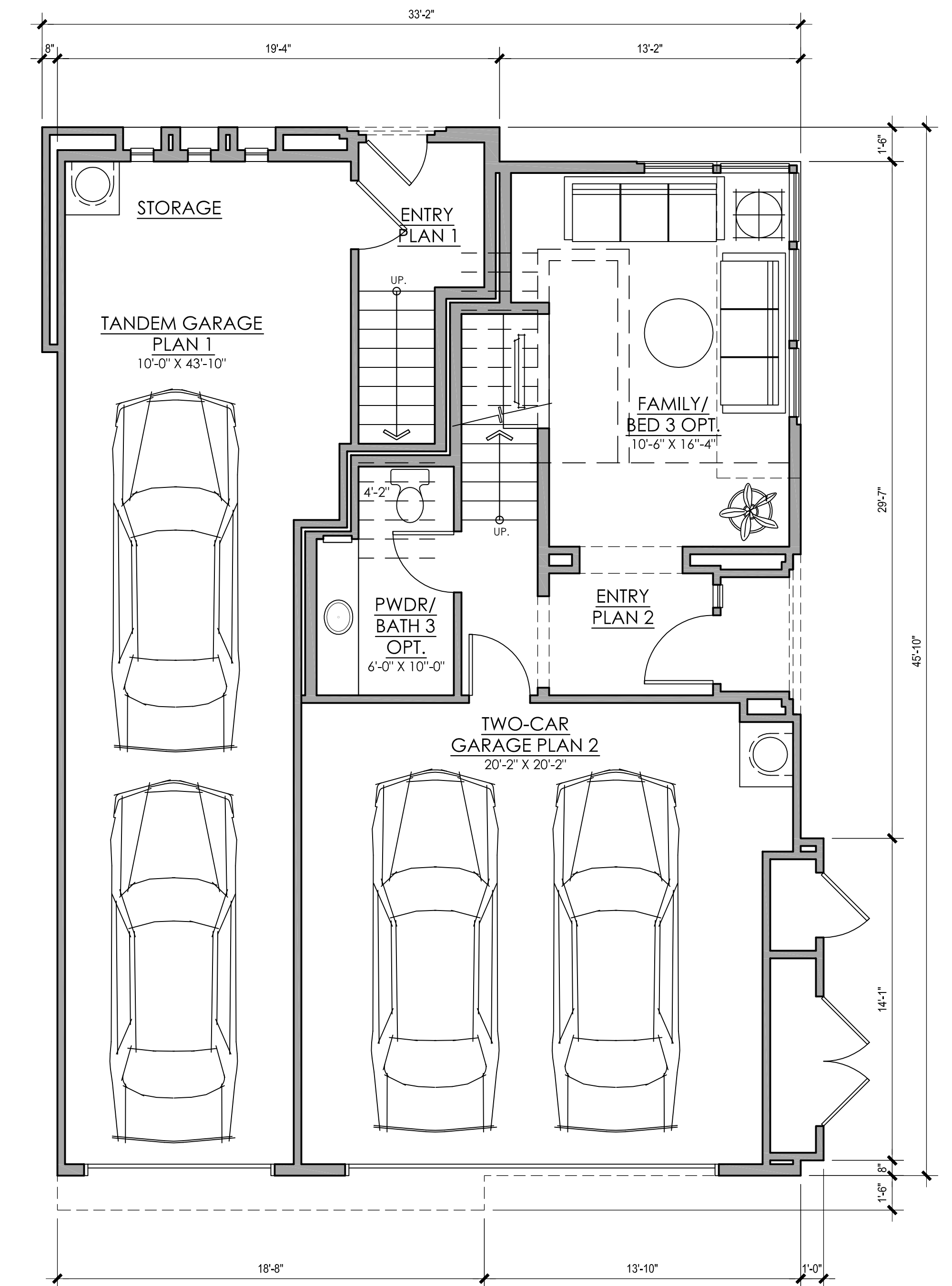
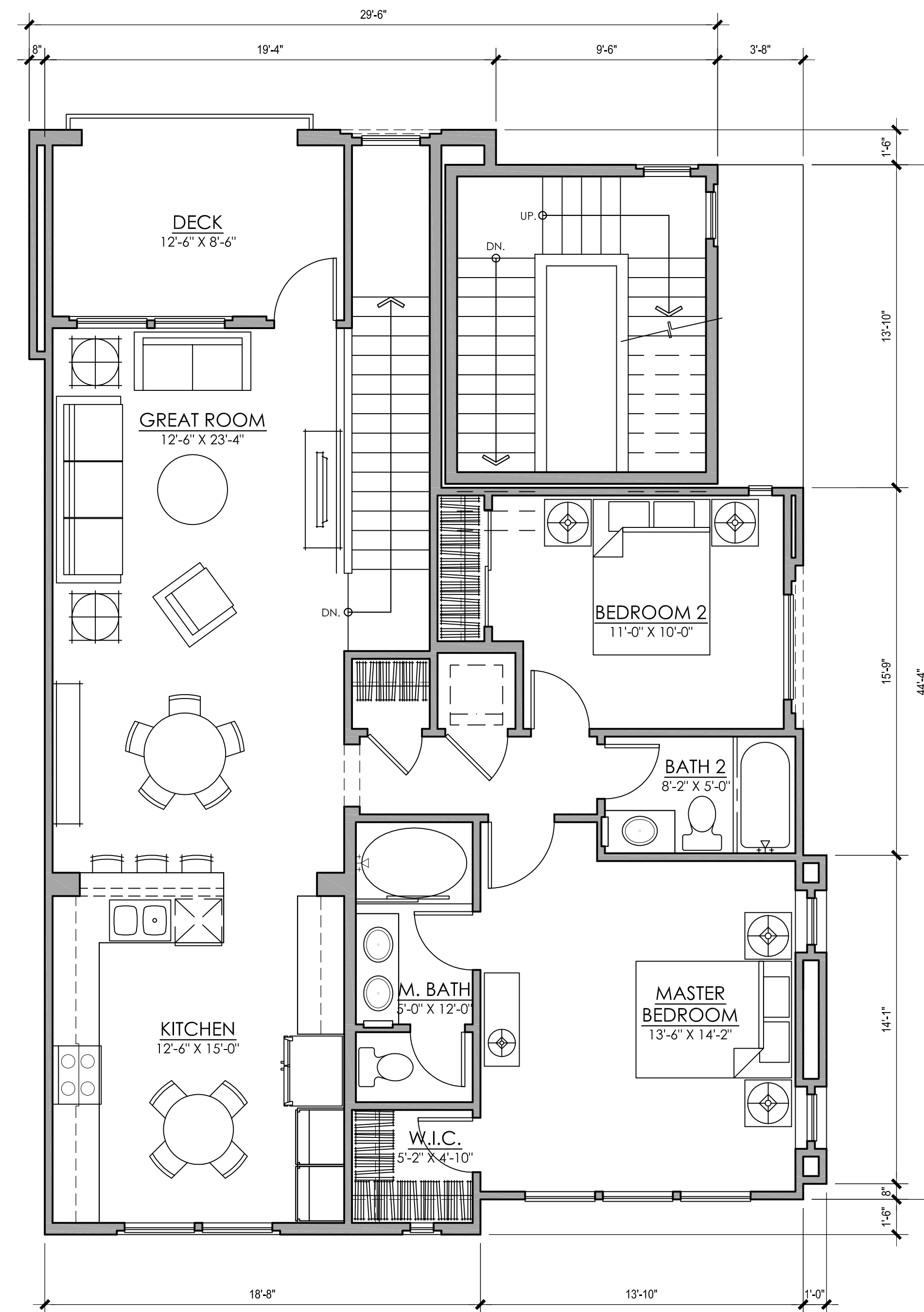
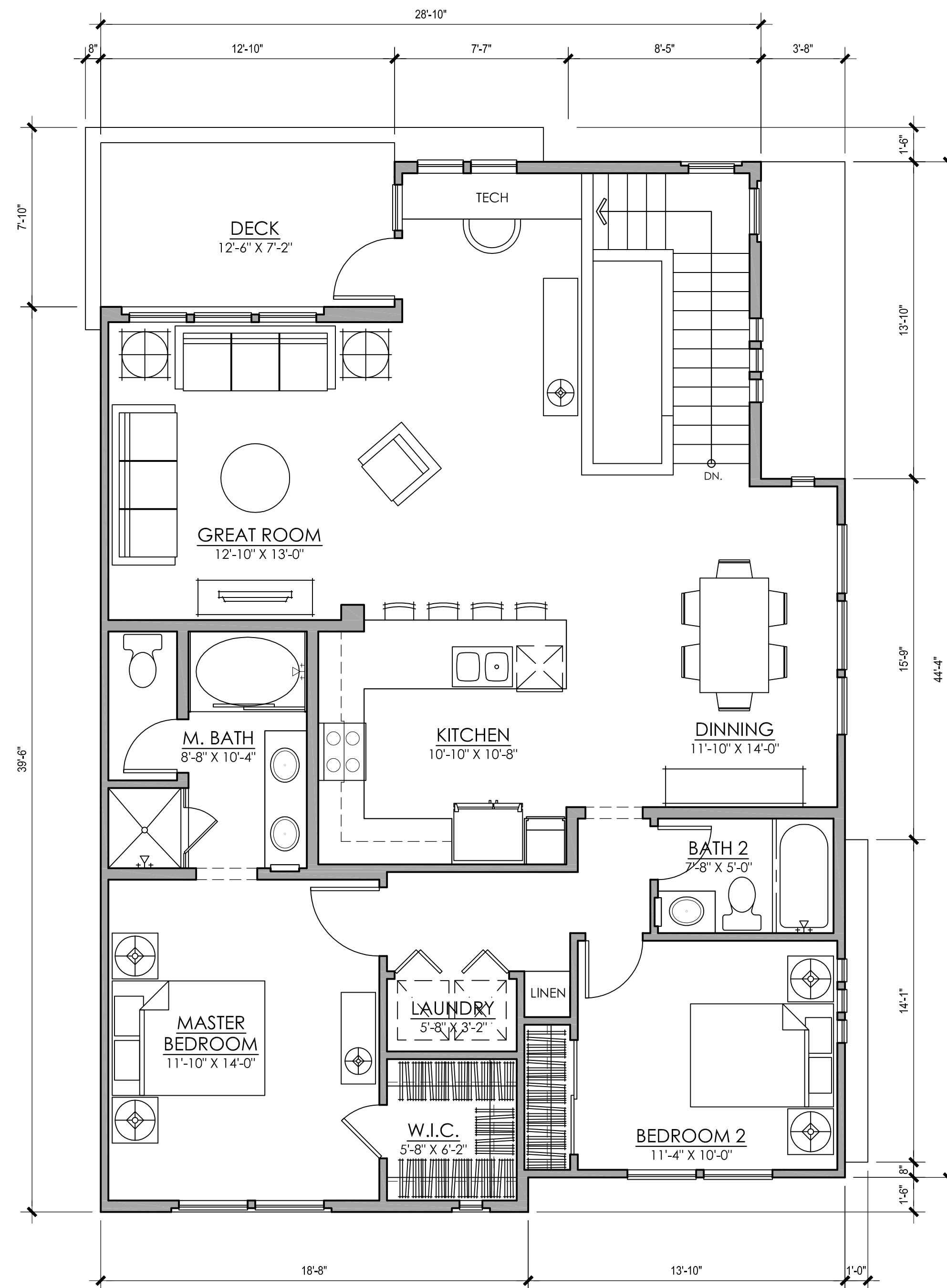
Scale 0 4 8 16

A2.2



**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713





W E L L I N G T O N



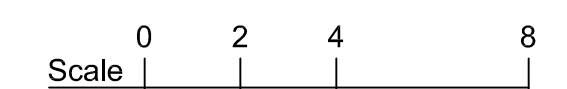
**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713

# PLAN 1 & 2

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013

PLAN 1 1,125 sf net 1,190 sf gross  
PLAN 2 1,623 sf net 1,750 sf gross

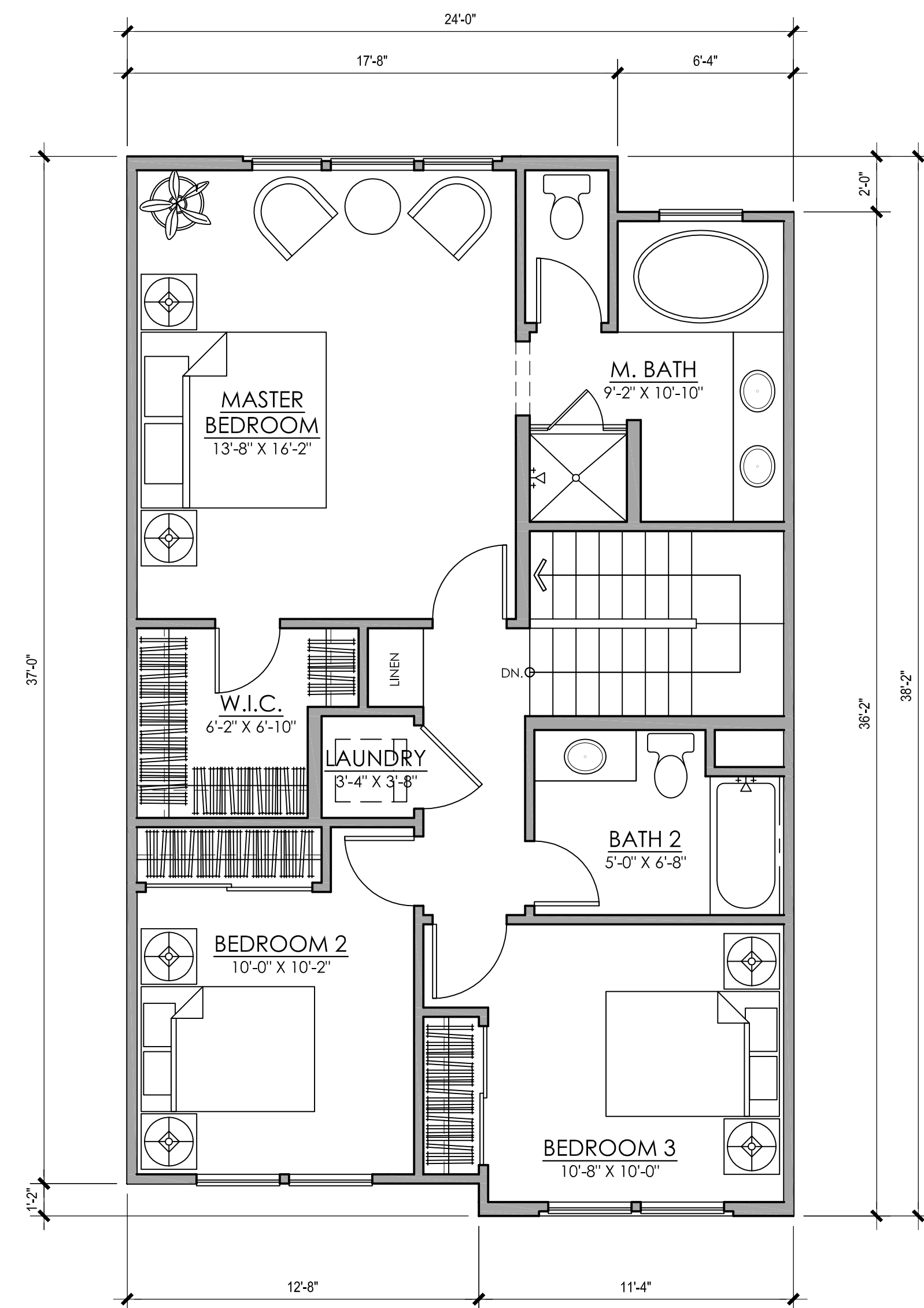
**Architecture + Planning**  
1733 Ocean Ave., Suite 250  
Santa Monica, CA 90401  
ktgy.com  
310 394 2623



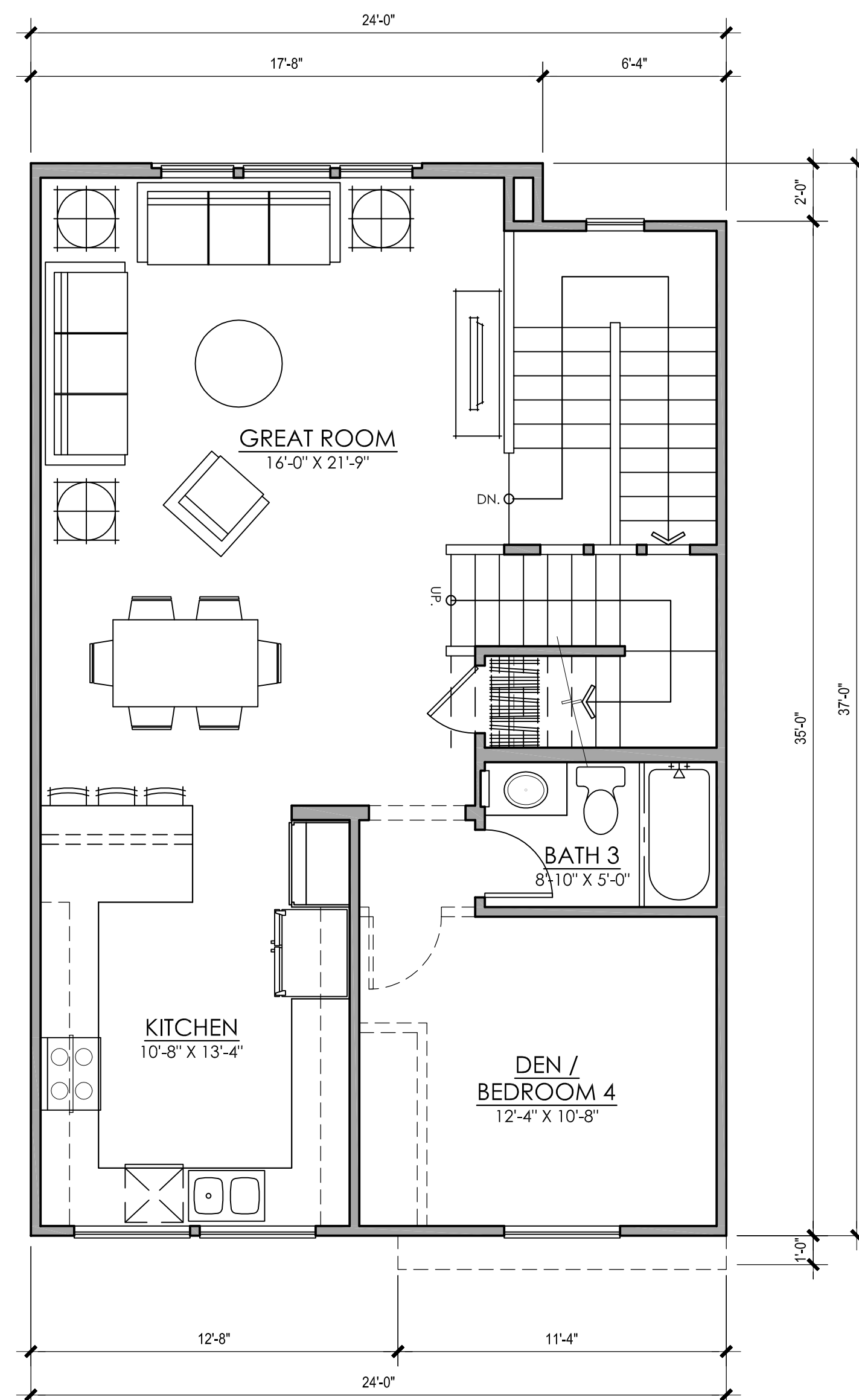
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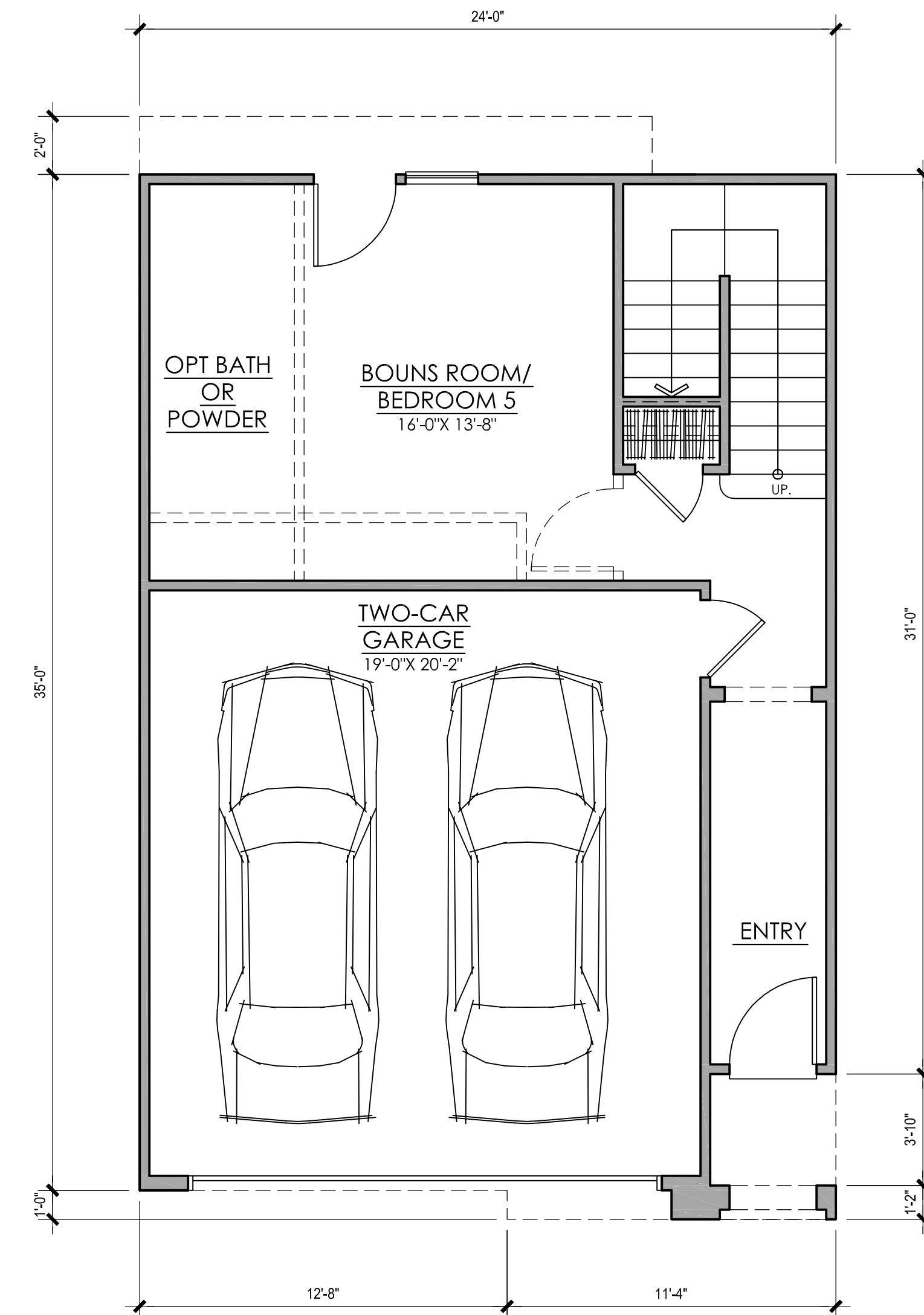




THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

W E L L I N G T O N

PLAN 3

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013

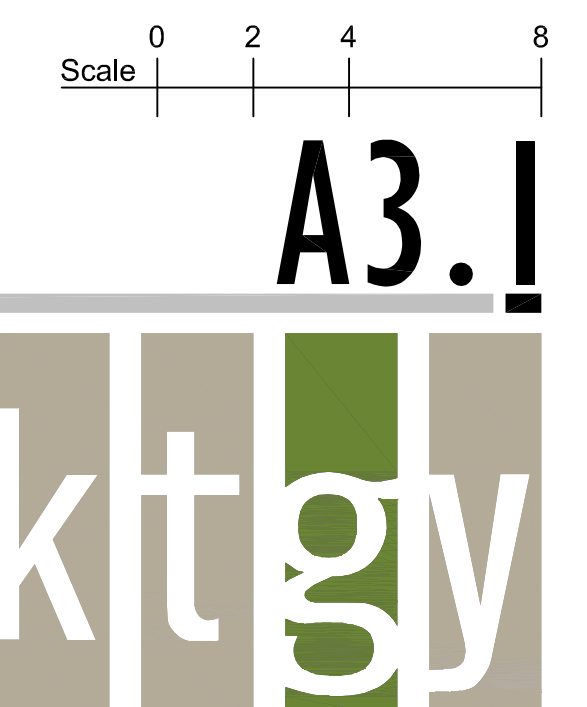
PLAN 3 1,931 sf net 2,050 sf gross

A3.1



**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713

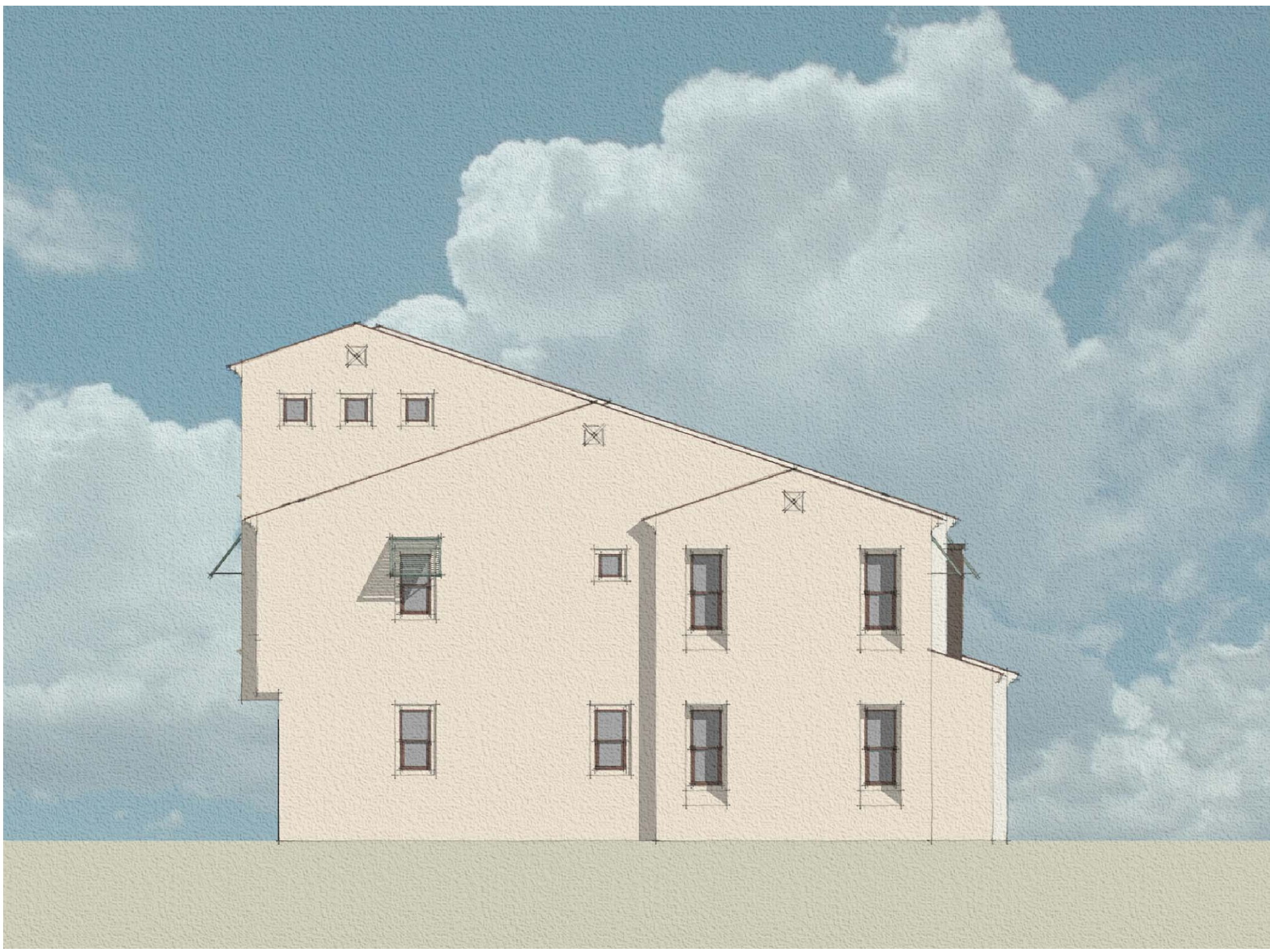
**Architecture + Planning**  
1733 Ocean Ave., Suite 250  
Santa Monica, CA 90401  
ktgy.com  
310 394 2623







Front Elevation



Typ. Side Elevation



Rear Elevation

W E L L I N G T O N

PLAN 4 ELEVATIONS

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 December 2, 2013



**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713

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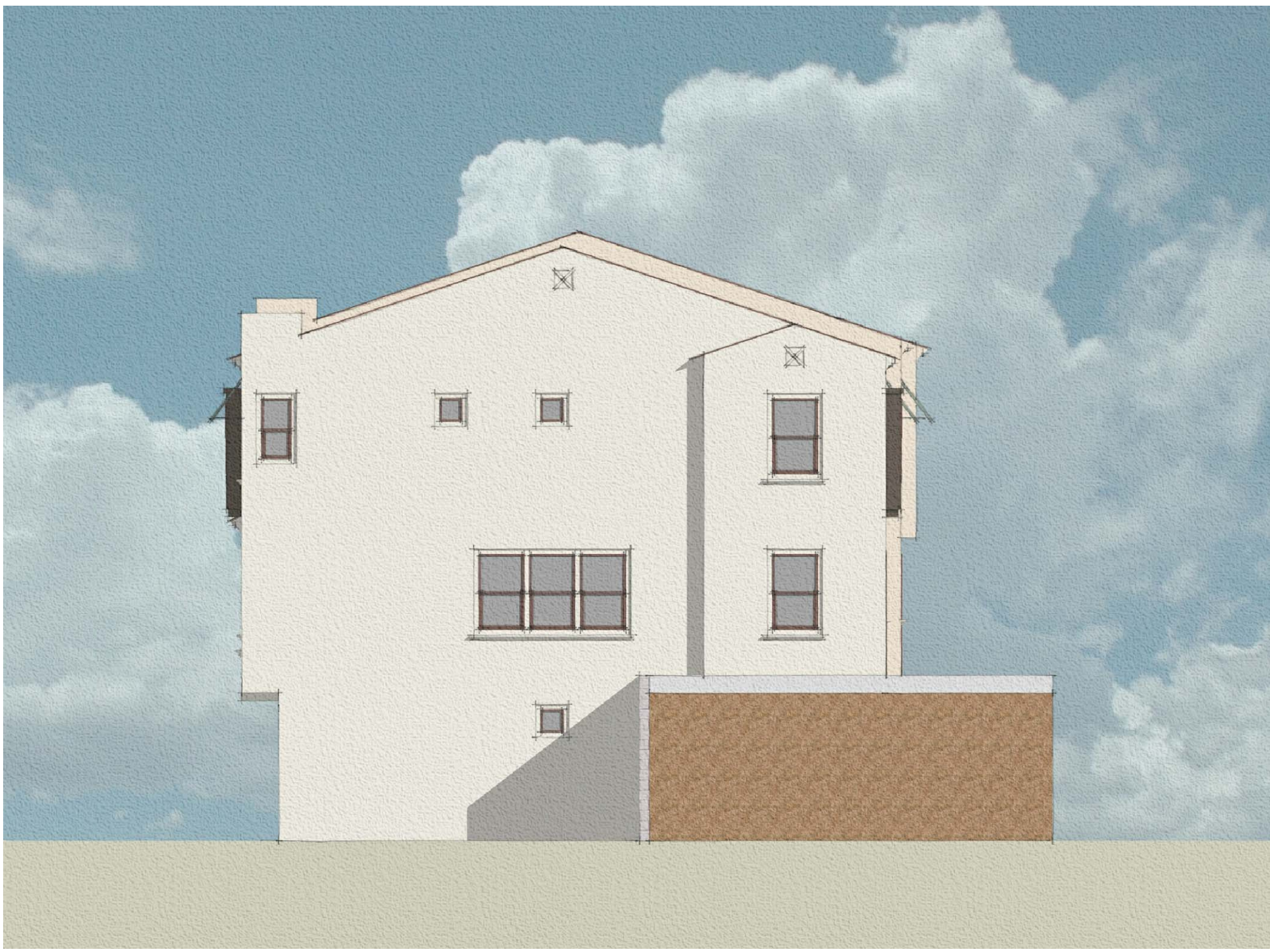
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A4.0





Front Elevation



Typ. Side Elevation



Rear Elevation

# W E L L I N G T O N

# PLAN 5 ELEVATIONS

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 December 2, 2013

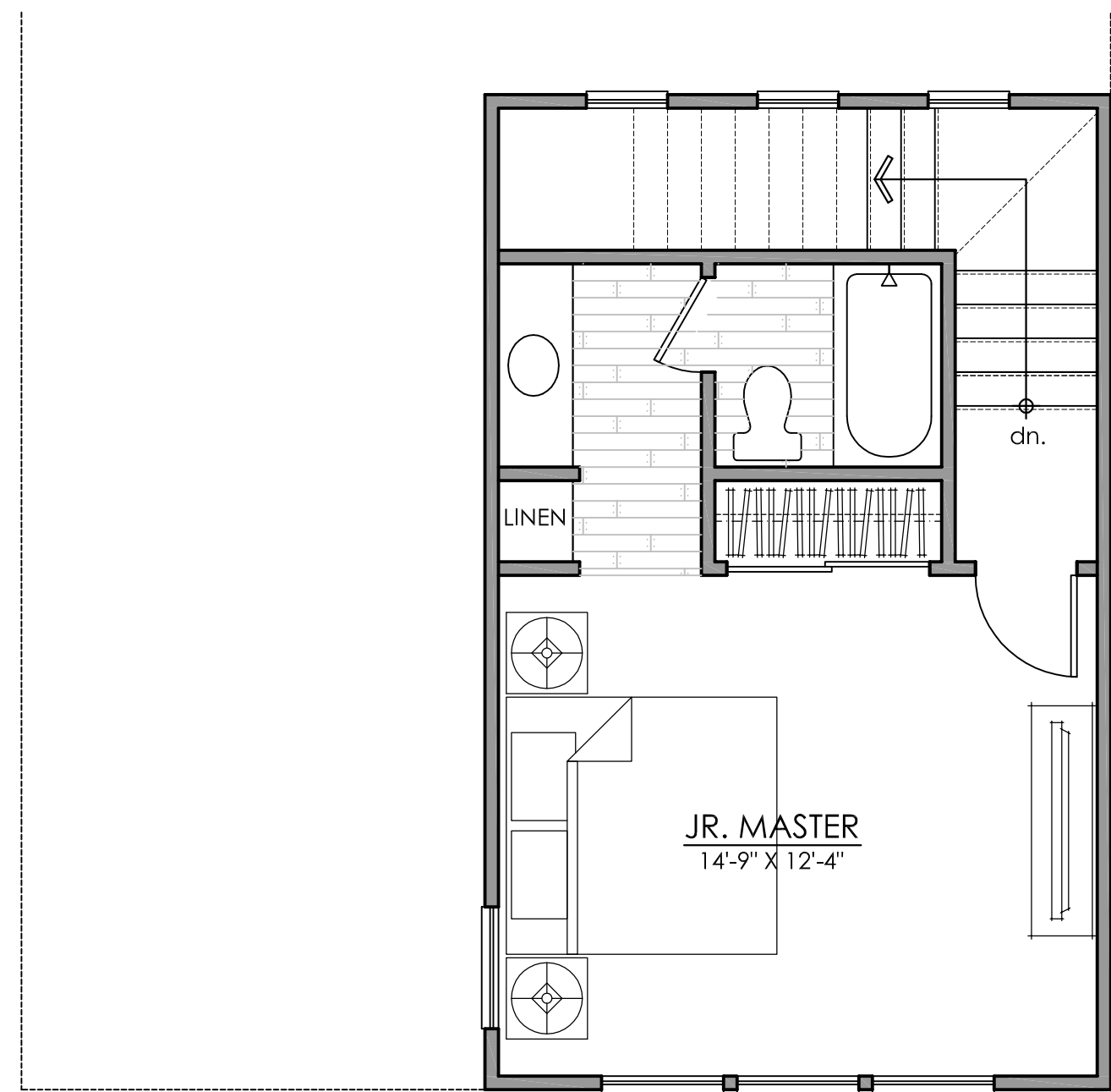


**KB Home South Bay Inc.**  
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Pleasanton, CA 94566  
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Phone: 925-750-1713

**Architecture + Planning**  
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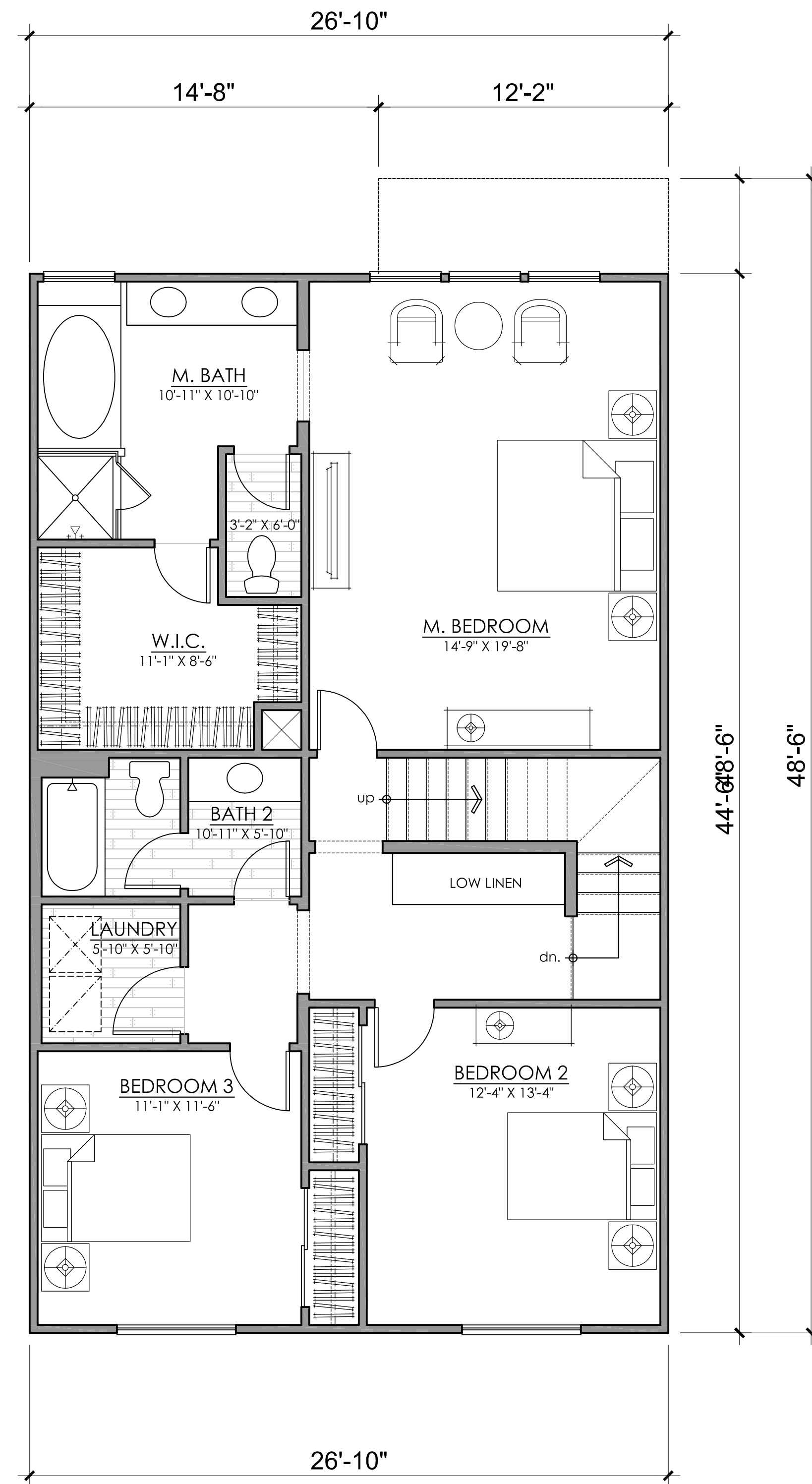




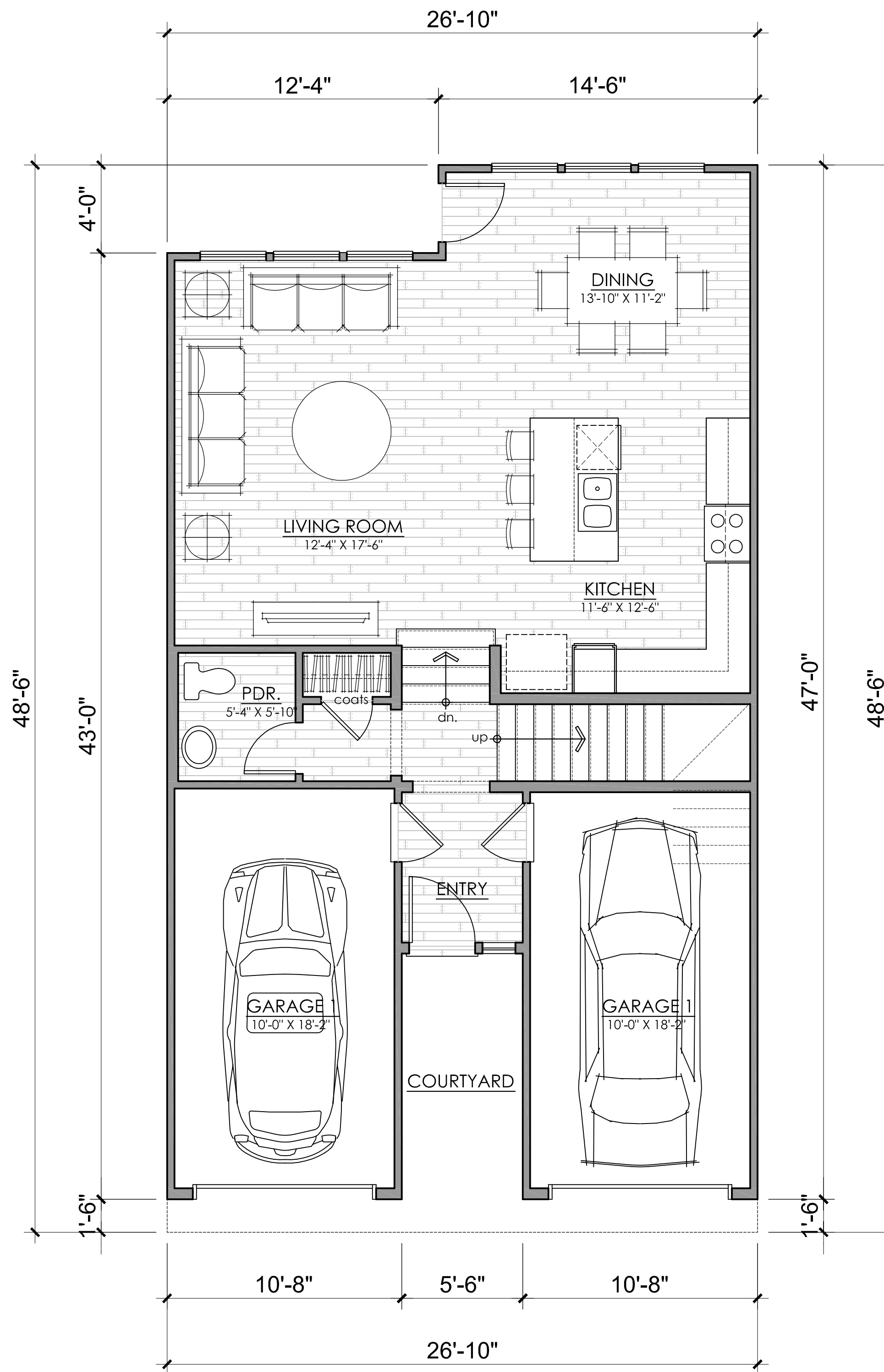
THIRD FLOOR - ALT JR MASTER SUITE  
319 SQ. FT.



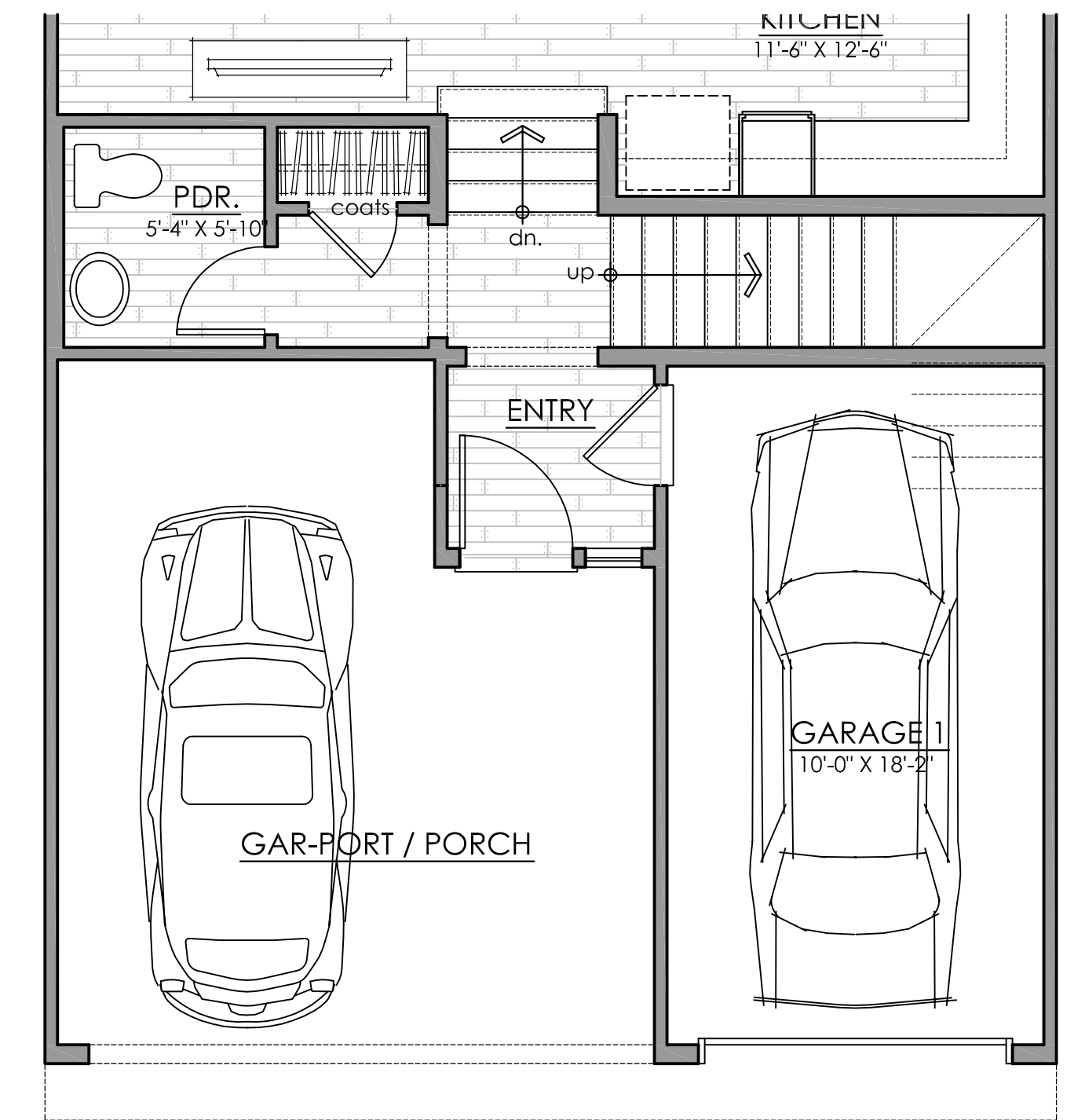
THIRD FLOOR  
319 SQ. FT.



SECOND FLOOR  
1194 SQ. FT.



FIRST FLOOR  
759 SQ. FT.  
GARAGE 1  
196 SQ. FT.  
GARAGE 2  
194 SQ. FT.



FIRST FLOOR GAR-PORT / PORCH OPTION

W E L L I N G T O N

PLAN 4 2290 SF

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013



**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713

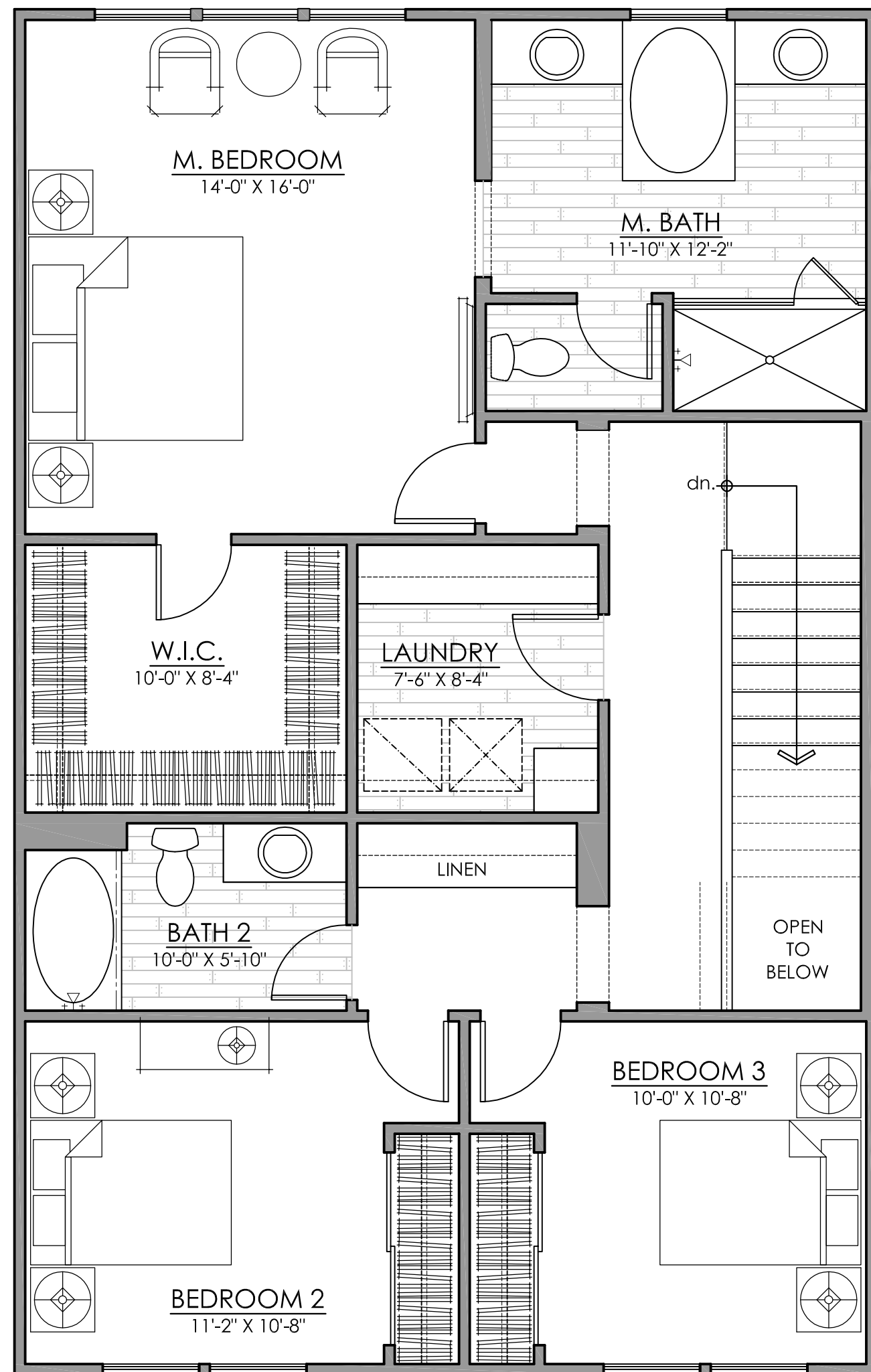
**Architecture + Planning**  
1733 Ocean Ave., Suite 250  
Santa Monica, CA 90401  
ktgy.com  
310 394 2623

Scale 0 2 4 8

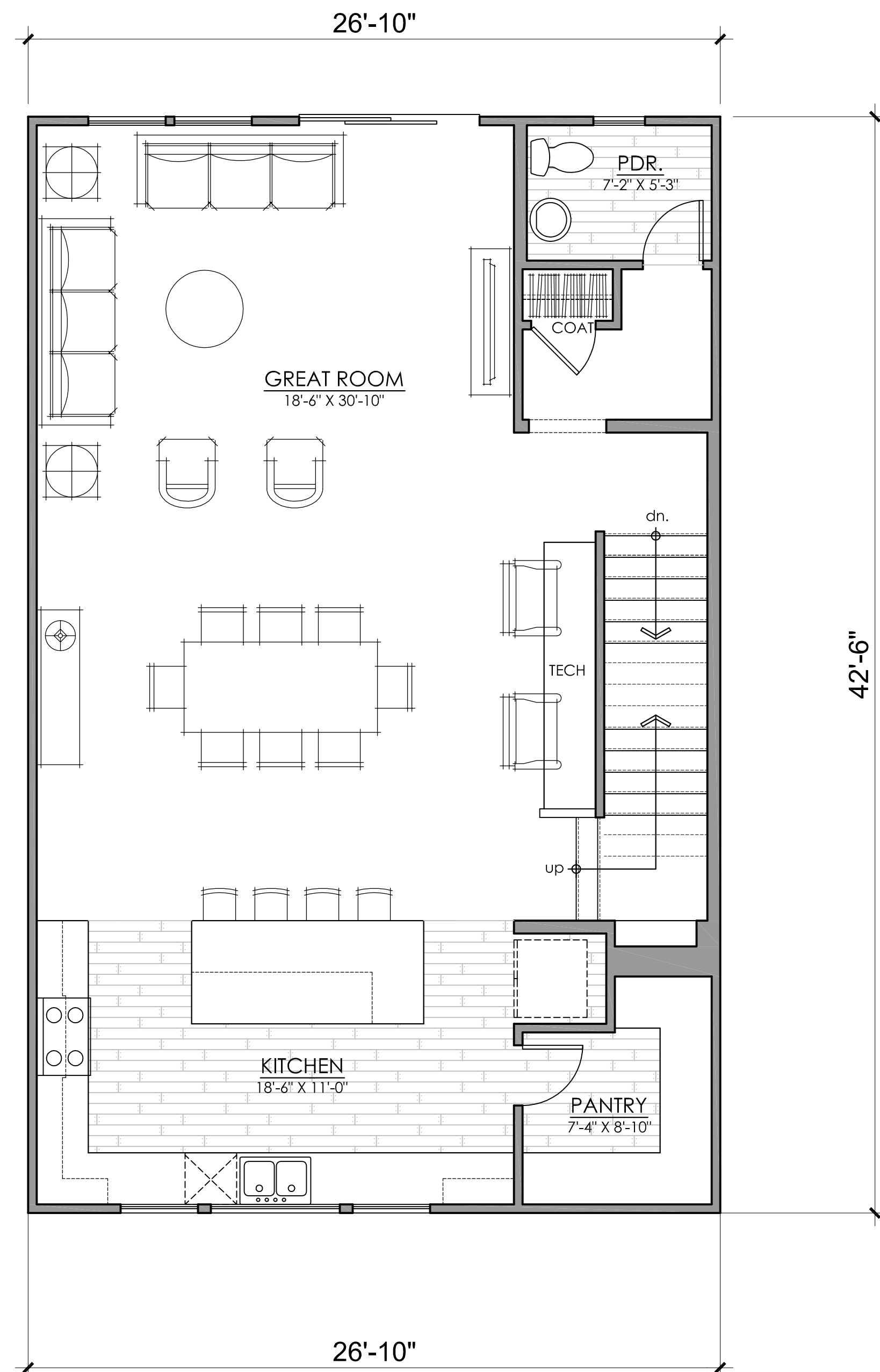
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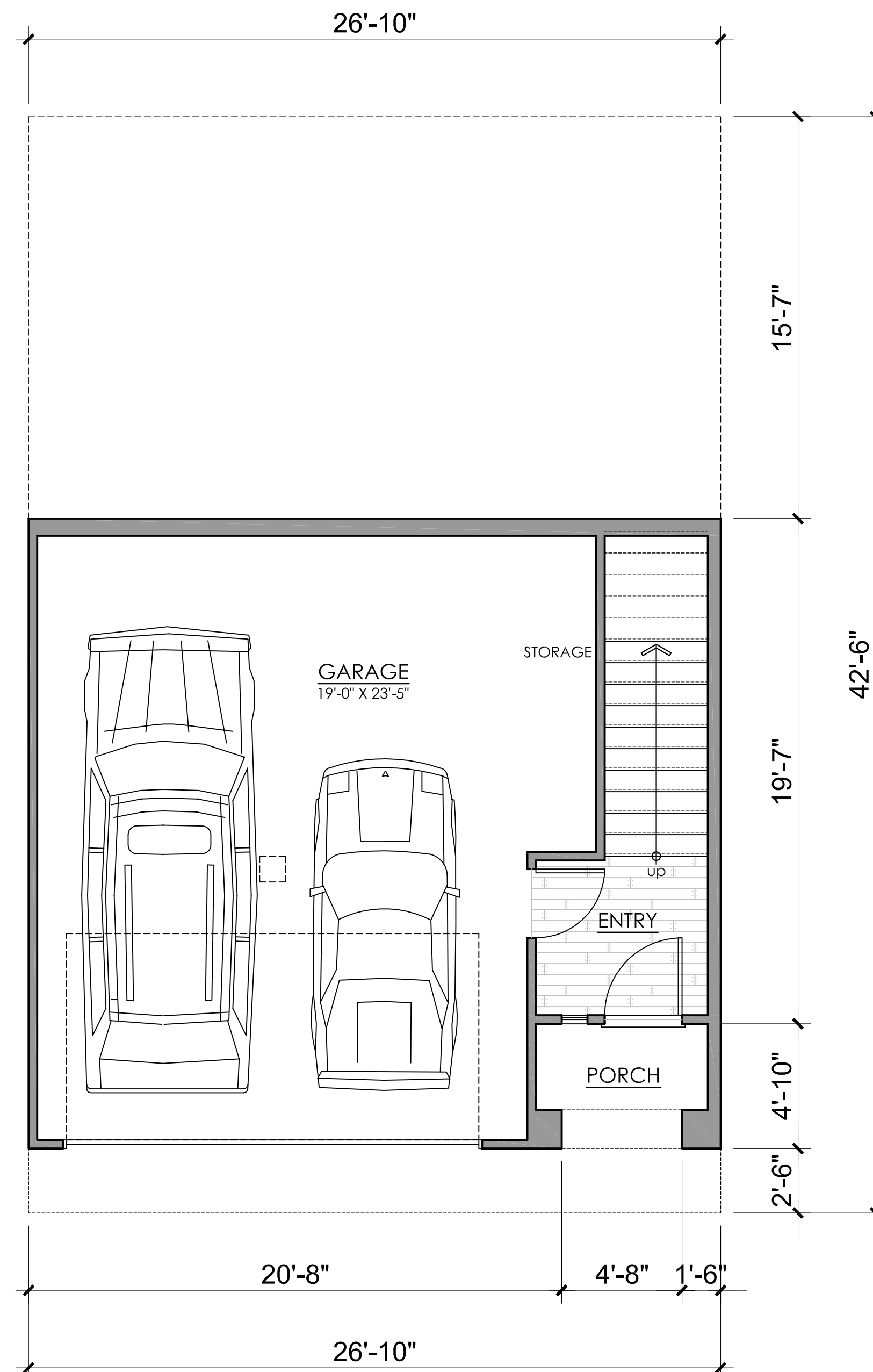




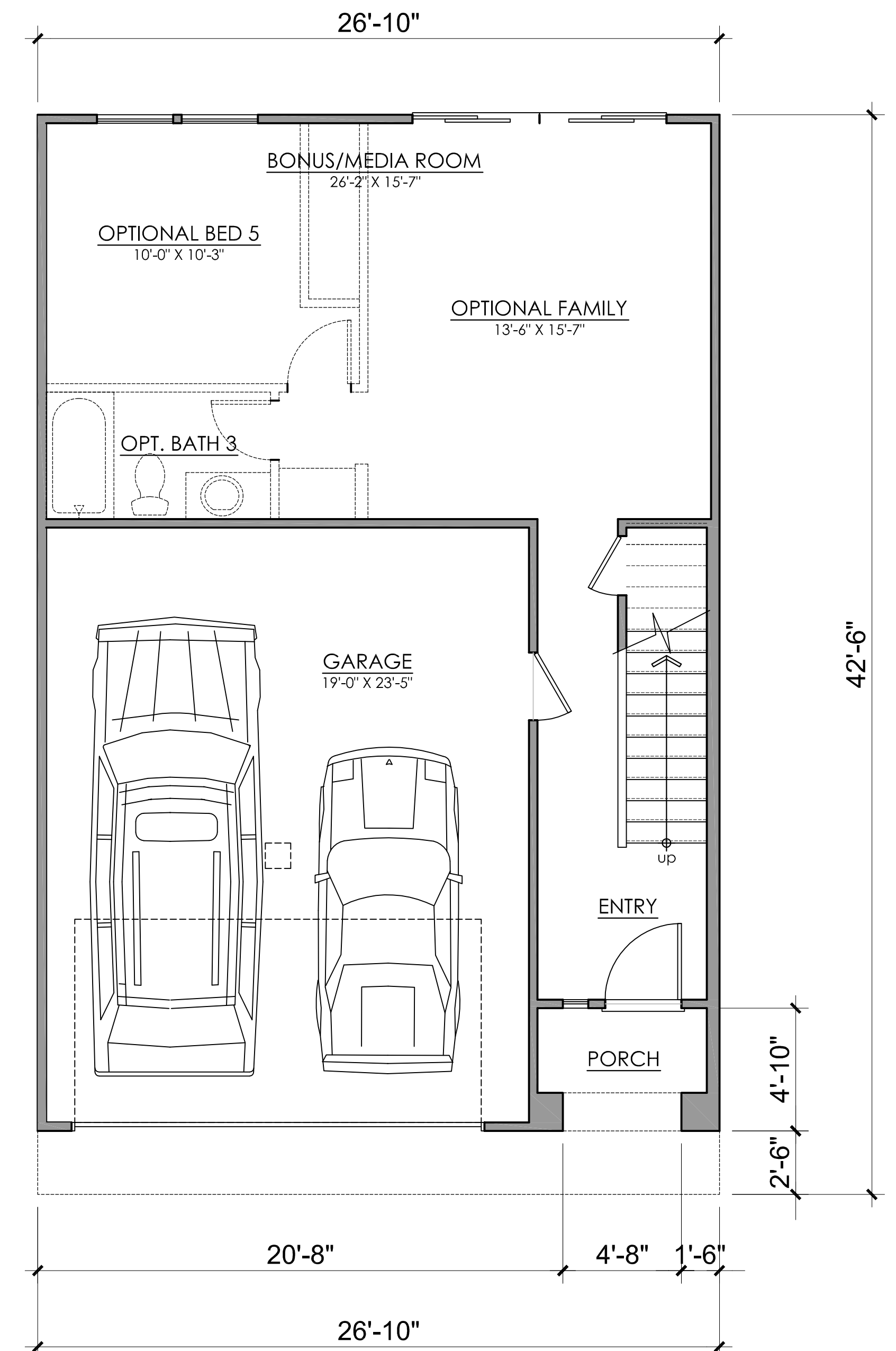
THIRD FLOOR  
1077 SQ. FT.



SECOND FLOOR  
1140 SQ. FT.



FIRST FLOOR  
112 SQ. FT.  
GARAGE  
508 SQ. FT.



ALTERNATE FIRST FLOOR - LOTS 13-17 ONLY  
578 SQ. FT.  
GARAGE  
461 SQ. FT.

W E L L I N G T O N



**KB Home South Bay Inc.**  
6700 Koll Center Parkway  
Pleasanton, CA 94566  
Contact: Ray Panek  
Phone: 925-750-1713

**PLAN 5** 2329 SF (2795SF @ ALT 1ST FLOOR)

DALY CITY, CALIFORNIA  
K T G Y # 2011-0126 DATE 12.02.2013

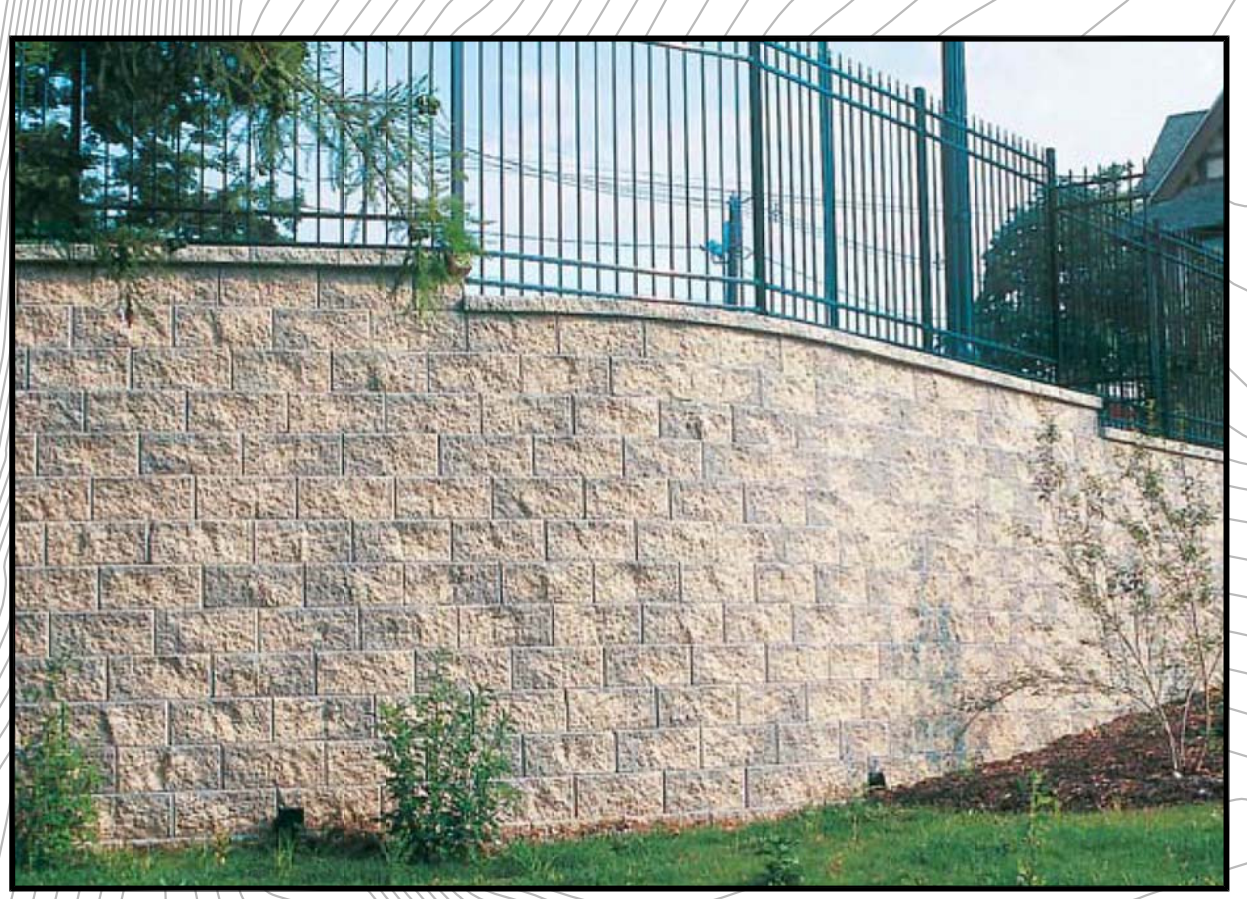
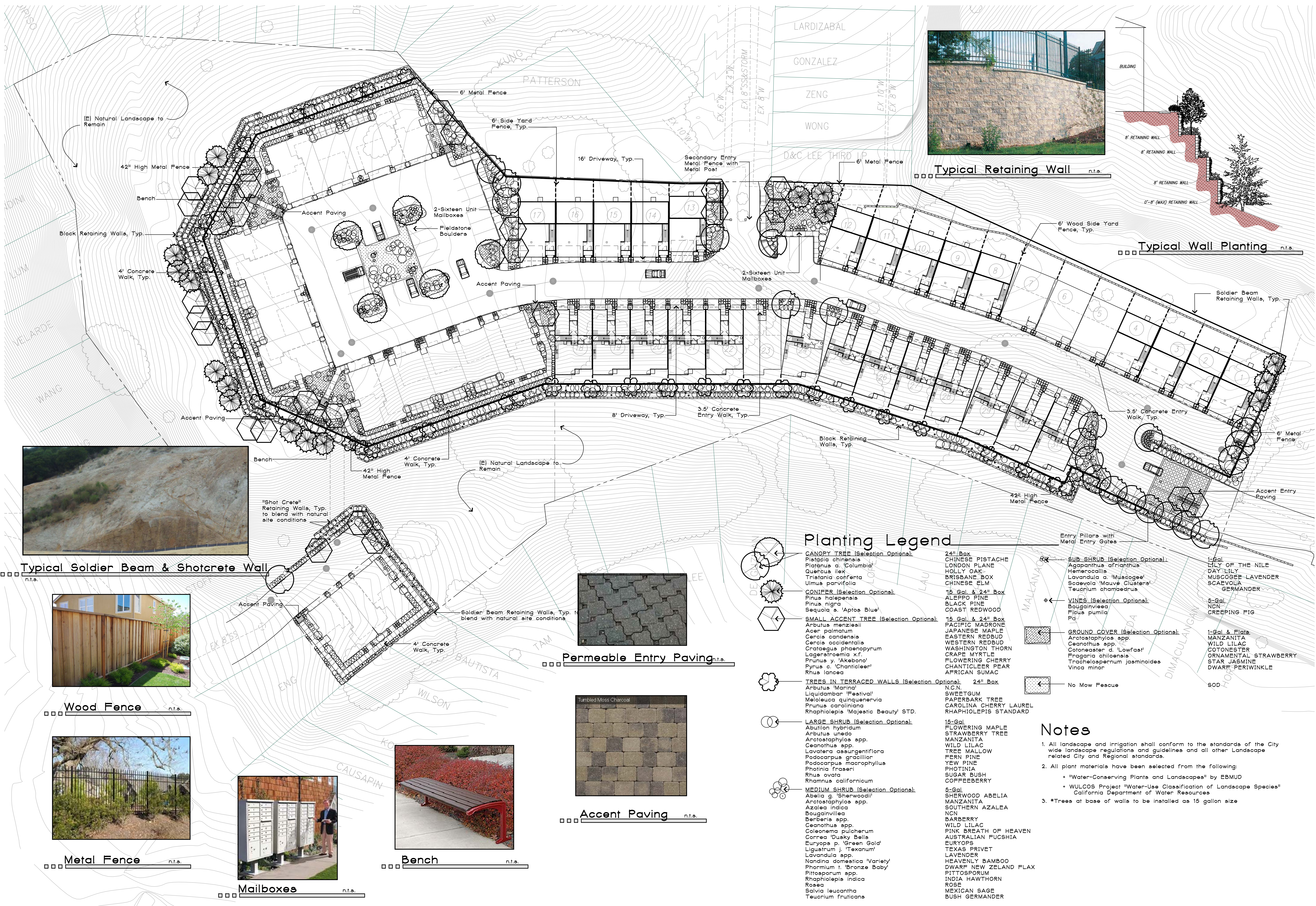
**Architecture + Planning**  
1733 Ocean Ave., Suite 250  
Santa Monica, CA 90401  
ktgy.com  
310 394 2623

Scale 0 2 4 8

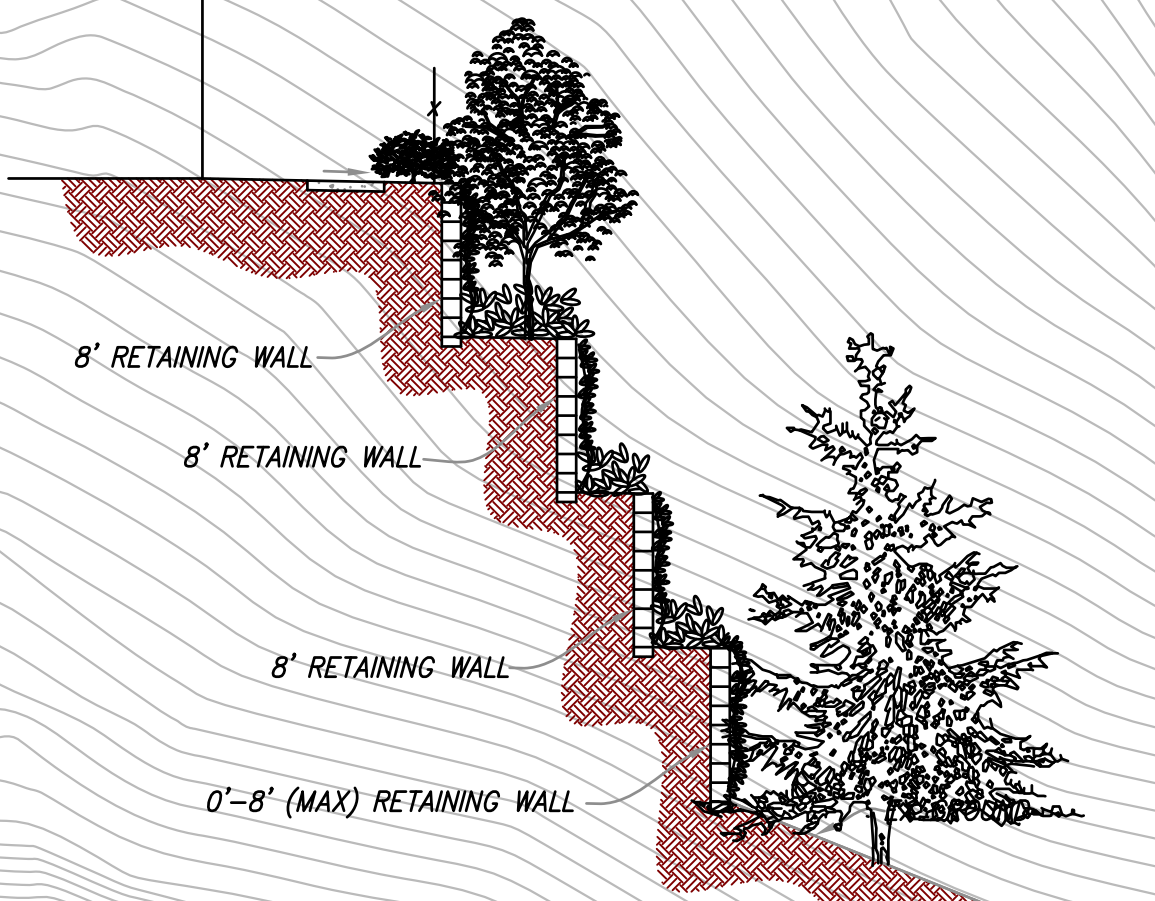
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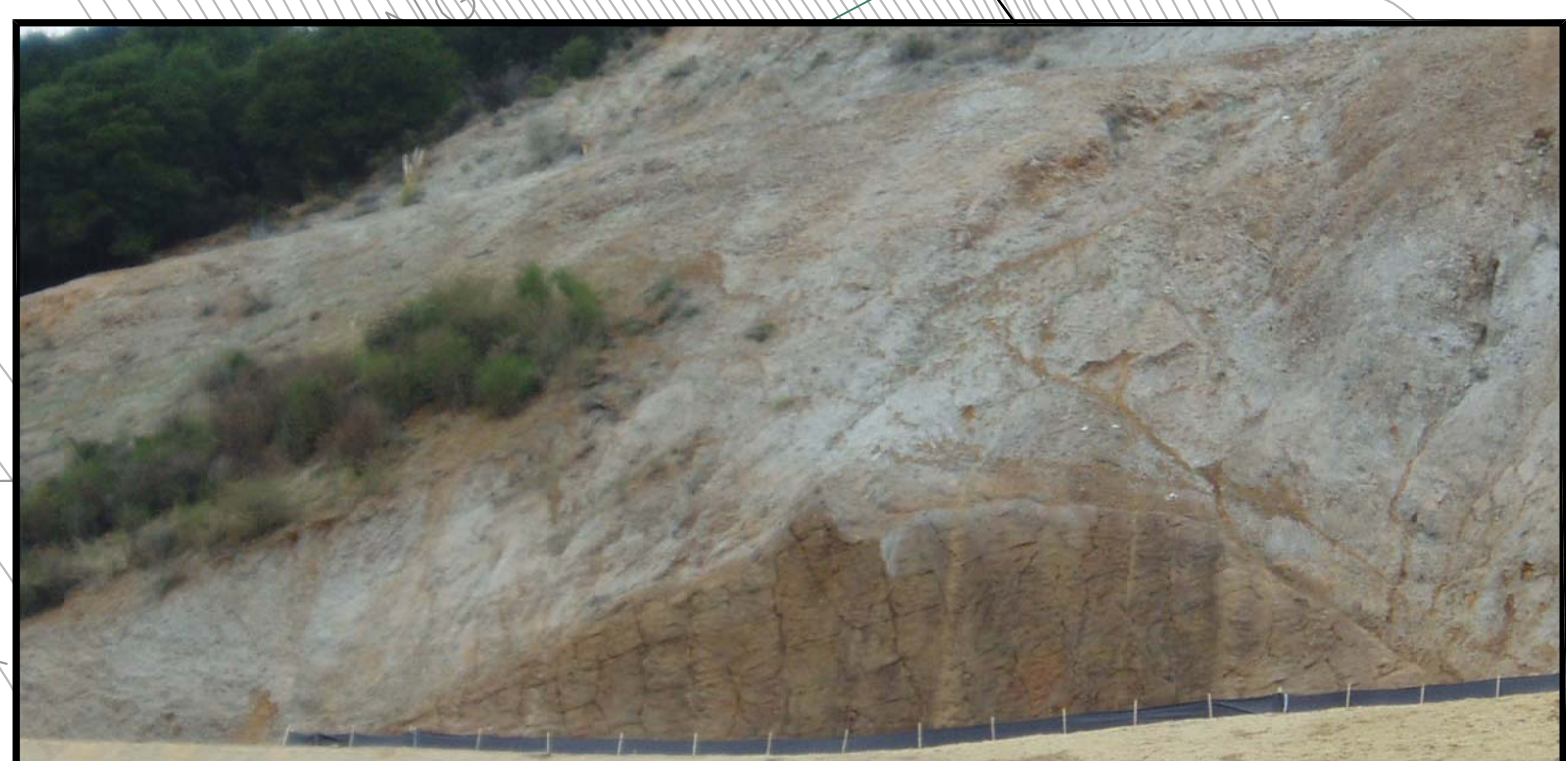




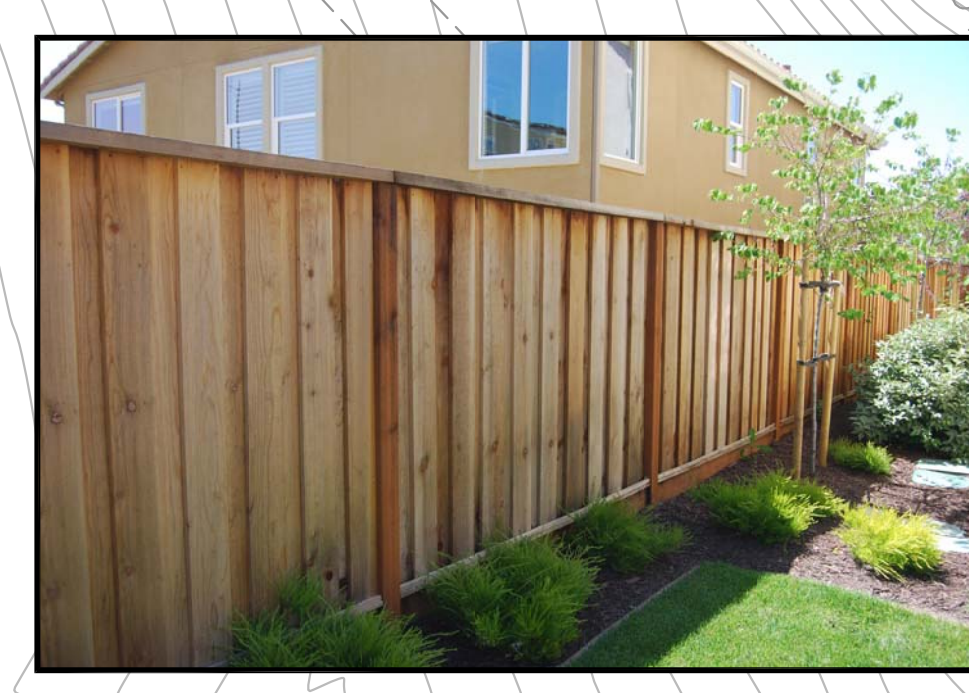
Typical Retaining Wall n.t.s.



Typical Wall Planting n.t.s.



Typical Soldier Beam & Shotcrete Wall n.t.s.



Wood Fence n.t.s.



Metal Fence n.t.s.



Mailboxes n.t.s.



Bench n.t.s.



Permeable Entry Paving n.t.s.



Accent Paving n.t.s.

### Planting Legend

- CANOPY TREE (Selection Optional):**  
Pistacia chinensis  
Platanus a. 'Columbia'  
Quercus ilex  
Tristramia conferta  
Ulmus parvifolia
- CONIFER (Selection Optional):**  
Pinus halepensis  
Pinus nigra  
Sequoia s. 'Aptos Blue'
- SMALL ACCENT TREE (Selection Optional):**  
Arbutus menziesii  
Acer palmatum  
Cercis canadensis  
Cercis occidentalis  
Crataegus phaeopyrum  
Lagerstroemia x.f.  
Prunus y. 'Akebono'  
Pyrus c. 'Chanticleer'  
Rhus lancea
- TREES IN TERRACED WALLS (Selection Optional):**  
Arbutus 'Marina'  
Liquidambar 'Festival'  
Melaleuca quinquenervia  
Prunus caroliniana  
Raphiolepis 'Majestic Beauty' STD.
- LARGE SHRUB (Selection Optional):**  
Abutilon hybridum  
Arbutus unedo  
Arctostaphylos spp.  
Ceanothus spp.  
Lavatera assurgentiflora  
Podocarpus gracillior  
Podocarpus macrophyllus  
Photinia fraseri  
Rhus ovata  
Rhamnus californicum
- MEDIUM SHRUB (Selection Optional):**  
Abelia g. 'Sherwoodii'  
Arctostaphylos spp.  
Azalea indica  
Bougainvillea  
Berberis spp.  
Ceanothus spp.  
Coleonema pulcherrum  
Correa 'Dusky Belle'  
Euryopa p. 'Green Gold'  
Ligustrum j. 'Texanum'  
Lavandula spp.  
Nandina domestica 'Variety'  
Phormium t. 'Bronze Baby'  
Pittosporum spp.  
Raphiolepis indica  
Rosea  
Salvia leucantha  
Teucrium fruticosum
- 24" Box**  
CHINESE PISTACHE  
LONDON PLANE  
HOLLY OAK  
BRISBANE BOX  
CHINESE ELM  
15 Gal. & 24" Box  
ALEPPO PINE  
BLACK PINE  
COAST REDWOOD  
15 Gal. & 24" Box  
PACIFIC MADRONE  
JAPANESE MAPLE  
EASTERN REDBUD  
WESTERN REDBUD  
WASHINGTON THORN  
CRABE MYRTLE  
FLOWERING CHERRY  
CHANTICLEER PEAR  
AFRICAN SUMAC
- 24" Box**  
N.C.N.  
SWEETGUM  
PAPERBARK TREE  
CAROLINA CHERRY LAUREL  
RHAPHIOLEPIS STANDARD
- 15-Gal.**  
FLOWERING MAPLE  
STRAWBERRY TREE  
MANZANITA  
WILD LILAC  
TREE MALLOW  
FERN PINE  
FEW PINE  
POTINIA  
SUGAR BUSH  
COFFEEBERRY
- 5-Gal.**  
SHERWOOD ABELIA  
MANZANITA  
SOUTHERN AZALEA  
N.C.N.  
BARBERRY  
WILD LILAC  
PINK BREATHER OF HEAVEN  
AUSTRALIAN FUCHSIA  
EURYOPS  
TEXAS PRIVET  
LAVENDER  
HEAVENLY BAMBOO  
DWARF NEW ZEALAND FLAX  
PITTOSPORUM  
INDIA HAWTHORN  
ROSE  
MEXICAN SAGE  
BUSH GERMANDER
- SUB SHRUB (Selection Optional):**  
Agapanthus africanus  
Hemerocallis  
Lavandula s. 'Muscogee'  
Scaevola 'Mauve Clusters'  
Teucrium chamaedrus
- VINES (Selection Optional):**  
Bougainvillea  
Ficus pumila  
Pa.
- GROUND COVER (Selection Optional):**  
Arctostaphylos spp.  
Ceanothus spp.  
Cotoneaster d. 'Lowfast'  
Fragaria chiloensis  
Trachelospermum jasminoides  
Vinca minor
- No Mow Fescue**
- 1-Gal. & Flat**  
LILY OF THE NILE  
DAY LILY  
MUSCOGEE LAVENDER  
SCAEVOLA  
GERMANDER  
5-Gal.  
N.C.N.  
CREEPING FIG  
1-Gal. & Flat  
MANZANITA  
WILD LILAC  
COTONEASTER  
ORNAMENTAL STRAWBERRY  
STAR JASMINE  
DWARF PERIWINKLE  
SOD

### Notes

- All landscape and irrigation shall conform to the standards of the City wide landscape regulations and guidelines and all other Landscape related City and Regional standards.
- All plant materials have been selected from the following:
  - "Water-Conserving Plants and Landscapes" by EBMUD
  - WULCOS Project "Water-Use Classification of Landscape Species" California Department of Water Resources
- \*Trees at base of walls to be installed as 15 gallon size



**PLANNED DEVELOPMENT STANDARDS  
PLANNED DEVELOPMENT ZONE PD-68  
PEORIA STREET RESIDENTIAL DEVELOPMENT**

The purpose and intent of these Planned Development Standards are to establish a Planned Development Zoning District (PD-68) for property located western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court.

**I. GENERAL**

- A.** In the event that these planned development standards conflict with other sections of the Zoning Ordinance, these standards shall 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.
- B.** 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 to the approved plans due to Code requirements or conditions of approval may be approved by the Planning Division.
- C.** 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.
- D.** CC&R's shall be prepared for PD-68 for review and approval by the City Attorney.
- E.** In accordance with Section 17.37.030, the design review permit granted in conjunction the tentative map for this Planned Development (PD-68) shall terminate one year after the approval of the final subdivision map by the city council, if not used. Upon written request from the permittee, such design review permit may be extended by the reviewing body for a maximum period of six months.
- F.** The tentative subdivision map and use permit approvals granted in conjunction with PD-68 shall be valid for a period of two years. If a final map has not been approved within this timeframe, the applicant shall apply for a time extension.

**II. PERMITTED USES**

- A.** The following uses are permitted as part of Planned Development Zone PD-68.
  - 1. 23 residential townhome condominium units with associated parking facilities
  - 2. 31 single family residential units
  - 3. Small family day care home
  - 4. 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-68.
  - 1.** 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 and no 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 residential development is 131, with 62 spaces provided in private garages attached to each single family dwelling unit in conformance with plans approved as part of the Precise Plan for PD-68, and which shall be maintained in accordance with said plans.
- 2.** Garages may be utilized for parking purposes only, in conformance with plans approved as part of the precise plan for PD-68. No living area may be added to the garage level.
- 3.** All parking associated with the subdivision grading and construction shall occur on the project site only. Adjacent City streets shall not be used for either parking or staging of construction.

#### **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. The side building elevations of the single family dwellings (Plans 4 & 5) shall be similar to those of Buildings 1 – 4.

#### **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 such a manner as 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. 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-68 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 materials. 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 any time. 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-68 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 building height for all buildings other the Plan 5 units shall not exceed 36 feet, as defined in DCMC Section 17.04.010.6 (Building Height). Portions of Plan 5 units may exceed 36 feet, but shall not exceed 41 feet, as approved for the Precise Plan.

- b. Private and common open space areas shall be provided as approved by the City Council as part of the Precise Plan for PD-68 and shall remain in perpetuity.



# **INCLUSIONARY HOUSING PLAN**

FOR

Wellington Site, Daly City, CA

Developer – KB Home South Bay Inc.

Contact – Ray Panek, Senior Vice President

Date Submitted- January 22, 2014

- 1. The location, structure (attached, semi, attached or detached), proposed tenure, and size of the proposed market rate, commercial space and/or Inclusionary Units and the basis for calculating the number of Inclusionary units.**

Please see the attached spreadsheet and site plan. The proposed development consists of 4 buildings which contain a total of 23 townhouse and stacked flat units and 31 single family detached residences.

- 2. A floor or site plan depicting the location of the Inclusionary Units.**

Please see the attached site plan.

- 3. The income levels to which each Inclusionary Unit will be made affordable.**

Total Units – 54

Affordability Level – 110% AMI

Percentage Affordable Units required – 20%

Number of Affordable Units required – 10.8

In-Lieu Fee payable - \$1,200,000 (4 units and .8 pro-rata unit)

- 4. The mechanisms that will be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deeds of trust, and rights of first refusal and other documents.**

Ongoing affordability of the BMR units will be ensured with the recorded Inclusionary Housing Agreement that must be executed by the developer prior to the issuance of a Building Permit. The agreement will stipulate the terms for Initial and future resales of the BMR units and will include forms of all required homebuyer documents including a Resale Restriction, Notice of Affordability Restriction and request for Notice of Default. The City of Daly City will provide a template for the Inclusionary Housing Agreement as well as forms of the required homebuyer documents.

- 5. For phased development, a phasing plan that provides for the timely development of the number of Inclusionary Units proportionate to each proposed phase of the development as required by Section 17.47.050(B) of ordinance.**

Not Applicable.

6. Any alternative means designated in Section 17.47.090 proposed for the development along with information necessary to support the findings required by Section 17.47.090 for approval of such alternatives: and

No alternatives submitted.

7. Any other information reasonably requested by the City Manager to assist with evaluation of the Plan under the standards of the ordinance.

No additional information requested at this time.



revised 1/24/2014

Wellington Site, Daly City  
Affordable Unit Distribution

|                                      |                                                                 |
|--------------------------------------|-----------------------------------------------------------------|
| Total units                          | 54                                                              |
| Percent 2 bedroom units              | 30%                                                             |
| Percent 3 bedroom units              | 57%                                                             |
| Percent 4 bedroom units              | 13%                                                             |
| Affordability level                  | 100% AMI                                                        |
| Percentage affordable units required | 20%                                                             |
| Number Affordable Units Required     | 10.8                                                            |
| Pro-rata In-Lieu fee payable         | \$1,200,000 in-lieu fee for 4 units plus pro-rata share .8 unit |

Project Summary

| Plan Type | Bed/Bath | Sq.Ft. | Options               | <u>Entire Development</u> |         | <u>BMR</u> |                         |
|-----------|----------|--------|-----------------------|---------------------------|---------|------------|-------------------------|
|           |          |        |                       | Number                    | Percent | Number     | Percent                 |
| 1         | 2/2      | 1190   |                       | 8                         | 14.8%   | 3          | 30.0%                   |
| 2         | 2/2.5    | 1750   | bed 3, bath 3         | 8                         | 14.8%   | 2          | 20.0%                   |
| 3         | 3/3,     | 1931   | bed 4,5; bath 4       | 7                         | 13.0%   | 1          | 10.0%                   |
| 4         | 3/2.5    | 2290   | opt. jr. master       | 14                        | 25.9%   | 2          | 20.0% in-lieu fee units |
| 5         | 3/2.5    | 2329   | alt. fir. 1 lots13-17 | 17                        | 31.5%   | 2          | 20.0% in-lieu fee units |
|           |          |        |                       | 54                        | 100.0%  | 10         | 100.0%                  |

Affordable Unit Distribution

| building # | plan # | # of units |
|------------|--------|------------|
| 4          | 1      | 1          |
| 1          | 1      | 1          |
| 1          | 2      | 1          |
| 3          | 1      | 1          |
| 3          | 2      | 1          |
| 1          | 3      | 1          |
|            | total  | 6          |

KB Home anticipates entering into an Affordable Housing Agreement (agreement) with the City of Daly City consistent with the affordability levels, type of unit and location of units specified above.

Ongoing affordability of the restricted units would be via an agreement signed by the purchaser of the restricted unit and recorded against that unit. The City of Daly City will provide a template for the Inclusionary Housing Agreement as well as forms of required homebuyer documents.

[illegible]

STANDARD  
AND CUTTER

**TYPICAL LAUSANNE AVENUE SECTION**  
NOT TO SCALE

DATE RECEIVED 3 2013 JCR NO. 111060 SHEET 64

AFFORDABLE HOUSING  
UNIT LOCATION PLAN.  
REVISED 1/24/14.



## INCLUSIONARY HOUSING PLAN

For  
Wellington Site, Daly City, CA

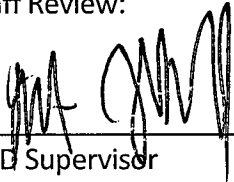
Developer: KB HOME South Bay, Inc.  
Contact: Ray Panek, Senior Vice President  
Date Submitted: January 22, 2014

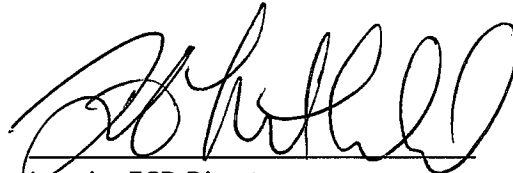
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Per 17.47.100B of the City's Inclusionary Housing Ordinance, the City Manager must approve, conditionally approve or reject the Inclusionary Housing Plan within 60 days of the date of a complete application for that approval.

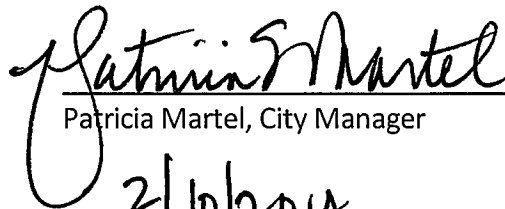
Staff has reviewed this Inclusionary Housing Plan as attached and recommends approval.

Staff Review:

  
\_\_\_\_\_  
HCD Supervisor

  
\_\_\_\_\_  
Interim ECD Director

Approved by:

  
\_\_\_\_\_  
Patricia Martel, City Manager  
2/10/2014  
\_\_\_\_\_  
Date





ELITE MOTORS

BMW Ford Chevrolet Honda Lincoln Lexus Mercedes-Benz GMC

WE FINANCE

QUALITY

1/6

















City of Daly City

## **MITIGATED NEGATIVE DECLARATION**

Planning Division  
333-90th Street  
Daly City, CA 94015  
(650) 991-8033

The Planning Division of the City of Daly City, California has analyzed the project described below and has determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent.

### **PROJECT DESCRIPTION**

NAME: Wellington Residential, 387 Peoria Street (Planned Development PD 12-13-8312, Subdivision SUB-12-13-8315, Use Permit UP 12-14-8694 and Design Review DR-12-13-8319)

APPLICANT: KB Home South Bay, Inc.  
Ray Panek  
6700 Koll Center Parkway  
Pleasanton, CA 94566

AGENT: KB Home South Bay, Inc  
Ray Panek  
6700 Koll Center Parkway  
Pleasanton, CA 94566

LOCATION: One parcel located at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court, Daly City

Assessor's Parcel Number: 003-211-310

DESCRIPTION: Proposed Zone Change from R-1 and R-3 to Planned Development, Major Subdivision, Use Permit and Design Review for a new residential development consisting of 31 single family residences and 23 townhouses; General Plan designation is Low Residential (2.0-14.5 du/ac).

This project includes the installation or construction of infrastructure necessary to the project on the subject property and within the adjacent rights-of-way, as may be required by the project Conditions of Approval.



## FINDINGS

As documented in the accompanying Initial Study and Checklist, the proposed project could have a significant effect on the environment, but there will not be a significant effect in this case because revisions in the project have been made or agreed to by the project proponent. Therefore, the proposed project will not significantly affect the environment, either in the alteration of the site or by creating short- or long-term adverse impacts.

This Mitigated Negative Declaration was prepared in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and applicable guidelines. A copy of the Initial Study and Checklist and related material may be obtained at the City of Daly City Planning Division, 333-90<sup>th</sup> Street, Daly City, CA 94015.

Prepared by: \_\_\_\_\_



Steve Flint, Senior Planner

March 3, 2014

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## CEQA Environmental Checklist

### PROJECT DESCRIPTION AND BACKGROUND

|                                                                                                                                                                                                            |                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Title:                                                                                                                                                                                             | <b>Peoria Street/Wellington Avenue/Lausanne Avenue/Chelsea Court Residences</b>                                                                                                                                                              |
| Lead agency name and address:                                                                                                                                                                              | City of Daly City<br>333 90 <sup>th</sup> Street<br>ECD Department,<br>Daly City, CA 94015                                                                                                                                                   |
| Contact person and phone number:                                                                                                                                                                           | Steve Flint<br>Contract Senior Planner<br>650.991.8160                                                                                                                                                                                       |
| Project Location:                                                                                                                                                                                          | One parcel located at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court, Daly City<br><br>Assessor's Parcel Number: 003-211-310 |
| Project sponsor's name and address:                                                                                                                                                                        | KB Home<br>Ray Panek<br>6700 Koll Center Parkway<br>Pleasanton, CA 94566                                                                                                                                                                     |
| General plan description:                                                                                                                                                                                  | Low Density (2.5-14.5 du/ac)                                                                                                                                                                                                                 |
| Zoning:                                                                                                                                                                                                    | R-3 Multiple Family Residential District and R-1 Single Family Residential                                                                                                                                                                   |
| Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation.) | Zone Change to Planned Development, Major Subdivision, Use Permit and Design Review for the new construction of a proposed residential development consisting of 31 single family residences and 23 townhouses                               |
| Surrounding land uses and setting; briefly describe the project's surroundings:                                                                                                                            | The project site is surrounded by predominantly single family residential development with some adjacent multi-family residential.                                                                                                           |
| Other public agencies whose approval is required (e.g. permits, financial approval, or participation agreements):                                                                                          | None                                                                                                                                                                                                                                         |



**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. Please see the checklist beginning on page 3 for additional information.

|                                     |                          |                          |                                 |                          |                                    |
|-------------------------------------|--------------------------|--------------------------|---------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/>            | Aesthetics               | <input type="checkbox"/> | Agriculture and Forestry        | <input type="checkbox"/> | Air Quality                        |
| <input checked="" type="checkbox"/> | Biological Resources     | <input type="checkbox"/> | Cultural Resources              | <input type="checkbox"/> | Geology/Soils                      |
| <input type="checkbox"/>            | Greenhouse Gas Emissions | <input type="checkbox"/> | Hazards and Hazardous Materials | <input type="checkbox"/> | Hydrology/Water Quality            |
| <input type="checkbox"/>            | Land Use/Planning        | <input type="checkbox"/> | Mineral Resources               | <input type="checkbox"/> | Noise                              |
| <input type="checkbox"/>            | Population/Housing       | <input type="checkbox"/> | Public Services                 | <input type="checkbox"/> | Recreation                         |
| <input type="checkbox"/>            | Transportation/Traffic   | <input type="checkbox"/> | Utilities/Service Systems       | <input type="checkbox"/> | Mandatory Findings of Significance |

**DETERMINATION:**

On the basis of this initial evaluation:

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.                                                                                                                                                                                                                                                                                                                                                                      |
| <input checked="" type="checkbox"/> | I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.                                                                                                                                                                                                             |
| <input type="checkbox"/>            | I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.                                                                                                                                                                                                                                                                                                                                                                         |
| <input type="checkbox"/>            | I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. |
| <input type="checkbox"/>            | I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required                                    |

|                                                                                                       |                          |
|-------------------------------------------------------------------------------------------------------|--------------------------|
| <b>Signature:</b>  | <b>Date:</b><br>02.28.14 |
| <b>Printed Name: Steve Flint</b>                                                                      | <b>For:</b>              |

## CEQA Environmental Checklist

Dist.-Co.-Rte.

P.M/P.M.

E.A.

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

|                                                                                                                                                         | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact        | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|-------------------------------------|-------------------------------------|
| <b>I. AESTHETICS:</b> Would the project:                                                                                                                |                                |                                       |                                     |                                     |
| a) Have a substantial adverse effect on a scenic vista                                                                                                  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?                                                     | <input type="checkbox"/>       | <input type="checkbox"/>              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The proposed project consists of a Zone Change to Planned Development, Major Subdivision, and Design Review for the new construction of a proposed residential development consisting of 31 single family residences and 23 townhouses.

The undeveloped site is a +/- 4.91 acre property situated at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court. The southernmost portion of the site, previously a separate parcel, was discovered to be zoned R-1, leaving the site with two zoning designations. The portion zoned R-1 is approximately +/- 9,400 square feet and appears to be a historically vacated right-of-way that was zoned R-1 upon vacation. At some point, this parcel came under the same ownership as the rest of the site and the entire +/-4.91 acres are now under one parcel number. The entire split-zoned site will be re-zoned to Planned Development to accommodate the proposed mixed-product development.



Surrounding development consists of predominantly two- and three-story single and multi-family residential buildings along Peoria Street and Bellevue Avenue, one- and two-story single family residential buildings along Wellington Avenue, and Chelsea Court, and one- to three-story single family residential buildings along Lausanne Avenue. The proposed development will have varying building heights, ranging between averages of 34 feet to 36 feet as measured from finished grade, and several series of retaining walls varying in height from 1 to 21 feet in height.

The site is surrounded by urbanized residential uses and will most likely effect existing ocean and lake views for occupants of the multiple-family buildings on the southwest end of Peoria Street. Daly City Municipal Code does not however, have any protections for views and the design complies with the height requirements of the R-3 Multi-Family Residential District, so no mitigation measures are required. The proposal will retain a significant amount of pervious materials, which will enhance the aesthetic of the site and contribute toward retaining the existing rural-like visual character that exists on a portion of the project site. The proposed development will adhere to the R-3 Multiple Family Residential standards, including required setbacks and lot coverage. The project site is very visually prominent, and can be seen from several off-site public vantage points, presenting a challenging design exercise to ensure appropriate site and building treatment while seeking to meet developer project objectives.

The subject buildings represent excellent architectural detail and are subject to Design Review approval, wherein building and site design will be evaluated to ensure that all zoning standards are met. Because the development will have a strong visual presence, it is important to ensure that high quality design is executed at this site. The Planning Commission and/or City Council may wish to further discuss the proposed design concept during the public hearing process as part of the Design Review. The proposed townhome units are considered infill development in an existing fully urbanized residential neighborhood. The proposal is subject to CEQA review because of the Zone Change and to ensure there are no significant effects relating to traffic, noise, air quality, or water quality. No adverse visual impacts are anticipated.

Mitigation: None required.

| <b>II. AGRICULTURE AND FOREST RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The site is currently undeveloped and is completely surrounded by



urbanized development. The project site does not fall under the definition of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as defined by the California Resources Agency. The site is categorized on the San Mateo County Important Farmland 2006 map, prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, as Urban and Built-Up Land. The proposed project would not convert farmland to non-agricultural use. There is no Williamson Act contract for the site.

The project site is not considered forest land as defined in Public Resources Code section 12220(g), or timberland as defined in Public Resources Code section 4526. The proposed development will not result in the loss of forest land or conversion of forest land to non-forest use. The site is considered an urban infill development site, surrounded by existing residential and commercial development in a fully urbanized area. The project does not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Mitigation: None required.

| <b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:                                                       | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                              | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?                                                                                                                                                                           | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                       | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                      | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Bay Area Air Quality Management District (BAAQMD) adopted, *California Environmental Quality Act Air Quality Guidelines* in June, 2010 (Guidelines), to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the San Francisco Bay Area Air Basin (SFBAAB). The Guidelines provide BAAQMD-recommended procedures for evaluating potential

air quality impacts during the environmental review process consistent with CEQA requirements. Furthermore, the Guidelines contain instructions on how to evaluate, measure, and mitigate air quality impacts generated from land development construction and operation activities.

**Operational-Related Impacts:** BAAQMD developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. These screening levels are generally representative of new development on greenfield sites without any form of mitigation measures taken into consideration. In addition, the screening criteria do not account for project design features, attributes, or local development requirements, such as Green Building requirements, that could also result in lower emissions. For projects that are mixed-use, infill, and/or proximate to transit service, such as this project (approximately 1 mile to Daly City BART), emissions would be less than the greenfield type project that these screening criteria are based on. The screening criteria are found in Table 3-1 of the Guidelines; if all of the screening criteria are met by a proposed project, then the lead agency or applicant would not need to perform a detailed air quality assessment of the project's air pollutant emissions. Furthermore, by meeting all the criteria in Table 3-1, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the *Thresholds of Significance* found in Table 2-2 of the Guidelines. Operation of the proposed project would therefore result in a less than significant cumulative impact to air quality from criteria pollutant and precursor emissions. The proposed project is a 54 dwelling unit residential infill development, consisting of 31 single family residences and 23 townhomes, located approximately 1 mile from Daly City BART and multiple bus routes located on Mission Street. Table 3-1 *Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes* lists a Condo/Townhouse, general (non-high-rise) development size of 451 dwelling units (ROG) as the Operational Criteria Pollutant Screening Size threshold; 78 dwelling units as the Operational GHG Screening Size threshold; and 240 dwelling units (ROG) as the Construction-Related Screening Size threshold. The proposed project meets all of the screening criteria listed in Table 3-1.

**Community Risk and Hazard Impacts:** To assist lead agencies in evaluating air quality impacts at the neighborhood scale, *Thresholds of Significance* have been established for local community risks and hazards associated with Toxic Air Contaminants (TACs) and Fine Particulate Matter (PM<sub>2.5</sub>) with respect to siting a new source and/or receptor; as well as for assessing both individual source and cumulative multiple source impacts. The Guidelines recommend methods whereby local community risk and hazard impacts from projects for both new sources and new receptors can be determined based on comparison with applicable thresholds of significance and screening criteria and the Guidelines recommend mitigation measures for these impacts.

BAAQMD provides a Risk and Hazard Screening analysis process, to assist lead agencies in deciding whether there should be further environmental review. The process involves identifying emission sources within 1,000 feet of a project's fence line, conducting initial conservative screening, conducting advanced screening for more refined estimates, and conducting refined modeling analysis. Each step of the process either results in an assumption that the project will not have significant impact for risk and hazards and no further analysis is required, or the requirement to pursue the next step in the analysis process. If the risk and hazard estimates are not below the thresholds, after conducting the final step of refined modeling analysis, the project would have to implement risk reduction strategies.

There are three permitted emission sources within 1,000 feet of the project's fence line; the Daly



City Fire Station at 18 Bepler Street, the Daly City War Memorial building at 6555 Mission Street and a dry cleaning business at 6379 Mission Street. After conducting initial conservative screening, by first identifying the estimated PM<sub>2.5</sub>, cancer risk and hazard index values for the identified permitted sources and comparing the estimates against the CEQA single source thresholds, then looking up PM<sub>2.5</sub>, cancer risk, and hazard index values for highways and major roadways based on the distance of the roadways from the project and whether the project is east/west or north/south of the roadway, the individual values were compared to the single source thresholds, and then all the sources' values within 1,000 feet of the project were summed and the total compared against the cumulative thresholds.

The Individual Project Thresholds of Risk and Hazards for new receptors is Compliance with a Qualified Community Risk Reduction Plan OR Cancer: >10 in a million; Increased Non-cancer risk: >1.0 Hazard Index (Chronic or Acute); and Ambient PM<sub>2.5</sub> increase: >0.3 µg/m<sup>3</sup> annual average. Both the Daly City Fire Station at 18 Bepler Street, and the War Memorial Building at 6555 Mission Street are sources that only include diesel internal combustion engines (emergency back-up generators) and may therefore utilize the BAAQMD's Diesel Multiplier Calculator to further refine the Cancer Risk. Refined modeling of both these sources brought the single source Cancer Risk to 0.207 in a million and 0.68 in a million, respectively. Both these levels are well below the 10 in a million single source thresholds. The Non-cancer risk for 18 Bepler Street and 6555 Mission Street is 0.023 and 0.007, respectively; and PM<sub>2.5</sub> levels of 0.0108 and 0.0532, respectively. The dry cleaners located at 6379 Mission Street is a non co-residential dry cleaners and utilizes a Permac Closed-Loop, 30lb system on-site. These types of facilities must phase out use of permac by January 1, 2023. Therefore, the risk from these dry cleaners does not need to be factored in over a 70-year period, but instead should reflect the number of years perc use will continue after the project's residents or other sensitive receptors (such as residents) take occupancy. Assuming the project is entitled in 2012 and construction completed by 2014 for occupancy, the refined modeling for the Cancer Risk from this source resulted in a value of 2.097 in a million, well below the 10 in a million threshold. 6379 Mission Street has a Non-cancer risk value of 0.007 and PM<sub>2.5</sub> value of 0. All three of the permitted sources within 1,000 feet of the project's fence line are well below the single source thresholds.

The Cumulative Thresholds of Risk and Hazards for new receptors is Compliance with a Qualified Community Risk Reduction Plan OR Cancer: >100 in a million (from all local sources); Non-cancer: >10.0 Hazard Index (from all local sources) (Chronic); and PM<sub>2.5</sub>: >0.8 µg/m<sup>3</sup> annual average (from all local sources). Daly City has not prepared and adopted a Qualified Community Risk Reduction Plan so analysis was based on the latter criteria. Cumulative sums for the project resulted in Cancer Risk of 2.984 in a million (from all local sources); Non-cancer hazard index of 1.739; and PM<sub>2.5</sub> of 0.105µg/m<sup>3</sup>. The construction-related thresholds for Risk and Hazards for new receptors are the same as the Operation Thresholds. All of the risk and hazard estimates were below the thresholds and based on this process, the proposed project can assume no significant impact for risk and hazards and no further analyses are needed.

**Carbon Monoxide Impacts:** The Guidelines contain a preliminary screening methodology that provides lead agencies with a conservative indication of whether the implementation of the proposed project would result in CO emissions that exceed the *Thresholds of Significance* shown in Table 2-1 of the Guidelines. The Guidelines state that a proposed project would result in a less-than-significant impact to localized CO concentrations if the following screening criteria is met: 1. Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; 2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and

3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, etc.). According to the *Wellington Residential Transportation Impact Analysis*, prepared by Hexagon Transportation Consultants, Inc. (September 12, 2013), the proposed project would not generate more than 100 net peak hour trips and therefore is consistent with the Congestion Management Plan and all of the aforementioned preliminary screening criteria.

**Construction Related Impacts:** Construction-related activities are those associated with the building of a project. Construction activities are typically short-term or temporary in duration; however, project-generated emissions could represent a significant impact with respect to air quality and/or global climate change. The Guidelines provide a quantitative analysis, detailed in Chapter 8, that accompany construction-related assumptions and project-specific information assumed in CEQA analyses.

The first step in determining the significance of construction-related criteria air pollutants and precursors is to compare the attributes of the proposed project with the applicable *Screening Criteria* listed in Section 3.5.1 of the Guidelines. If all of the *Screening Criteria* are met, construction of the proposed project would result in a less-than-significant impact to air quality. If not, then construction emissions need to be quantified. The proposed 54-unit project consisting of 31 single family residences and 23 townhouses did not meet all of the criteria, due to unknowns regarding exactly how much material transport (soil import/export) would take place during construction.

The second step in determining the significance of construction-related criteria air pollutants and precursors is to quantify the construction emissions. Staff utilized the BAAQMD's recommended URBEMIS (version 9.2.4) modeling program to quantify construction emissions for the proposed land use development project.

The third step in determining the significance is to compare the unmitigated emissions with the *Thresholds of Significance*. Following quantification of project-generated construction-related emissions via URBEMIS, the total average daily emissions of each criteria pollutant and precursor were compared with the applicable *Thresholds of Significance*. The project-level, construction-related threshold for reactive organic gases (ROG) is an average daily emissions (ADE) of 54 lb/day. Construction emission estimates modeled for 2012-2013 construction years for the proposed 54-unit project consisting of 31 single family residences and 23 townhouses resulted in a combined unmitigated ROG of less than 6.23 lb/day. The project-level, construction-related threshold for Oxides of Nitrogen (NOX) is an ADE of less than 54 lb/day. Construction emission estimates modeled for 2012-2013 construction years for the proposed 54-unit residential project resulted in a combined unmitigated NOX of less than 11.22 lb/day. The project-level, construction-related threshold for respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less (PM<sub>10</sub>) is an ADE of less than 82 lb/day (exhaust). Construction emission estimates modeled for 2012-2013 construction years for the proposed 54-unit residential project resulted in a combined unmitigated PM<sub>10</sub> of less than 0.65 lb/day. The project-level, construction-related threshold for fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less (PM<sub>2.5</sub>) is an ADE of less than 54 lb/day (exhaust). Construction emission estimates modeled for 2012-2013 construction years for the proposed 54-unit residential project resulted in a combined unmitigated PM<sub>2.5</sub> of less than 0.59 lb/day.

The daily average emissions of construction-related criteria air pollutants or precursors of the



proposed 54-unit residential development, consisting of 31 single family residences and 23 townhomes did not exceed any of the *Thresholds of Significance*, and the project therefore, would result in a less-than-significant impact to air quality.

All *Basic Construction Mitigation Measures* will be included in the design of the project design and implemented during construction. The project will not include uses or activities expected to create any objectionable odors affecting a substantial number of people. The project will not result in any significant deterioration of air quality.

Mitigation: None required.

| IV. BIOLOGICAL RESOURCES: Would the project:                                                                                                                                                                                                                                                                     | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>       | <input checked="" type="checkbox"/>   | <input type="checkbox"/>     | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?                                                                 | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                             | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?                                                                               | <input type="checkbox"/>       | <input checked="" type="checkbox"/>   | <input type="checkbox"/>     | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                              | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

|                                                                                                                                                                                      |                          |                                     |                          |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion of Evaluation: The undeveloped site is surrounded by existing development and lies adjacent to the northwestern boundary of the Reservoir Hill area of the San Bruno Mountain Habitat Conservation Plan (HCP).

A Biological Resources Analysis prepared by Olberding Environmental, Inc. in November, 2011 consulted sources for agency status information, including the USFWS (2011a, 2011b) for federally listed species and CDFG (2011a, b) for State of California listed species. Based on information from those sources, Olberding Environmental developed a target list of special-status plants and animals with the potential to occur within or in the vicinity of the Property (Attachment 2, Table 2 of Olberding Environmental, Inc. November 2011. *Biological Resources Analysis for the Wellington Property. San Mateo County, California*. Prepared for KB Homes South Bay, Inc., Pleasanton, California). Potential for occurrence of each special-status or protected plant and animal species was evaluated, by performing soils evaluation, botanical and wildlife surveys, and review of literature and data sources. Ten special-status plant species were identified by CNDDDB as having the potential to occur on the Property based on the presence of suitable habitats and soil types as described in the CNDDDB. However, due to the lack of recent occurrences in the area and marginal habitat types, most of these plants are presumed absent or unlikely to occur on the Property. Only two special-status plants were identified as having the potential to occur on the Property based on recent occurrences and suitable habitats. These include the San Francisco collinsia and seaside tarplant. Botanical surveys performed in April and October of 2011 resulted in a negative finding for these plants. The Olberding report concluded that there are no special-status plant species on the Property.

The applicant contracted with Live Oak Associates, Inc. (LOA) in the Spring of 2011 to ascertain if the previous results from a survey conducted in June of 2006 by Thomas Reid & Associates for special status butterflies known to occur regionally were in fact still valid (TRA 2006). Thomas Reid & Associates Environmental Sciences (TRA) prepared the San Bruno Mountain HCP for the County of San Mateo in 1982 and has been assisting the County with its implementation since that time. The previous analysis in 2006 evaluated the site for five special status butterfly species including the San Bruno elfin (*Callophrys mossii bayensis*: federally endangered); Bay checkerspot butterfly (*Euphydryas editha bayensis*; federally threatened); Mission Blue butterfly (*Plebejus icarioides missionensis*: federally endangered); Callippe silverspot butterfly (*Speyeria callippe callippe*: federally endangered); and monarch butterfly (*Danaus plexippus*: not state or federally listed, but considered a species of local importance). The 2006 analysis among other things, noted that the site was no longer in the range for the Bay checkerspot butterfly (this species has not been observed regionally since 1985 and is considered extirpated from the area). LOA states in the 2011 assessment that the, "tiny, sparse patch of *Plantago erecta* on the site could not possibly support a population of the checkerspot, nor are there additional resources on adjacent parcels." The survey conducted by TRA in 2006 stated there were no resources for the San Bruno elfin or the Callippe Silverspot butterfly, and the trees on site were not suitable habitat for monarch butterflies. LOA 2011 assessment further states that, "these three species are definitely absent from this site and have no potential resources here."



The survey conducted by TRA in 2006 was based on one single survey, conducted during the flight season of the Mission Blue butterfly. In addition to assessing the potential of the aforementioned three species to occur on or near the site, the applicant contracted with LOA in the Spring of 2011 to conduct a series of adult flight season surveys between May and June 2011 that strengthens inferences from the TRA 2006 analysis, regarding the presence/absence of the Mission Blue butterfly on this site. Twelve surveys were conducted within the expected flight period of the Mission Blue butterfly. LOA found that its absence from the subject site is demonstrated by a lack of evidence found during the well-timed twelve survey visits within the Mission Blue butterfly's expected flight season. Furthermore, based on the initial assessment in 2006 and the resulting 2011 survey effort, LOA concludes that, "...the five species of butterfly considered in the original effort (TRA 2006) are in fact absent from the site. Site conditions remain unsuitable for these species and none of them, including the Mission Blue butterfly, were observed during this extensive survey effort."

There are no riparian habitats or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service located on the subject property, however, the San Bruno Mountain Habitat Conservation Area is adjacent to the subject property. The Biological Resources analysis prepared by Olberding in November 2011 states that the subject property contains no areas that exhibited positive indicators of wetland soils, hydrology or vegetation and that based on the results of their reconnaissance survey, the site lacked all criteria used by the US Army Corps of Engineers to determine wetland/waters status. The report goes on to say that there are no areas on the property which qualify as Corps regulated wetlands/waters.

There are no federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) that will be adversely affected through direct removal, filling, hydrological interruption, or other means, by the development of this project, as there are none present near this site.

This project will not interfere with the movement of any native resident or migratory fish, as there are none present on or near this site. The Biological Resources Analysis prepared by Olberding in November 2011 states that foraging habitat for the red-tailed hawk, red-shouldered hawk, barn owl, and great-horned owl exists throughout the Property in the form of annual grassland and conifer habitats. The Analysis also states that one raptor species was determined to have a potential to nest within the trees on the subject site based on suitable habitat types—the Red-Tailed Hawk. No raptor or songbird nests were observed on the site during the April 2011 survey. However, a nesting bird and raptor survey during the nesting season is recommended to be performed prior to the removal of vegetation and/or construction to determine absence or presence of nesting species based on suitable habitats. A mitigation measure has been added to address this issue.

Olberding Environmental, Inc. conducted a follow-up survey on November 12, 2013, with the purpose of identifying any changes in site conditions potentially effecting biological resources since the initial survey was performed on April 6, 2011. The initial survey was completed in association with the preparation of a Biological Resource Analysis Report for the Property. The follow-up reconnaissance-level survey of the Property concluded that site conditions have not changed since the initial survey. Upon inspection of the Property, no special-status species were observed nor were any potentially jurisdictional areas detected. Technical information prepared for the Biological Resource Analysis Report is still valid based on the negative findings for both special-status species and wetlands and waters on the Property. Since the November survey was performed outside of the recognized avian breeding season the mitigation measures in relation to construction-related activities remain applicable. These mitigation measures have been applied to the project.

The site borders the San Bruno Mountain Habitat Conservation Plan (HCP) area, but because it is not located with the boundary of the HCP area, the proposed development is not subject to the provisions of that Plan. There are substantial retaining walls proposed for the southeast corner of the site, which run generally, in a northerly direction, close to the eastern property line. These property lines also denote the boundary of the HCP area. In order to ensure that grading activities and wall construction do not encroach into this area, mitigation measures have been included to address surveyed boundaries and adequate protection of this area.

The City has no tree preservation policies or ordinances. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan at this site.

Mitigation:

**Mitigation Measure 1:** If project construction-related activities would take place during the nesting season (February through August), preconstruction surveys for nesting passerine birds within the project site, and the surrounding area of influence of the project site, should be conducted by a competent biologist prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors (birds of prey). The distance shall be determined by a competent biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a competent biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site.

**Mitigation Measure 2:** Property boundary survey and adequate protection of HCP boundary line is required prior to commencement of any site clearing and/or grading/or construction activities. No less than monthly inspections shall occur throughout the duration of grading and construction activities to ensure there is no encroachment into the HCP area by grading or construction activities. Should encroachment take place, all activities will be stopped and referred to the County of San Mateo for further action.

| <b>V. CULTURAL RESOURCES:</b> Would the project:                                                              | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



|                                                                                                         |                          |                          |                          |                                     |
|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Evaluation: There are no known historical or archaeological resources or sites, as defined by §15064.5, on the subject site or within the immediate vicinity.

There are no known paleontological resources or unique geologic features on the subject site or within the immediate vicinity.

The project area is currently undeveloped but has been disturbed in the past. Historical records indicate the site has remained undeveloped with the exception of quarry operations, that ceased to operate in the late 1940's and 1950's, in the north and central portions of the site, respectively. The site is surrounded entirely by existing development.

The project does not have the potential to cause a physical change, which would affect unique ethnic cultural values. Should evidence of cultural or historic artifacts be uncovered during subsequent development, work shall be halted in the area of the find. An archaeologist or historian, selected by the City, shall be consulted and shall determine the significance of the find; identify feasible mitigation measures to preserve, recover or document the find pursuant to the California Environmental Quality Act; and at that time the City shall specify the measures to be taken.

Mitigation: None required.

| <b>VI. GEOLOGY AND SOILS:</b> Would the project:                                                                                                                                                                                                                                       | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                                                                       |                                       |                                              |                                     |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?                                                                                                                                                                                                                                                     | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?                                                                                                                                                                                                                           | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv) Landslides?                                                                                                                                                                                                                                                                        | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

|                                                                                                                                                                                                                                    |                          |                          |                          |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?                                                                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?                                               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The site is not within a State of California designated Alquist-Priolo Earthquake Fault Zone, but is located in the San Francisco Bay Area, considered one of the most seismically active regions in the United States. Significant earthquakes have occurred in the Bay Area, and will continue to occur, with intensities varying, depending upon the magnitude of earthquake, the distance of the site from the causative fault, and the type of materials underlying the site.

According to the Safety Element of the Daly City General Plan, the subject site could experience “Very Strong” ground shaking intensity from an earthquake on the San Andreas Fault (3 miles southwest). Otherwise, according to more recent data prepared by the Association of Bay Area Governments (ABAG), “*On Shaky Ground, 2010*,” there are three different types of ground shaking intensities shown in the project area: high, moderately high, and moderate. These intensities are projected from earthquakes on the San Andreas or other faults in the region.

No known active faults or fault traces are known to traverse the subject site. However, due to the proximity of the nearest active fault line, the Serra fault, approximately 1.8 miles southwest, and the San Andreas fault, approximately 3 miles southwest, the proposed development, along with all of the City of Daly City, engenders risk of seismic instability. Due to its proximity to these faults, and the generally seismically active region, severe ground shaking is likely during the life of the structure(s), particularly during a major seismic event.

A geologic and geotechnical investigation report prepared by Stevens Ferrone & Bailey Engineering Company, Inc. for the subject site, lists the ten nearest active faults, with their approximate direction and distance from the site. Only three faults—the Serra, San Andreas, and Seal Cove—are less than 10 miles from the site. They are 1.8 miles, 3 miles, and 7.3 miles respectively, from the site.

The project area is currently undeveloped, yet has been disturbed in the past, due to quarry operations. The project site is surrounded entirely by existing development. Soils reports are typically required wherever future development is intended, prior to grading or issuance of a building permit, as determined by the Building Official and/or City Engineer. The proposed buildings on the site will be subject to the building and safety requirements of the City of Daly City



and the Uniform Building Code of the State of California, and based upon the observed geologic conditions of the site. No significant impact is expected.

Mitigation: No mitigation required beyond compliance with the Uniform Building Code.

| <b>VII. GREENHOUSE GAS EMISSIONS:</b><br>Would the project:                                                                      | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------|------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

Discussion of Evaluation: BAAQMD's approach to developing a *Threshold of Significance* for Greenhouse Gas (GHG) Emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move us toward climate stabilization. If a project would generate GHG emissions above the threshold, it would be considered to contribute substantially to a cumulative impact and would be considered significant. The *Thresholds of Significance* for operational-related GHG emissions for land use development projects are either compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO<sub>2</sub> e; or 4.6 MT of CO<sub>2</sub> e/SP/yr (residents + employees). Land use development projects include residential, commercial, industrial, and public land use facilities. The City of Daly City has not adopted a qualified GHG Reduction Strategy.

The first step in determining the significance of operational-related GHG emissions is to compare the attributes of the proposed project with the applicable *Screening Criteria* found in Table 3-1 of the *Guidelines*. Projects below the applicable screening criteria would not exceed the 1,100 MT of CO<sub>2</sub>e/yr GHG threshold of significance for projects other than stationary sources. The screening criteria developed for greenhouse gases were derived using the default emission assumptions in URBEMIS and using off-model GHG estimates for indirect emissions from electrical generation, solid waste and water conveyance. The proposed project will not have sources of emissions not evaluated in the aforementioned criteria. The Operational GHG Screening Size threshold for a land use type of Condo/townhouse, general in Table 3-1 is 78 dwelling units. The proposed project would result in the new construction of 54 dwelling units and does not exceed the GHG threshold found in Table 3-1.

Additionally, the City of Daly City adopted a Green Building Ordinance in December, 2010 that requires all new residential construction to meet minimum requirements for Build It Green, LEED, or an equivalent third party rating system certification. Compliance with certification requirements of one of the aforementioned third party rating systems will translate into building energy efficiency above what is required by Code, greater resource conservation in the demolition, construction and operation of the site, and healthier interior and exterior materials. According to the U.S. Environmental Protection Agency (EPA), buildings account for 38.9% of the nation's total carbon dioxide emissions—a major contributor to GHG emissions. Mandating

green building practices in new residential construction will result in increased energy efficiency that can ultimately contribute toward lower GHG emissions and other pollutants.

Mitigation: None required.

| <b>VIII. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:                                                                                                                                                                                                 | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?                                                                                                                          | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                                  | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                                  | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                                      | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                        | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



|                                                                                                                                                                                                                      | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

Discussion of Evaluation: As part of the building permit process, all plans are reviewed for compliance with applicable Building and Fire Department requirements, pursuant to the Uniform Building and Fire Codes, and all other related City requirements. The referenced codes prescribe types of construction to protect safety.

A Phase I Environmental Site Assessment was performed by ENGEO, Inc., which was performed in general conformance with the scope and limitations of requirements issued by the U.S. Environmental Protection Agency in 40 CFR Part 312, *Standards and Practices for All Appropriate Inquiries, Final Rule* dated 1 November 2005 ("Final EPA AAI Rule"). These federal regulations prescribe accepted reasonable efforts to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the Subject Property (40 CFR Part 312.21(c)(1)). The Phase I Site Assessment included a review of local, state, tribal and federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources. A reconnaissance of the Property was conducted to review site use and current conditions to check for the storage, use, production or disposal of hazardous or potentially hazardous materials and interviews with persons knowledgeable about current and past site use.

The Phase I states that the site reconnaissance and records review did not find documentation or physical evidence of soil or groundwater impairments associated with the use of the property; there exists no documentation of hazardous materials violations or discharges on the property in any regulatory databases maintained by county, state, and federal agencies. Based on the findings in the Phase I environmental assessment, no further environmental studies were recommended.

The proposed 54-unit residential project is not expected to involve the routine transport, use, or disposal of hazardous materials. As such, there would be no risk of significant hazard to the public or the environment involving the release of hazardous materials into the environment. While the construction vehicles would typically use gas and diesel fuel, Best Management Practices (BMPs) would be utilized to ensure that no construction-related fuel hazards occur. No hazardous materials are currently present at the site. The proposed project would not result in the emission of hazardous materials, substances or hazardous waste.

The project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.

The site is not located within an airport land use plan, and would not result in a safety hazard for people residing or working in the project area. The site is not located within a private airstrip. The proposed project would not impair implementation or physically interfere with an adopted emergency plan or emergency evacuation plan.

The proposed project would ultimately result in the grading of the site and construction of 54 residential units on a +/-4.91 acre site. As previously stated, the site is currently undeveloped. The project area is surrounded on all sides by single-family residential and multi-family residential development. The site is currently in a disturbed state and is not within an area that is subject to wildland fires.

Mitigation: None required.

| <b>IX. HYDROLOGY AND WATER QUALITY:</b><br>Would the project:                                                                                                                                                                                                                                                                                                                                 | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>with<br>Mitigation | Less Than<br>Significant<br>Impact | No<br>Impact                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------|------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                            | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                     | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                          | <input type="checkbox"/>             | <input type="checkbox"/>                       | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |



|                                                                                                                                                                    | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow                                                                                                                       | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The project is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB), but would not result in significant impacts to water quality, as the project will be subject to compliance with Order R-2-2009-0074, NPDES Permit No. CAS612008, of which, the City of Daly City is a Co-Permittee. The subject project will create more than one acre of impervious surface, and therefore, is subject to Order No. 2010-0014-DWQ, NPDES No. CAS000002, the statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit, intended to control pollution in storm water associated with construction and land disturbance activities.

There are no known subsurface water supplies in the project area. The surrounding residential areas receive water service from the City of Daly City. The City purchases treated water from the San Francisco Public Utility Commission's Hetch Hetchy water system. The project will not draw on or deplete groundwater supplies.

The development of the property with a 54-unit residential development will result in increased impermeable surfaces, as the existing site is currently undeveloped and consists entirely of permeable surfaces. However, the development will be required to meet pre-development stormwater detention rates, in addition to treatment requirements per Order R-2-2009-0074, NPDES Permit No. CAS612008. The change is consistent with the surrounding neighborhood and is not expected to generate a significant impact.

The project will be connected to existing improved drainage facilities, and prior to any issuance of permits, the developer will be required to submit a final storm drain analysis for existing and proposed drainage improvements; existing improvements shall be upgraded in compliance with City standards and as required by the impacts of the proposed improvements. The developer has submitted a Sewer Flow Study illustrating that the existing system is capable of handling the additional flow of this development. A final Sewer Flow Study shall be provided prior to issuance of any permits illustrating any and all improvements necessary. The developer shall bear all costs for any water and/or sewer infrastructure improvements that may be necessary and will be designed to meet the current edition of the City of Daly City Standard Specifications and Drawings.

Most project construction including grading and excavation will take place in the dry season to minimize immediate erosion/siltation effects, but some construction activities may extend into the winter months, though surface water runoff flows are anticipated to be minimal. Nevertheless, the project will be subject to Order No. 2010-0014-DWQ, NPDES No. CAS000002, the statewide National Pollutant Discharge Elimination System (NPDES) General Construction Activity Storm Water Permit, intended to control pollution in storm water associated with construction and land disturbance activities. The project would not degrade water quality due to the implementation of BMPs to control pollution in runoff. These measures would reduce water runoff to a less than significant level.

Permanently installed stormwater treatment facilities will be required to be constructed and maintained post-construction onsite, in compliance with Order R-2-2009-0074, NPDES Permit No. CAS612008. Stormwater treatment measures are engineered systems that remove pollutants before stormwater reaches the storm drain. Examples of stormwater treatment facilities include bioretention areas/rain gardens, flow-through planters, and vegetated swales. Beginning December 1, 2011, Low Impact Development (LID) treatment became the first priority of required systems. LID treatment systems, as defined in Order R-2-2009-0074, NPDES Permit No. CAS612008, are evapotranspiration, infiltration, and/or rainwater harvesting. Where this is infeasible, landscaped based treatment measures (biotreatment) with underdrains may be utilized. All treatment systems must be hydraulically sized to treat stormwater runoff in one of three ways: 1. Volume Hydraulic Design Basis, where the primary mode of action depends on volume capacity; 2. Flow Hydraulic Design Basis, where the primary mode of action depends on flow capacity; or 3. Combination Flow and Volume Design Basis, where a combination of flow and volume capacity is sized to treat at least 80 percent of the total runoff over the life of the project, using local rainfall data. The developer has submitted preliminary plans to address the stormwater treatment requirements; based on results of soils reports, a final treatment design will be prepared for the project site.

Neither the site, nor any portion of Daly City is located within a 100-year flood hazard area. The project would not impede or redirect flood flows. Proposed ground elevations on the subject site are in excess of 200 feet above sea level. There are no impacts from flooding as a result of the proposed project. The project site located on a hillside and upland from the Pacific Ocean, and is not likely subject to the potential effects of a seiche, tsunami (seismic wave) or volcanic hazard. No significant impact upon water resources would be anticipated.

Mitigation: None required. Standard BMPs required for all new development per Order No. 2010-0014-DWQ, NPDES No. CAS000002, and compliance with Order R-2-2009-0074, NPDES Permit No. CAS612008.

| <b>X. LAND USE AND PLANNING:</b> Would the project:                                                                                                                                                                                                                                                         | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Physically divide an established community?                                                                                                                                                                                                                                                              | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?                                                                                                                                                                                                           | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



Discussion of Evaluation: The proposed project consists of a Major Subdivision, Use Permit, Zone Change, and Design Review for the new construction of 54 residences. The undeveloped site is a +/- 4.91 acre property situated at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court. The southernmost portion of the site, previously a separate parcel, was discovered to be zoned R-1, leaving the site with two zoning designations. The portion zoned R-1 is approximately +/- 9,400 square feet and appears to be a historically vacated right-of-way that was zoned R-1 upon vacation. At some point, this parcel came under the same ownership as the rest of the site and the entire +/-4.91 acres are now under one parcel number. A zone change is needed to re-zone the R-1 and R-3 portions of the property to P-D Planned Development to allow the proposed single-family development on reduced lot sizes and to allow greater building height than the standard residential standards would allow.

Surrounding development consists of predominantly two- and three-story single and multi-family residential buildings along Peoria Street and Bellevue Avenue, one- and two-story single family residential buildings along Wellington Avenue, and Chelsea Court, and one- to three-story single family residential buildings along Lausanne Avenue.

The proposal is consistent with the pertinent residential land use goals, objectives and policies of the General Plan Land Use Element, in particular, Objectives 6 thru 8. Specifically, the proposal, as conditioned, will contribute to maintaining a pattern of variable and balanced residential densities and opportunities for a mix of dwelling and tenure type, will promote a residential type and density suitable to the existing built environment, and will help strengthen the integrity of the neighborhood.

Existing multi-story residential buildings as previously described in this Study, surround the property. Inasmuch as the proposal is substantially similar to existing land uses in the project vicinity and does not impede circulation between any adjacent properties, it is not foreseeable that the project would physically divide the established neighborhood.

There is no habitat conservation plan or natural community or natural community conservation plan adopted for this site. The San Bruno Mountain Habitat Conservation Plan is adjacent to the southeastern border of the site but the subject site is not within the boundaries of the HCP and is therefore not subject to those regulations.

Mitigation: None Required.

| <b>XI. MINERAL RESOURCES:</b> Would the project:                                                                                                                      | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion of Evaluation: No known mineral resources that would be of value to the region and the residents of the state are located on the site. According to the Geologic and Geotechnical Investigation and the Phase I reports prepared for the Property, the subject site was utilized as quarry operations that ceased to operate in the late 1940's or 1950's. The development of the subject site with the proposed 66-unit townhouse development would not result in the loss of availability of a locally important mineral resource recovery site, as this site is not delineated as such, on a local general plan, specific plan or other land use plan.

Mitigation: None Required.

| <b>XII. NOISE:</b> Would the project result in:                                                                                                                                                                                                                     | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                 | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                             | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                      | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                          | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                      | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion of Evaluation: According to the Daly City General Plan Noise Element existing and projected noise contour maps, the project site is located in an area with Community Noise Equivalent Level (CNEL) of 60-65. Future noise levels are not expected to decrease for this area. Within this noise contour, a single family and multi-family residential development, such as the proposed project, is considered "Conditionally Acceptable". Per the 2010 California Building Code,



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

Construction noise will occur during project construction, as with all new construction projects, resulting in increased exterior noise levels within the project vicinity. Noise levels associated with construction activities such as excavation, ground clearing and finishing work range from 78 to 89 dBA at 50 feet from the noise source (Bolt, Beranek & Newman, "Noise from Construction Equipment and Operation, Building Equipment and Home Appliances", 1971). This impact, however, would be temporary only, limited in area, and would be diminished via implementation of Best Management Practices (BMP's). BMPs are required at the time of building permit issuance for all new development and would reduce any impacts of additional noise level exposure to insignificance. Such BMPs include, as standard conditions of approval for all new construction include requirements for construction vehicles and equipment to be properly muffled. Construction hours will be limited to 8:00 a.m. to 4:30 p.m. Mondays through Saturdays and construction on Sundays and holidays will be prohibited to avoid inconveniencing neighbors.

The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport.

The proposed project is not within the vicinity of a private airstrip.

Mitigation: None required.

| <b>XIII. POPULATION AND HOUSING:</b> Would the project:                                                                                                                                                   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?                                                                                     | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                               | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion of Evaluation: There exists little chance that the project will induce substantial population growth beyond the roughly 190 people who are expected to reside in the 54 residential dwellings proposed by the project. The subject project is limited roughly to the

property proposed for development and provides no substantial capacity increases to water, sewer, or wastewater facility that would allow the accommodation of additional population growth in the immediate vicinity. The project does not include any improvements to sub-regional or regional roadway networks that would induce population growth. There is no retail or office development associated with the project.

The site is currently undeveloped and would not displace any housing, necessitating the construction of replacement housing elsewhere.

The project would be constructed on a +/-4.91-acre infill site and will utilize or improve existing site infrastructure. The proposed project is a 54-unit residential development located less than 1 mile to the Daly City BART station. Multiple-family residential land uses are consistent with the land uses in the area. No significant impact is expected under this heading.

Mitigation: None required



| <b>XIV. PUBLIC SERVICES:</b>                                                                                                                                                                                                                                                                                                                                                                                                | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Police protection?                                                                                                                                                                                                                                                                                                                                                                                                          | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Schools?                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Parks?                                                                                                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Other public facilities?                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion of Evaluation: As part of the building permit review process, all departments and agencies responsible for providing services are consulted to determine their ability to provide services to proposed development projects. Such services within the project area may include, but not be limited to, local utilities, service systems such as fire and police protection, schools, maintenance of public facilities including roads, and other governmental services as anticipated by the City's General Plan. Based on distribution of preliminary plans, all applicable agencies have indicated they would be able to provide the needed public services at acceptable service levels to this project. The proposal is further consistent with the current Daly City Water Master Plan, Waste Water Master Plan, other long-range master plans and Capital Improvement Program in terms of future growth anticipated in the project area. The developer will be assessed any necessary fees to cover these services at the time the City issues building permits for the project.

Mitigation: None required.

| <b>XV. RECREATION:</b>                                                                                                                                                                                         | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The proposed project will increase the use of existing neighborhood park facilities. Although the project contains no park areas designated by the General Plan for future construction, the Daly City Municipal Code requires that the applicant pay park fees in lieu of land dedication. The minimal number of new residents to be generated by the project would not contribute to the substantial physical deterioration of existing City recreational facilities. The project will neither generate nor create any need for additional recreational opportunities or facilities within the City.

Mitigation: None required.

| <b>XVI. TRANSPORTATION/TRAFFIC:</b> Would the project:                                                                                                                                                                                                                                                                                                                                                                        | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



|                                                                                                                                                                                                                                                                | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                         | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?                                                                                                                                                                                                                      | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?                                                                          | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

Discussion of Evaluation: 50 residential units take access from Lausanne Avenue and Peoria Street, while four units will have access from Chelsea Court. The Engineering Division has reviewed the proposed means of vehicular access from Lausanne Avenue, Peoria Street, and Chelsea Court, respectively, and has determined that the driveways at these locations effectively provide a safe means of ingress and egress, respectively for automobiles without creating a danger to pedestrians. On site travel lanes are adequate for the transport of vehicles and emergency access as determined by the Engineering Division, Fire Department, and Allied Waste Management.

Traffic operating characteristics of intersections are described by the concept of level of service (LOS). LOS is a qualitative description of an intersection's performance based on the average delay per vehicle, and ranges from LOS A (free flow or excellent conditions with short delays) to F (congested or overloaded conditions with extremely long delays). LOS A, B, C, and D are considered excellent to satisfactory service levels. LOS E is undesirable and LOS F is unacceptable and both are considered significant adverse impact levels.

*Wellington Residential Transportation Impact Analysis* was prepared by Hexagon Transportation Consultants, Inc. for KB Home and the City of Daly City, on December 9, 2011, and included evaluations of peak-hour traffic conditions at one unsignalized intersection, one signalized intersection, and three roadway segments in the vicinity of the project site. The study intersections were Crocker Avenue & Peoria Street (unsignalized) and Mission Street & Crocker Avenue (signalized). The study roadway segments were Peoria Street between its western

terminus and Roosevelt Avenue; Bellevue Avenue between Peoria Street and Roosevelt Avenue; and Crocker Avenue between Mission Street and Templeton Avenue. The roadway segments were analyzed using volume to capacity (V/C) ratios.

Traffic conditions at the study locations were analyzed during the AM (7:00 A.M. to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods. The Existing (2011), Existing Plus Project, Cumulative No Project, and Cumulative Plus Project transportation scenarios were examined in the study.

*Wellington Residential Transportation Impact Analysis* developed trip generation for the project based on unit trip rates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8<sup>th</sup> Edition*, utilizing Residential Condominium/Townhouse (ITE Land Use Code 230). For the proposed project, the townhouse (ITE category 230) trip generation regression equations were used. The proposed project would generate 448 daily, 27 AM peak hour (6 inbound 31 outbound) and 43 PM peak hour (29 inbound 14 outbound) new vehicle trips. The project has since been reduced in size and scale with 43 townhouse units being replaced with 31 single family residences, resulting in even less traffic generation.

As shown in Table ES1 of *Wellington Residential Transportation Impact Analysis*, no study intersection would be significantly impacted by the project either under Existing Plus Project or Cumulative Plus Project conditions. All study intersections would operate at LOS C or better during the AM and PM peak periods. Mission Street & Crocker Avenue (signalized) currently operates at LOS C in the AM peak period and is projected to remain at that level in both the Existing Plus Project, Cumulative No Project, and Cumulative Plus Project scenarios. Mission Street & Crocker Avenue (signalized) currently operates at LOS B during the PM peak period and is projected in the study to remain at that level in Existing Plus Project scenario, and operate at LOS C in Cumulative No Project and Cumulative Plus Project scenarios. Crocker Avenue & Peoria Street (unsignalized) currently operates at LOS B in both the AM and PM peak periods and is projected to remain at that level in Existing Plus Project, Cumulative No Project, and Cumulative Plus Project scenarios. Levels of Service “B”, “C”, and “D” are acceptable traffic conditions according to the Daly City General Plan.

Section 17.34.020.A of the Zoning Ordinance requires that two parking spaces be provided for each proposed residential dwelling unit. In this case, 108 parking spaces would be required for a 54-unit residential development. There is no Code requirement for guest parking spaces however, the developer is proposing to provide 23 guest parking spaces, resulting in a total of 131 parking stalls for the development.

The San Mateo County Congestion Management Agency (CMA) requires that all development projects' transportation studies include an analysis of congestion management plan (CMP) intersections and roadways for projects that generate more than 100 net P.M. peak hour trips. Since the project is expected to generate 43 P.M. peak hour trips, it is in compliance with the CMP and no further analysis is necessary.

There are no air traffic concerns with the proposed project. The proposal does not involve the creation of new areas of circulation within the site that would include sharp curves or dangerous intersections. The project would not result in inadequate emergency access. The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation policies.

Mitigation: None required.



| <b>XVII. UTILITIES AND SERVICE SYSTEMS:</b><br>Would the project:                                                                                                                                                                 | <b>Potentially<br/>Significant<br/>Impact</b> | <b>Less Than<br/>Significant<br/>with<br/>Mitigation</b> | <b>Less Than<br/>Significant<br/>Impact</b> | <b>No<br/>Impact</b>                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------|---------------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                               | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                            | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/>            |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                     | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/>            |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                            | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/>            |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?                                                                                                            | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                                         | <input type="checkbox"/>                      | <input type="checkbox"/>                                 | <input type="checkbox"/>                    | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The project will be required to comply with federal, state, and local statutes and regulations related to solid waste, per the City of Daly City's standards. Electric, gas, water, storm, and sewer lines exist within close proximity of the project site; however, there may be upgrades to existing facilities required, per Department of Water and Wastewater Department, Engineering Division and the North County Fire Authority. All facilities will be required to be constructed in compliance with pertinent Codes and standard specifications. The City of Daly City currently services the area surrounding the project site. Prior to the issuance of any permits, the applicant will be required to submit revised studies illustrating that the existing water, sewer, and stormwater facilities are adequate to serve the development or that their proposed upgrades will be adequate to serve the development. As part of the environmental

review process, all departments and agencies responsible for supplying utilities for this project have indicated their ability to meet the needs of the project. As with all new construction projects, conditions would require all new utility services to be undergrounded.

The proposed project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board. The City of Daly City controls and provides the sewer lines and will ultimately provide all of the water that would serve the subject site. The City has indicated adequate wastewater treatment plant capacity to service the site including ultimate development, and that no adverse impacts to the wastewater system are expected. Water conservation programs, wastewater reclamation and reuse, and increased well production are all methods in which the City could utilize to reduce any uncertainty in the future supply of water.

The local solid waste disposal and recycling service provider, Allied Waste Services, has reviewed the project and does not anticipate any difficulty meeting the anticipated needs of the project in terms of storage containment, access, and landfill capacity.

Mitigation: None required.

| <b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?                                                                                                                         | <input type="checkbox"/>              | <input type="checkbox"/>                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |



|                                                                                                                                             | Potentially Significant Impact | Less Than Significant with Mitigation | Less Than Significant Impact | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------|------------------------------|-------------------------------------|
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

Discussion of Evaluation: The proposed project consists of a Major Subdivision, Use Permit, Zone Change, and Design Review for the new construction of 54 residential dwellings, comprised of 23 townhouse units and 31 single family residences.

The undeveloped site is a +/- 4.91 acre property situated at the western termini of Peoria Street and Wellington Avenue (paper street), the northern terminus of Lausanne Avenue and the southern terminus of Chelsea Court. The southernmost portion of the site, previously a separate parcel, was discovered to be zoned R-1, leaving the site with two zoning designations. The portion zoned R-1 is approximately +/- 9,400 square feet and appears to be a historically vacated right-of-way that was zoned R-1 upon vacation. At some point, this parcel came under the same ownership as the rest of the site and the entire +/-4.91 acres are now under one parcel number. A zone change is therefore needed to re-zone the R-1 portion to R-3, to provide consistency on the zoning map and to allow the proposed development.

The proposed project is compatible with the existing land uses in the area. The proposed project will not have any significant impact under this heading.

Mitigation: None required.

## LIST OF REFERENCES AND CONTACTS

1. City of Daly City. General Plan, Housing, Land Use, & Circulation Elements, Nov. 1987.
2. City of Daly City. Initial Study and Environmental Assessment, Draft Land Use, Housing, and Circulation Elements of the General Plan, April 1987.
3. City of Daly City. General Plan, 1994 Safety Element, August 22, 1994.
4. City of Daly City. General Plan, Noise Element, April 1989.
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6. City of Daly City. Zoning Regulations, Title 17, as updated to 5/11.
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10. Brown and Caldwell. Daly City Water Master Plan, 1991.
11. Association of Bay Area Governments. On Shaky Ground, Earthquakes and Hazards Program, 2010.
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21. Bay Area Air Quality Management District. California Environmental Quality Act Air Quality Guidelines, June 2010.
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23. Bay Area Air Quality Management District. *Stationary Source Screening Analysis Tool*, San Mateo May 2011, Google Earth KMZ file, accessed November, 2011.
24. Bay Area Air Quality Management District. Roadway Screening Analysis Tables, Roadway Screening Tables. April, 2011.
25. Bay Area Air Quality Management District. GHG Plan Level Quantification Guidance. April 15, 2011.



26. Bay Area Air Quality Management District. Screening Tables for Air Toxics Evaluation During Construction, Version 1.0, May, 2010.
27. City/County Association of Governments of San Mateo County. Final San Mateo County Congestion Management Program 2009, September, 2009.
28. ENGEO Incorporated. Phase I Environmental Site Assessment Report, Wellington Property Daly City, California, April 7, 2011.
29. Stevens, Ferrone & Bailey Engineering Company, Inc. Geologic and Geotechnical Investigation, Wellington Residential Project, Daly City, California, SFB Project NO. 104-83A, November 3, 2011.
30. Olberding Environmental, Inc. November 2011. *Biological Resources Analysis for the Wellington Property, San Mateo County, California*. Prepared for KB Homes South Bay, Inc., Pleasanton, California.
31. Live Oak Associates, Inc. Presence/Absence Survey Results for Special Status Butterfly Species, Particularly The Mission Blue Butterfly, for the Wellington Avenue Site in Daly City, San Mateo County. Prepared for KB Home, South Bay, Inc. Jeff McMullen, 6700 Koll Center Pkwy #200, Pleasanton, CA 94566. July 15, 2011.
32. Institute of Transportation Engineers. TRIP GENERATION, 8<sup>TH</sup> Edition, Volume 2 of 3, 2008.
33. California Department of Public Health, California Environmental Health Tracking Program (CEHTP). Traffic Volume Linkage Tool, accessed November, 2011, [www.ehib.org](http://www.ehib.org)
34. United States Environmental Protection Agency. Buildings and their Impact on the Environment: A Statistical Summary. April 22, 2009.

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## **EXHIBITS**

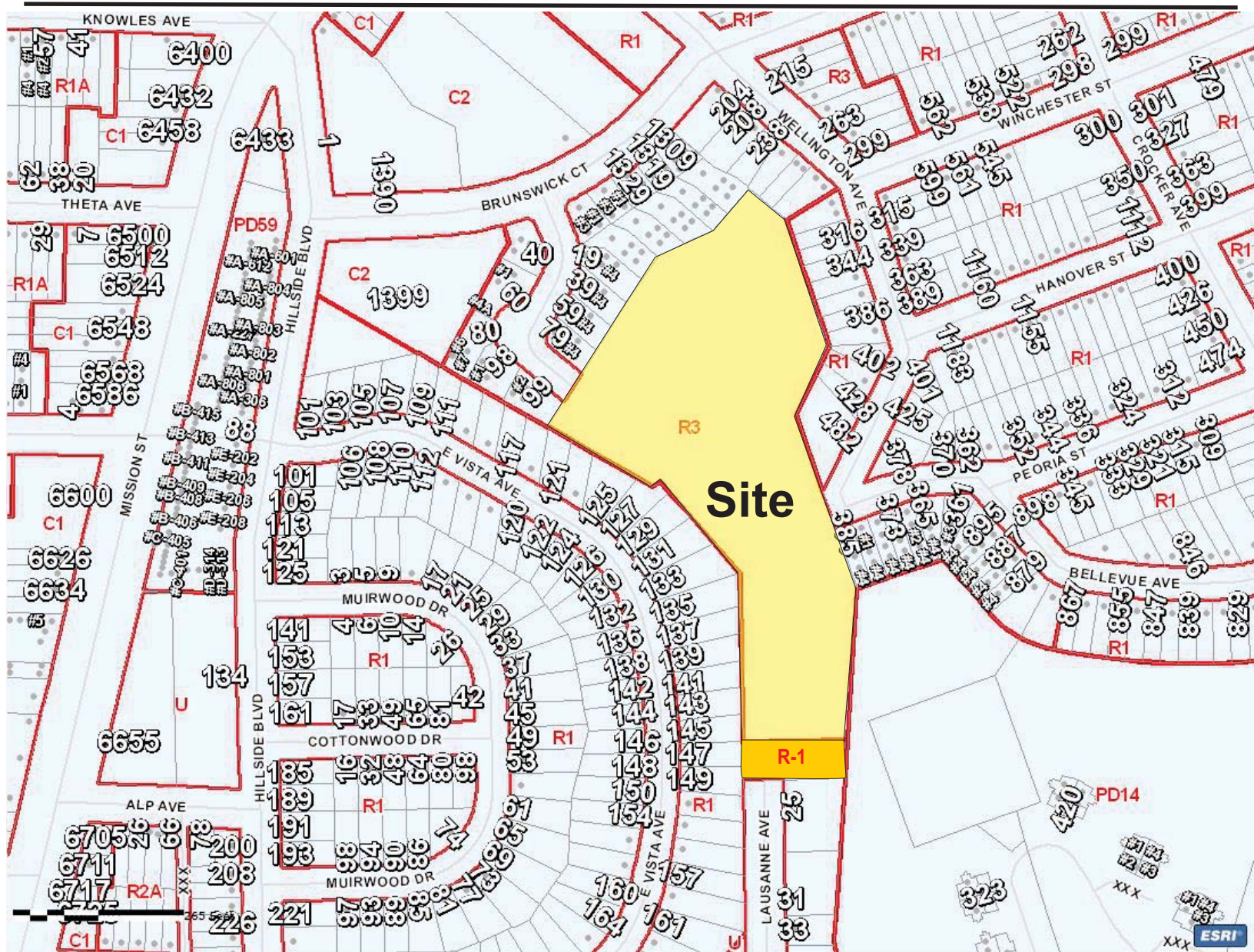
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- Site Location Map
- Reduced Plan(s) (8-1/2" x 11")
- Mitigation Monitoring Plan
- URBEMIS Environmental Management Software Version 9.2.4. Combined Annual Emissions Reports (Tons/Year) Wellington KB Home 66-Unit Townhome Development, October, 2011.
- Daly City Planning Division. San Mateo County Permitted Sources Map, Permitted Sources within 1,000 feet of the Project Area. October 19, 2011.

# LOCATION MAP



Preliminary Preliminary Plan Review  
PD 12-13-8312, SUB-12-13-8315,  
DR-12-123-8319, and CEQA-12-13-8313  
Peoria St./Wellington Ave/Chelsea Ct.  
31 detached residences and 23 townhouses





**MITIGATION MONITORING AND REPORTING PROGRAM (CEQA-12-13-8313)**

**Planned Development PD 12-13-8312, Subdivision SUB-12-13-8315  
Use Permit UP 12-14-8694 and Design Review DR-12-13-8319**

| <b>Mitigation Measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Implementation Procedure</b>                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Monitoring Responsibility</b>                              | <b>Monitoring/ Reporting Action &amp; Schedule</b>         | <b>Non-Compliance Sanction/Activity</b> | <b>Monitoring Compliance Record (Name/Date)</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <p><b><u>Mitigation Measure 1</u></b></p> <ul style="list-style-type: none"><li>▪ If project construction-related activities would take place during the nesting season (February through August), preconstruction surveys for nesting passerine birds within the project site, and the surrounding area of influence of the project site, should be conducted by a competent biologist prior to the commencement of the tree removal or site grading activities. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine birds, and a minimum of 200 feet for raptors (birds of prey). The distance shall be determined by a competent biologist based on the site conditions (topography, if the nest is in a line of sight of the construction and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a competent biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. Once the young have fledged and are flying well enough to avoid project construction zones (typically by August), the project can proceed without further regard to the nest site.</li></ul> | Surveys shall be conducted by a wildlife biologist, raptor biologist or other qualified professional. Survey reports shall be submitted to the Planning Division for review prior to issuance of grading permit. If nest protection is required, the applicant shall submit plans to comply with protection recommendations of professional survey report. Inspection of protection buffer is required prior to commencement of site work. | Planning Division, Engineering Division and Building Division | Approve or disapprove building or grading permit issuance. | No building or grading permit           |                                                 |

**MITIGATION MONITORING AND REPORTING PROGRAM (CEQA-12-13-8313)**

**Planned Development PD 12-13-8312, Subdivision SUB-12-13-8315  
Use Permit UP 12-14-8694 and Design Review DR-12-13-8319**

| <b>Mitigation Measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Implementation Procedure</b>                                                                                                                                                                                                                      | <b>Monitoring Responsibility</b>                           | <b>Monitoring/ Reporting Action &amp; Schedule</b>                                                                                                                                                                                                                  | <b>Non-Compliance Sanction/Activity</b> | <b>Monitoring Compliance Record (Name/Date)</b> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------|
| <b><u>Mitigation Measure 2:</u></b> <ul style="list-style-type: none"><li>Property boundary survey and adequate protection of HCP boundary line is required prior to commencement of any site clearing and/or grading/or construction activities. No less than monthly inspections shall occur throughout the duration of grading and construction activities to ensure there is no encroachment into the HCP area by grading or construction activities. Should encroachment take place, all activities will be stopped and referred to the County of San Mateo for further action.</li></ul> | Applicant shall submit property boundary survey and detailed plans exhibiting adequate protection from all grading and construction activities from the HCP boundary. Protections must be maintained throughout grading and construction activities. | Planning Division, Building Division, Engineering Division | Approve or disapprove building and grading permit issuance, and ensure activity conducted on site.<br><br>Should any inspection reveal encroachment into HCP boundary, site work shall be stopped and the County of San Mateo will be contacted for further action. | No building or grading permit           |                                                 |



Urbemis 2007 Version 9.2.4

### Summary Report for Annual Emissions (Tons/Year)

File Name: G:\Planning\Jeannie Naughton\PUBLIC HEARINGS\ENTITLEMENTS\SUB-7-11-4269, UPR-7-11-4270, CEQA-7-11-4271, DR-7-11-4272  
WELLINGTON KB HOME\CEQA\BAAQMD\Wellington Site Construction Emissions.urb924

Project Name: Wellington 66-Unit Townhome Development

Project Location: San Mateo County

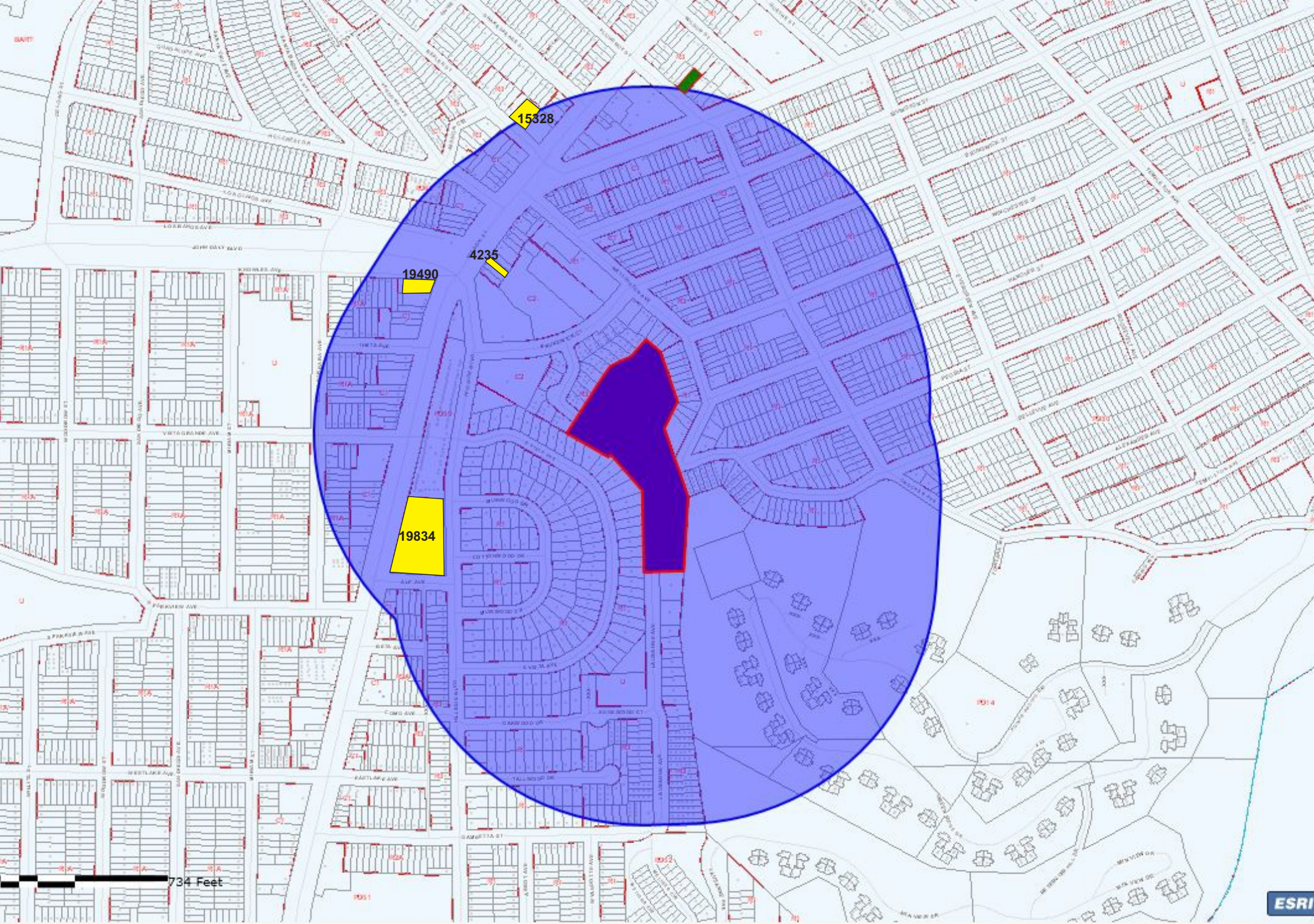
On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

## CONSTRUCTION EMISSION ESTIMATES

[illegible]









# City Council Agenda Report

Item # \_\_\_\_\_

**Meeting Date: May 12, 2014**

**Subject: Disposition and Development Agreement for 6824-6834 Mission Street and 331-325 Miriam Street, Preliminary Commitment of HOME Funds and CHDO Predevelopment Loan**

## **Recommended Actions**

Conduct a joint public hearing of the City Council and Daly City Housing Development Finance Agency Board on the Disposition and Development Agreement (DDA) with Mid-Peninsula, The Farm, Inc. for the development of a fifty-two unit affordable housing development on Agency-owned property located at 6824 through 6834 Mission Street and 331 through 325 Miriam Street.

Approve and authorize execution of a Disposition and Development Agreement (DDA) with Mid-Peninsula, The Farm, Inc. for the development of a 52 unit affordable housing development, currently referred to as 6800 Mission Street project, located at the southwest corner of the intersection of Mission Street and Westlake Avenue.

Approve a total preliminary commitment letter of up to \$1,157,997 in City HOME funds to Mid-Peninsula, The Farm, Inc. as a loan to subsidize costs associated with the development of the 6800 Mission Street project and authorize the City Manager or her designee to execute applicable agreements as necessary.

Approve a CHDO predevelopment loan of up to \$132,985 in HOME funds to Mid-Peninsula, The Farm, Inc. for the project.

## **Background**

Mid-Peninsula, The Farm, Inc, an experienced local Community Housing Development Organization (CHDO), is proposing to construct affordable rental units for lower income households on property owned by the Daly City Housing Development Finance Agency (DCHDFA). As envisioned, the DCHDFA would transfer ownership of Agency-owned parcels to Mid-Peninsula, The Farm, Inc. These five parcels would be assembled with the two adjacent parcels to the north which Mid-Peninsula, The Farm, Inc. acquired from a private owner in March 2014. Together these parcels constitute the approximately .77-acre site on which Mid-Peninsula, The Farm, Inc proposes to construct 52 apartments in a single four-story building over an at-grade podium garage. The development will have 87 parking spaces for residents and approximately 2,200 square feet of ground-floor commercial space along Mission Street. It will target households with incomes at 30%-60% area median income and consist of one-, two- and three-bedroom units.

The Farm intends to finance the project using a variety of funding sources. These include low-income housing tax credit equity, as well as Federal and local funding from San Mateo County and the City of Daly City. When the development is completed, The Farm will also receive Section 8 project-based voucher contracts for 26 of the units.

On April 28, 2014, the Daly City Council approved an application for a Use Permit and Design Review to construct a mixed-use project consisting of 2,200 square feet of commercial development, 51 affordable apartments and one manager's unit on the subject property.

**Disposition and Development Agreement** - Business deal points for the proposed Agreement include the following:

- The developer is Mid-Peninsula The Farm, Inc. (The Farm) , a California nonprofit public benefit corporation and City-certified Community Housing Development Organization.
- The DCHDFA will sell to Mid-Pen The Farm the five Agency-owned parcels for a price of \$2,420,000, the appraised value as of April 25, 2014.
- The Farm will develop a 52-unit residential project on the five parcels transferred by DCHDFA and two sites acquired by The Farm in March, 2014. The residential units will be operated as affordable housing for residents with incomes that do not exceed 60 percent of the area median income. The development will include a total of 87 off-street parking spaces. The units will remain affordable for a minimum of 55 years.
- The Farm will use its best efforts to procure tax credit investor equity to finance the project
- The City intends to provide up to \$1,157,997 in HOME funds as a development subsidy to the project. This amount includes the \$777,784 in HOME funds already conditionally committed or reserved to the Farm, and an additional \$380,213 from the City's 2013-14 and 2014-15 allocation.
- The other standard provisions of a DDA will apply.

**Preliminary Commitment of HOME Funds** - In order to prepare a competitive application for Low Income Housing Tax Credits, the primary funding source for the proposed project, the developer must show funding commitments from all local sources. To date, the City has conditionally committed \$356,420 and reserved an additional \$421,364 for the proposed project. It is recommended that the City make a preliminary commitment of up to \$622,216 in additional HOME funds for this project to ensure its financial feasibility. This would bring the total preliminary commitment of HOME funds to \$1,157,997.

New regulations associated with the HOME program will not permit a full commitment of HOME funds until the developer has secured all other funding sources, in this case, a reservation of tax credits. The developer intends to submit an application for tax credits in July, with notification of awards in September, 2014. At that time, and assuming a reservation is granted for this project, staff will present a formal HOME Agreement to the Council for consideration. The Agreement will identify the total amount of HOME funds, interest rate, loan term, affordability provisions and repayment provisions.



**HOME CHDO Predevelopment Loan** – A total of \$132,985 in HOME funds previously allocated to Daly City may be at risk of recapture by HUD because of possible disbursement deadlines in July 2014. In order to prevent potential recapture of these funds and pending final confirmation from HUD on disbursement deadlines and predevelopment loan limits, staff recommends providing these funds immediately to Mid-Peninsula, The Farm, Inc. in the form of a CHDO Predevelopment Loan. HOME Regulations allow such loans for activities such as architectural design, engineering and legal services. Disbursement of HOME funds in this manner would assist Mid Pen-The Farm, Inc. in meeting current project-specific costs and enable the City to disburse HOME funds prior to the potential disbursement deadline for pre-development expenses incurred by The Farm. If approved, staff will prepare a HOME pre-development Loan Funding Agreement for \$132,985 to prevent potential recapture of these HOME funds.

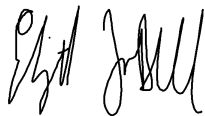
When the project receives a tax credit reservation, the predevelopment loan will be wrapped into a larger HOME Funding Agreement described above. In the event that the project does not go forward, HUD will allow the City to forgive the predevelopment loan and no repayment to HUD is required.

### **Summary/Conclusion**

Notice of the joint Agency Board/ City Council hearing has been published twice in the Examiner and a Summary of the proposed Disposition and Development Agreement and the Agreement itself have been available for public inspection.

Staff is available to provide any additional information desired by the Mayor and/or Council members.

Respectfully submitted,



Betsy ZoBell  
Housing and Community  
Development Supervisor



Tatum Mothershead  
Economic and Community Development  
Director

DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT  
(6800 Mission Street)

This Disposition, Development, and Loan Agreement (the "Agreement") is entered into as of \_\_\_\_\_, 2014 (the "Effective Date"), by and between the Daly City Housing Development Finance Agency (the "Agency"), and Mid-Peninsula The Farm, Inc. (the "Developer"), with reference to the following facts, understandings and intentions of the parties:

RECITALS

A. These Recitals refer to and utilize certain capitalized terms that are defined in Article 1 of this Agreement. The Parties intend to refer to those definitions in connection with the use of capitalized terms in these Recitals.

B. As of the Effective Date, the Agency is the owner of the Property. In accordance with California Health & Safety Code Section 34172, the Former Agency was dissolved as of February 1, 2012. The Agency is the successor to the "housing assets" (as defined in California Health & Safety Section 34176(e)) of the Former Agency. The California Department of Finance approved the Property as a "housing asset" on August 30, 2012. The Agency is authorized to enter into this Agreement pursuant to California Health & Safety Code Section 34176(a)(1).

C. The Agency and the Developer desire for the Developer to develop the Improvements on the Property and the Additional Properties. To effectuate this purpose, the Agency will convey the Property to the Developer, subject to the terms and conditions of this Agreement. In addition, the Agency shall provide the Agency Loan pursuant to the terms and conditions set forth in this Agreement.

D. The Agency has determined that the Developer has the necessary expertise, skill and ability to carry out the commitments set forth in this Agreement and that this Agreement is in the best interests, and will materially contribute to the improvement of the Agency by improving the supply of affordable housing.

E. Prior to the Effective Date, the Agency and the Developer entered into the ENRA. The ENRA will terminate on the Effective Date and be superseded by this Agreement.

THEREFORE, the Agency and the Developer agree as follows:

ARTICLE 1.  
DEFINITIONS AND EXHIBITS

Section 1.1 Definitions. In addition to the terms defined elsewhere in this Agreement, the following definitions shall apply throughout this Agreement.

(a) "Additional Properties" means the two (2) parcels of land located at 6800 and 6818 Mission St.



- (b) "Agency" means the Daly City Housing Development Finance Agency.
- (c) "Agency Deed of Trust" means the deed of trust that will encumber the Developer's fee interest in the Site to secure repayment of the Agency Note, and to be recorded against the Site at the Closing, in a form to be provided by the Agency consistent with the terms of this Agreement,.
- (d) "Agency Documents" means, collectively, this Agreement, the Agency Note, the Agency Deed of Trust, the Agency Regulatory Agreement, and all other documents required to be executed by the Developer in connection with the transaction contemplated by this Agreement.
- (e) "Agency Event of Default" has the meaning set forth in Section 7.2
- (f) "Agency Grant Deed" means the grant deed by which the Agency shall convey the Property to the Developer.
- (g) "Agency Loan" means the seller carry-back loan in the total amount of Purchase Price, evidenced by the Agency Note.
- (h) "Agency Note" means the promissory note that will evidence the Developer's obligation to repay the Agency Loan in a form to be provided by the Agency consistent with the terms of this Agreement.
- (i) "Agency Prorata Percentage" has the meaning set forth in Section 4.4(b).
- (j) "Agency Regulatory Agreement" means the regulatory agreement and declaration of restrictive covenants to be executed by the Parties, and recorded against the Site at the Closing, in a form to be provided by the Agency consistent with the terms of this Agreement.
- (k) "Agreement" means this Disposition, Development, and Loan Agreement, including the attached Exhibits and all subsequent operating memoranda and amendments to this Agreement.
- (l) "Approved Commercial Uses" has the meaning set forth in Section 6.3(b).
- (m) "City" means the City of Daly City.
- (n) "City HOME Loan" has the meaning set forth in Section 4.2.
- (o) "City Manager" means the City Manager of the City.
- (p) "Closing" means the date mutually acceptable to the Parties within thirty (30) days following the date on which all conditions precedent to conveyance set forth herein have been satisfied, but in no event later than the date set forth in the Schedule of Performance, or such other date that the Parties agree upon in writing.

(q) "Commercial Space" means the approximately 2,400 square feet of ground floor space more particularly described in the Scope of Development attached as Exhibit C.

(r) "Commissioners" means the Commissioners of the Agency.

(s) "Developer" means Mid-Peninsula The Farm, Inc., a California nonprofit public benefit corporation and its permitted successors and assigns as set forth herein.

(t) "Developer Event of Default" has the meaning set forth in Section 7.3.

(u) "Development" means the Site and the Improvements.

(v) "Due Diligence Period" has the meaning set forth in Section 2.6.

(w) "ENRA" means that certain Exclusive Negotiating Rights Agreement dated as of May 21, 2013, by and between the Agency and the Developer, as amended on October 28, 2013.

(x) "Escrow" means the escrow established with the Title Company for the purpose of conveying the Property from the Agency to the Developer.

(a) "Final Development Cost" means the total of the cost of acquisition and construction of the Development as shown on the TCAC Sources and Uses Certification of Costs and Eligible Basis Form.

(y) "Financing Plan" means the Developer's Financing Plan for financing the acquisition of the Site and the construction of the Development, in the initial form approved by Agency, and which shall be revised from time to time with the approval of the Agency pursuant to this Agreement.

(z) "Former Agency" means the Redevelopment Agency of the City of Daly City, which was dissolved pursuant to California Health & Safety Code Section 34172.

(aa) "Hazardous Materials" means any hazardous or toxic substances, materials, wastes, pollutants, or contaminants which are defined, regulated, or listed as "hazardous substances," "hazardous wastes," "hazardous materials," "pollutants," "contaminants," or "toxic substances" under applicable Hazardous Materials Laws, including without limitation petroleum and petroleum byproducts, flammable explosives, urea formaldehyde insulation, radioactive materials, asbestos, and lead. Hazardous Materials do not include substances that are used or consumed in the normal course of constructing, developing, operating, or occupying a mixed-use project, to the extent and degree that such substances are stored, used, and disposed of in the manner and in amounts that are consistent with normal practice and legal standards.

(bb) "Hazardous Materials Laws" means all federal, state, and local laws, ordinances, regulations, orders and directives pertaining to Hazardous Materials.

(cc) "HOME funds" has the meaning set forth in Section 4.2.



(dd) "Improvements" means: (i) the up to fifty-two (52) units of affordable housing for income-eligible households, including one (1) manager's unit, to be constructed in accordance with this Agreement, (ii) the Commercial Space, and (iii) related parking and other improvements located or to be located on the Property, all as more particularly set forth in the Scope of Development attached as Exhibit C.

(ee) "Investor" has the meaning set forth in Section 6.9(c).

(ff) "Net Commercial Revenue" has the meaning set forth in Section 6.3(b).

(gg) "Net Proceeds of Permanent Financing" means the amount by which permanent financing for the Development as shown the Financing Plan exceeds Final Development Costs.

(hh) "Parties" means the Agency and the Developer. "Party" means either the Agency or the Developer.

(ii) "Partnership" means the California limited partnership which Developer intends to form to own, construct, and operate the Development, in which an affiliate of Developer will be the general partner, to be joined by the Investor upon syndication of the low income housing tax credits for the Development.

(jj) "Partnership Agreement" means the partnership agreement of the Partnership.

(kk) "Property" means the real property to be transferred by the Agency to the Developer and redeveloped by the Developer pursuant to this Agreement, which real property is more particularly described in Exhibit A.

(ll) "Purchase Price" means Two Million Four Hundred Twenty Thousand Dollars (\$2,420,000).

(mm) "Redevelopment Law" means California Health and Safety Code Section 33000 et seq., as amended by Health and Safety Code Section 34176.1.

(nn) "Residual Receipts" means the excess of annual Operating Revenues over annual Operating Expenses for the Development. "Operating Revenues" means all income derived from the Development, and includes: (1) rents; (2) rent subsidy payments received on behalf of tenants; and (3) receipts from laundry, parking, vending, or other services in which a fee is charged. "Operating Expenses" means all direct costs and expenses necessary to operate the Development including: (1) debt service on any loans secured by the Site, provided that such loans have been used to acquire the Site or develop or improve the Development (or to refinance loans used for Development acquisition, development or improvement); (2) resident service program and property management fees and costs; (3) property taxes; (4) insurance premiums; (5) maintenance and repair; (6) reasonable payments to reserves for operating contingencies, replacement of capital items, and other reserve uses; (7) deferred developer fee to the Developer or its affiliate for development services for the Development; (8) credit adjuster payments, limited partner loans, and developer loans all as set forth in the Partnership

Agreement; and (8) payments for partnership management fee, asset management fees, and other fees payable to a partner of the Partnership pursuant to the Partnership Agreement.

(oo) "Schedule of Performance" means the summary schedule of actions to be taken by the Parties pursuant to this Agreement to achieve disposition of the Property to the Developer and the construction of the Improvements. The Schedule of Performance is attached to this Agreement as Exhibit B.

(pp) "Security Financing Interest" has the meaning set forth in Section 8.1.

(qq) "Site" means the Property and the Additional Properties.

(rr) "TCAC" means the California Tax Credit Allocation Committee.

(ss) "Term" means the term of this Agreement, which shall commence on the Effective Date and shall continue until the fifty-fifth (55<sup>th</sup>) anniversary of the date of issuance of a final certificate of occupancy for the Development, unless sooner terminated.

(tt) "Title Company" means Old Republic Company, 555 12<sup>th</sup> Street, Suite 2000, Oakland CA 94607.

(uu) "Title Report" means the preliminary title report for the Property dated as of September 6, 2013, prepared by the Title Company.

(vv) "Transfer" has the meaning set forth in Section 6.9.

Section 1.2 Exhibits. The following exhibits are attached to and incorporated in the Agreement:

|            |                                   |
|------------|-----------------------------------|
| Exhibit A: | Legal Description of the Property |
| Exhibit B: | Schedule of Performance           |
| Exhibit C: | Scope of Development              |

## ARTICLE 2. PREDISPOSITION ACTIVITIES

Section 2.1 Schedule of Performance. Certain tasks described in this Agreement must be completed no later than the dates set forth in the Schedule of Performance attached to this Agreement as Exhibit B, subject to Section 9.3. The Schedule of Performance may be modified by Operating Memoranda as described in Section 9.15, executed by the Developer and by the City Manager on behalf of the Agency without formal amendment of this Agreement.

Section 2.2 Developer Deposit. Within thirty (30) days of execution of this Agreement the Developer shall deposit with the Agency the sum of Ten Thousand Dollars (\$10,000) (the "Deposit"). The Deposit shall be refunded to the Developer upon the earlier to occur of (i) commencement of construction of the Improvements; or (ii) termination of this Agreement pursuant to Section 7.1 or 7.2.



Section 2.3 Financing Plan. As of the Effective Date, the Agency has approved the initial Financing Plan. A critical assumption of the Financing Plan is the receipt of the City HOME Loan. No later than the date set forth in the Schedule of Performance, the Developer shall submit an updated and revised Financing Plan which shall include a development budget, proposals for leasing the Commercial Space (if not to be master leased by the Agency), and copies of secured funding commitments. The Agency shall approve or disapprove the revised Financing Plan in writing within fifteen (15) calendar days after the Agency's receipt which approval shall not be unreasonably withheld, conditioned or denied. Failure by the Agency to either approve or disapprove a submission made by the Developer within the time set forth above shall be deemed an approval. If the Financing Plan is disapproved by the Agency, the Developer shall have thirty (30) calendar days from the date of the Developer's receipt of the Agency's notice of disapproval to submit a revised Financing Plan. In the event the Agency disapproves the submission a second time, the Agency and the Developer agree to negotiate in good faith to develop a submission that is reasonably acceptable to both the Agency and the Developer within a reasonable period of time, provided that in no case shall the Agency be entitled to require changes inconsistent with the initial Financing Plan and any previously approved items. All financing necessary to acquire the Site and develop the Development, as approved by the Agency in the Financing Plan (not including permanent financing), shall be closed by the Developer prior to, or simultaneously with, the conveyance of the Property by the Agency to the Developer.

Section 2.4 Tax Credit Applications.

(a) The Developer shall submit a timely and complete application to TCAC for a preliminary reservation of 9% tax credits within the time set forth in the Schedule of Performance and continue to submit such applications in each subsequent round until successful.

(b) If two (2) years after the Effective Date, the Developer has not been successful in obtaining a reservation of tax credits from TCAC, the Developer may reapply for tax credits in the following year, provided that the Developer has demonstrated to the Agency that it diligently pursued all funding applications and that its Financing Plan is still viable. If at the end of that third year the Developer is still not successful in obtaining a reservation of tax credits from TCAC, the Developer shall have one additional year to obtain a reservation of tax credits from TCAC, provided that the Developer has demonstrated to the Agency that it diligently pursued all funding applications and that its Financing Plan is still viable.

Section 2.5 Compliance with Relocation Requirements. No later than the date set forth in the Schedule of Performance the Agency shall ensure that any existing commercial tenants have been relocated. All existing tenants shall have been relocated by the Agency prior to conveyance of the Property to the Developer. The Agency shall comply with all applicable relocation requirements including the California Relocation Assistance Law (Government Code Section 7620 et seq.), all state and local regulations implementing such law, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq.) and implementing regulations at 49 CFR 24 et seq. Any and all costs incurred in connection with the temporary and/or permanent displacement and/or relocation of occupants of the Property shall be paid by Agency. The Agency represent that there are no residential tenants on

the Property as of the Effective Date. The Agency shall not enter into any new residential tenant leases after the Effective Date. Any new commercial lease entered into after the Effective Date shall be month to month and shall contain all applicable relocation waivers.

Section 2.6 Developer Due Diligence. Prior to the conveyance of the Property from the Agency to the Developer, representatives of the Developer shall have the right of access to the Property at all reasonable times to inspect and conduct such studies of the Property as the Developer, in its sole discretion, may desire for a period of one hundred eighty (180) days following the Effective Date (the "Due Diligence Period"). The Developer shall provide the Agency at least forty-eight (48) hours' notice prior to accessing the Property. On or before the expiration of the Due Diligence Period, the Developer shall give written notice to the Agency as to whether the Developer approves or disapproves of the Property. During the Due Diligence Period, the Agency shall provide the Developer the right to enter upon all portions of the Property for the purposes of conducting soils tests, engineering studies, seismic and geologic studies, inspections and testing for Hazardous Materials, and underground storage tanks, investigation of applicable zoning and other land use regulations, analysis of economic feasibility and other studies related to the Developer's use of the Property and the condition of the Property. The Developer shall hold the Agency harmless for any injury or damages arising out of any activity pursuant to this Section. The Developer shall have access to all data and information on the Property available to the Agency, but without warranty or representation by the Agency as to the completeness, correctness or validity of such data and information.

Section 2.7 Updated Preliminary Title Report. Within twenty (20) days of execution of this Agreement the Agency shall provide the Developer an update to the Title Report and copies of all title exceptions to the Property shown on the updated Title Report.

Section 2.8 Construction Plans. The Developer shall submit its Construction Plans to the City building department for approval within the time set forth in the Schedule of Performance. "Construction Plans" means all construction documentation upon which the Developer and the Developer's general contractor shall rely on for constructing the Improvements identified in the Scope of Development, which includes final architectural drawings, landscaping plans and specifications, final elevations, building plans and specifications (also known as "working drawings").

### ARTICLE 3. CONVEYANCE OF THE PROPERTY

Section 3.1 Purchase and Sale. Subject to the terms and conditions of this Agreement, the Agency shall sell the Property to the Developer, and the Developer shall purchase the Property from the Agency at the time set for the Closing unless this Agreement is sooner terminated. The Property shall be conveyed by the Agency Grant Deed.

Section 3.2 Purchase Price. The Purchase Price shall be deemed paid to the Agency by the Developer upon the Developer's execution of the Agency Note and recordation of the Agency Deed of Trust against the Property.



Section 3.3 Opening Escrow. To accomplish the conveyance of the Property, the Parties shall establish an escrow with the Title Company and shall execute and deliver to the Title Company written instructions that are consistent with this Agreement.

Section 3.4 Agency's Conditions to Closing. The Closing shall occur no later than the date set forth in the Schedule of Performance, as such date may be extended. The Agency's obligation to proceed with the conveyance of the Property is subject to the fulfillment (or waiver in writing by the Agency) of each and all of the conditions precedent set forth in this Section, which are solely for the benefit of the Agency, and which may be waived by the Agency in its sole discretion. If there is no waiver or satisfaction by the date set for the Closing, the Agency may terminate this Agreement upon written notice to the Developer without further liability, and except for continuing obligations provided elsewhere in this Agreement:

(a) The Developer shall have executed and delivered to the Agency the Agency Note, the Agency Deed of Trust, the Agency Regulatory Agreement.

(b) The Title Company is unconditionally and irrevocably committed to issuing a 2006 ALTA Lender's Policy of insurance insuring the lien priority of the Agency Deed of Trust in the amount of the Agency Loan, subject only to such exceptions and exclusions as may be reasonably acceptable to the Agency and containing such endorsements as the Agency may reasonably require.

(c) There shall exist no condition, event or act which would constitute a breach or default of Developer under this Agreement.

Section 3.5 Developer's Conditions to Closing. The Developer's obligation to proceed with the acquisition of the Property is subject to the fulfillment (or waiver in writing by the Developer) of each and all of the conditions precedent set forth in this Section, which are solely for the benefit of the Developer, and which may be waived by Developer in its sole discretion. If there is no waiver or satisfaction by the date set for the Closing, the Developer may terminate this Agreement upon written notice to the Agency without further liability, and except for continuing obligations provided elsewhere in this Agreement:

(a) The Agency shall have executed and delivered to the Title Company the Agency Grant Deed.

(b) There shall have been no adverse change in the condition of the Property, or discovery of a physical condition that would adversely interfere with the development of the Development since the conclusion of the Due Diligence Period.

(c) There shall exist no condition, event or act which would constitute a breach or default of the Agency under this Agreement.

(d) The Developer shall be satisfied with the updated Title Report provided by the Agency and the Title Company is unconditionally and irrevocably committed to provide the Developer insurable fee interest to the Property free and clear of all liens, encumbrances, clouds and conditions, rights of occupancy or possession, except:

- (i) the Agency Grant Deed, the Agency Regulatory Agreement, and the Agency Deed of Trust;
- (ii) the liens of any loan described in the Financing Plan; and
- (iii) conditions, covenants, restrictions or easements currently of record and approved by the Developer in its reasonable discretion.

Section 3.6 Condition of Property.

(a) In fulfillment of the purposes of Health and Safety Code Section 25359.7(a), the Agency hereby represents and warrants that it has no knowledge, and has no reasonable cause to believe, that any release of Hazardous Materials has come to be located on or beneath the Property, except as previously disclosed by the Agency to Developer.

(b) Prior to the Closing, the Agency shall take all necessary precautions to prevent the release into the environment of any Hazardous Materials which are located in, on or under the Property. If any Hazardous Materials are identified on the Property that were caused by or permitted to occur by the Agency on the Property or which the Agency had knowledge of but failed to disclose to the Developer, the Agency and Developer agree to meet in good faith to discuss the Agency's obligation for costs regarding any necessary remediation. In no event shall the Agency be required to indemnify the Developer regarding Hazardous Materials.

Section 3.7 Closing. Upon the Closing the Title Company shall record the Agency Grant Deed, Agency Deed of Trust, and Agency Regulatory Agreement against the Site, and shall provide the Agency the title policy described in Section 3.4 (c) and provide the Developer the title policy described in Section 3.5(e).

Section 3.8 Costs of Escrow and Closing. Ad valorem taxes and assessments, if any, on the Property, and taxes upon this Agreement or any rights hereunder, levied, assessed or imposed for any period commencing prior to conveyance of title shall be borne by the Agency. The Developer shall pay the cost of all title insurance policies, transfer tax, Title Company document preparation, recordation fees and escrow fees of the Title Company, if any, to close escrow.

ARTICLE 4.  
AGENCY LOAN PROVISIONS

Section 4.1 Agency Seller Carry-Back Loan. The Agency Loan shall be governed by the terms and provisions of this Agreement, the Agency Note, and the Agency Deed of Trust.

Section 4.2 Additional City Financing.

(a) The City has received Home Investment Partnerships Act funds from the United States Department of Housing and Urban Development pursuant to the Cranston-Gonzales National Housing Act of 1990 ("HOME Funds"). The City has agreed to provide Developer a commitment of at least One Million Dollars (\$1,000,000) Dollars of HOME Funds



for the Development (the "City HOME Loan"), conditioned on Developer securing financing for the Development as set forth in the Financing Plan approved by the City. The conditional commitment will be provided by the Agency in a form to be considered a "public funding commitment" for the purposes of Developer applying for low income housing tax credits. The City shall provide the Developer a firm commitment for the HOME Funds within thirty (30) days of the Developer's award of low income housing tax credits for the Development.

(b) The City HOME Loan will have a term of fifty-five (55) years with 3% simple interest, with payments from a pro-rata share of fifty percent (50%) of Residual Receipts. The City HOME Loan will be evidenced by a Regulatory Agreement (in addition to other loan documents) which will set forth the applicable HOME requirements, consistent with any regulatory agreement evidencing the County financing described below. Additional terms of the City HOME Loan will be set forth separately in documents between the City and Developer or its successor or assigns.

(c) The Financing Plan will document the need for the City HOME Loan and provide the City with information necessary to underwrite its financial contributions to the Development. The Developer will provide the City the revised Financing Plan for approval pursuant to Section 2.3.

Section 4.3 Interest. Simple interest will accrue on the outstanding principal balance of the Agency Loan at a per annum rate of interest equal to three percent (3%), commencing on the Closing.

Section 4.4 Repayment of Agency Loan.

(a) Annual Payments. The Developer shall make payments of principal and interest to the Agency in the amount of the Agency Prorata Percentage of fifty percent (50%) of Residual Receipts. Such annual payments shall be due and payable in arrears no later than May 1 of each year with respect to the previous calendar year, commencing on May 1<sup>st</sup> of the first year after the Agency's issuance of a certificate of occupancy for the Improvements. The Developer shall provide the Agency with any documentation reasonably requested by the Agency to substantiate the Developer's determination of Residual Receipts. Repayments shall be credited first to interest, then to principal. The Developer may retain the remaining fifty percent (50%) of Residual Receipts.

(b) Sharing of Residual Receipts with other Lenders. The Agency acknowledges that the County of San Mateo (the "County") and other lenders as set forth in the Financing Plan may provide additional financing for the Development. The Agency agrees to share fifty percent (50%) of Residual Receipts with the County and such other approved lenders, pro-rata in proportion to the amount of Agency Loan, the City HOME Loan and the financing provided by the County and other approved lenders (the "Agency Prorata Percentage"). Any Residual Receipts payment of the City HOME Loan will be deferred until payment in full of the Agency Loan.

(c) Special Repayments from Net Proceeds of Permanent Financing. No later than sixty (60) days after Developer receives its final capital contribution from Developer's limited partner investor, or if no limited partner investor, the date Developer has closed all

permanent financing for the Development, Developer shall pay to the Agency as a special repayment of the Agency Loan, an amount equal to the Agency Prorata Percentage of one hundred percent (100%) of the Net Proceeds of Permanent Financing.

(d) Payment in Full. Developer shall pay all outstanding principal and accrued interest on the Agency Loan, in full, on the earliest to occur of (i) a Developer Event of Default for which the Agency exercises its right to cause the Agency Loan indebtedness to become immediately due and payable, and (ii) the expiration of the Term.

Section 4.5 Prepayment. Developer may pay the principal and any interest due on the Agency Loan in advance of the time for payment thereof as provided in this Agreement, without penalty.

Section 4.6 Non-Recourse. Following recordation of the Agency Deed of Trust the Developer shall not have any direct or indirect personal liability for payment of the principal of, or interest on, the Agency Loan or the performance of the covenants of the Developer under the Agency Deed of Trust and Agency Regulatory Agreement. The sole recourse of the Agency with respect to the principal of, or interest on, the Agency Note and defaults by the Developer in the performance of its covenants under the Agency Deed of Trust and Agency Regulatory Agreement shall be to the property described in the Agency Deed of Trust.

Section 4.7 Subordination of Agency Deed of Trust and Agency Regulatory Agreement.

(a) Deed of Trust. The Agency agrees to subordinate the Agency Deed of Trust to the liens of the deeds of trust securing construction and/or permanent financing for the Improvements as shown on the approved Financing Plan.

(b) Regulatory Agreement. Upon a determination by the Commissioners or the City Manager that the requirements of Health and Safety Code Section 33334.14 are satisfied, the Agency shall subordinate the Agency Regulatory Agreement and any Notice of Affordability Restrictions on Transfer of Property required to be recorded in compliance with the Redevelopment Law, to the liens of the deeds of trust securing construction and/or permanent financing for the Improvements.

## ARTICLE 5. CONSTRUCTION OF IMPROVEMENTS

Section 5.1 Construction Pursuant to Plans. The Improvements shall be constructed substantially in accordance with the terms and conditions of the land use permits and approvals and building permits, including any variances granted.

Section 5.2 Commencement of Construction. The Developer shall obtain a building permit and commence construction of the Improvements no later one hundred eighty (180) days after receipt of tax credits, as set forth in the Schedule of Performance.



Section 5.3 Completion of the Improvements. The Developer shall diligently prosecute to completion the construction of the Improvements no later than twenty-four (24) months after commencement of construction as set forth in the Schedule of Performance.

Section 5.4 Equal Opportunity. During the construction of the Improvements there shall be no discrimination on the basis of race, color, creed, religion, sex, sexual orientation, marital status, national origin or ancestry in the hiring, firing, promoting or demoting of any person engaged in the construction work.

Section 5.5 Compliance with Applicable Laws. The Developer shall cause all construction work to be performed in compliance with (a) all applicable laws, ordinances, rules and regulations of federal, state, county or municipal governments or agencies now in force or that may be enacted hereafter, and (b) all directions, rules and regulations of any fire marshal, health officer, building inspector, or other officer of every governmental agency now having or hereafter acquiring jurisdiction. Developer shall also conform to the prevailing wage requirements of California Labor Code §1720, et seq. The work shall proceed only after the payment of all applicable fees, procurement of each permit, license, or other authorization that may be required by any governmental agency having jurisdiction.

Section 5.6 Progress Report. The Developer shall provide quarterly progress reports to the Agency regarding the status of the construction of the Development. The Developer shall provide the reports and information required under this Section until the Development is fully leased up.

Section 5.7 Construction Responsibilities. As between the Agency and the Developer it shall be the responsibility of the Developer to coordinate and schedule the work to be performed so that commencement and completion of the construction of the Improvements will take place in accordance with this Agreement. The Developer shall be solely responsible for all aspects of the Developer's conduct in connection with the Development, including (but not limited to) the quality and suitability of the plans and specifications, the supervision of construction work, and the qualifications, financial condition, and performance of all architects, engineers, contractors, subcontractors, suppliers, and consultants. Any review or inspection undertaken by the Agency with reference to the Development is solely for the purpose of determining whether the Developer is properly discharging its obligations to the Agency, and should not be relied upon by the Developer or by any third parties as a warranty or representation by the Agency as to the quality of the design or construction of the Development.

Section 5.8 Inspections. The Developer shall permit and facilitate, and shall require its contractors, to permit and facilitate, observation and inspection at the Development by the Agency during reasonable business hours for the purposes of determining compliance with this Agreement. The rights granted to the Agency pursuant to this Section are in addition to any rights of entry and inspection the City may have in exercising its municipal regulatory authority, including, but not limited to, any inspection rights related to the building permit for the Property.

Section 5.9 Information. The Developer shall provide any information reasonably requested by the Agency in connection with the Development.

Section 5.10 Records. The Developer shall maintain complete, accurate, and current records pertaining to the Development for a period of five (5) years after the creation of such records, and shall permit any duly authorized representative of the Agency to inspect and copy records upon reasonable notice to the Developer. Such records shall include all invoices, receipts, and other documents related to expenditures from the Agency Loan funds. Records must be kept accurate and current.

## ARTICLE 6. ONGOING DEVELOPER OBLIGATIONS

Section 6.1 Use. The Developer hereby agrees that, for the entire Term, the Development will be used and continuously operated as affordable housing in accordance with all applicable requirements of the Redevelopment Law, and the Regulatory Agreement, and for Approved Commercial Uses.

Section 6.2 Regulatory Agreement. If the Developer proceeds to purchase the Property, the Agency and the Developer shall cause to be recorded against the Site concurrently with the Closing, the Regulatory Agreement providing, among other matters, for the lease of not more than forty-nine percent (49%) of the units in the Development at affordable housing cost to low and moderate income households, as defined in the Regulatory Agreement, for a time period of no less than fifty-five (55) years from issuance of a certificate of occupancy for the Development, consistent with the Redevelopment Law. In addition, the parties agree to record against the Site a Notice of Affordability Restrictions on Transfer of Property as required by the Redevelopment Law.

### Section 6.3 Commercial Space.

(a) The Developer shall use commercially reasonable efforts to design the Commercial Space to be "reasonably attractive" to Approved Commercial Uses. The term "reasonably attractive" means flexibly designed space, reasonable ratio of usable area to gross built area, pedestrian friendly, landscaping and lighting designed to promote attractive and safe experience.

(b) The Developer shall use commercially reasonable efforts to enter into leases for the Commercial Space in the Development for Approved Commercial Uses prior to completion of construction of the Development. Fifty percent (50%) of all Net Commercial Revenue generated from the leases will inure to the benefit of the Developer, and the balance will be paid to the Agency and the County annually, concurrent with repayment of the Agency Loan, pro-rata in proportion to the amount of Agency Loan and the City HOME Loan, and the financing provided by the County.

(i) "Approved Commercial Uses" means: any administrative and business offices, business and professional support, personal services, professional services, commercial and neighborhood serving retail uses. The following uses are not Approved Commercial Uses: adult entertainment; night club; 24-hour retail; dry cleaning; betting



establishment; tattoo parlor; maintenance of automobiles; and any use causing excessive noise or odor that would disrupt the residential occupants of the Development.

(ii) "Net Commercial Revenue" means for any period all rental income from tenants of the Commercial Space but excluding any receipts representing reimbursements of operating expenses and ownership costs such as taxes, insurance, utilities, maintenance, repairs, management fees or any other item of cost or expense.

(c) Alternately, the Agency may master lease the Commercial Space from the Developer on terms to be negotiated by the parties subsequent to execution of this Agreement, provided such arrangement is acceptable to Developer's lenders and investor. If the Agency master leases the Commercial Space, the Developer shall have the right to approve any sublessees of the Commercial Space, and all revenue from the subleases will inure to the benefit of the Agency. Any decision of the Agency to Master Lease the Commercial Space must be made no later than sixty (60) days after the Developer obtains an allocation of low income housing tax credits. The Developer and the Agency agree to negotiate in good faith for a period of sixty (60) days after the Agency provides Developer notice of its desire to master lease the Commercial Space, the terms of the master lease. If despite their good faith efforts the parties are unable to agree on mutually acceptable master lease terms within such sixty (60) day period, the Developer may begin the process to identify tenants for the Commercial Space consistent with subsection (a) above.

Section 6.4 Maintenance. The Developer hereby agrees that, prior to completion of construction of the Improvements, the portions of the Site undergoing construction shall be maintained in a neat and orderly condition to the extent practicable and in accordance with industry health and safety standards, and that, once the Improvements are completed, the Development shall be well maintained by the Developer as to both external and internal appearance of the Improvements, the common areas, and the open spaces.

Section 6.5 Taxes and Assessments. The Developer is solely responsible for payment of all fees, assessments, taxes, charges, and levies imposed by any public authority or utility company with respect to the Site or the Development, and shall pay such charges prior to delinquency. However, Developer is not required to pay and discharge any such charge so long as the legality thereof is being contested diligently and in good faith and by appropriate proceedings.

Section 6.6 Mandatory Language in All Subsequent Deeds, Leases and Contracts. All deeds, leases or contracts made or entered into by Developer, its successors or assigns, as to any portion of the Site shall contain therein the following language:

(a) In Deeds:

"(1) Grantee herein covenants by and for itself, its successors and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) and (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use,

occupancy, tenure or enjoyment of the property herein conveyed, nor shall the grantee or any person claiming under or through the grantee, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the property herein conveyed. The foregoing covenant shall run with the land.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1)."

(b) In Leases:

"(1) Lessee herein covenants by and for itself, its successors and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) and (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2 of the Government Code in the leasing, subleasing, transferring, use, occupancy, tenure or enjoyment of the premises herein leased nor shall the lessee or any person claiming under or through the lessee, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased.

(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1)."

(c) In Contracts:

"(1) There shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) and (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2 of the Government Code in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the property nor shall the transferee or any person claiming under or through the transferee establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the land.



(2) Notwithstanding paragraph (1), with respect to familial status, paragraph (1) shall not be construed to apply to housing for older persons, as defined in Section 12955.9 of the Government Code. With respect to familial status, nothing in paragraph (1) shall be construed to affect Sections 51.2, 51.3, 51.4, 51.10, 51.11, and 799.5 of the Civil Code, relating to housing for senior citizens. Subdivision (d) of Section 51 and Section 1360 of the Civil Code and subdivisions (n), (o), and (p) of Section 12955 of the Government Code shall apply to paragraph (1)."

Section 6.7 Hazardous Materials.

(a) Covenants.

(i) No Hazardous Materials Activities. The Developer hereby represents and warrants to the Agency that, at all times from and after the Closing, the Developer shall not cause or permit the Site, or the Improvements thereon to be used as a site for the use, generation, manufacture, storage, treatment, release, discharge, disposal, transportation or presence of any Hazardous Materials.

(ii) Hazardous Materials Laws. The Developer hereby represents and warrants to the Agency that, at all times from and after the Closing, the Developer shall comply and cause the Site, and the Improvements thereon to comply with Hazardous Materials Laws, including without limitation, those relating to soil and groundwater conditions.

(iii) Notices. The Developer hereby represents and warrants to the Agency that, at all times from and after the Closing, the Developer shall immediately notify the Agency in writing of: (i) the discovery of any Hazardous Materials on or under the Site; (ii) any knowledge by the Developer that the Site does not comply with any Hazardous Materials Laws; (iii) any claims or actions pending or threatened against the Developer, the Site, or the Improvements by any governmental entity or agency or any other person or entity relating to Hazardous Materials or pursuant to any Hazardous Materials Laws; and (iv) the discovery of any occurrence or condition on any real property adjoining or in the vicinity of the Site, that could cause the Site, or any part thereof to be designated as "border zone property" under the provisions of California Health and Safety Code Sections 25220, et seq., or any regulation adopted in accordance therewith, or to be otherwise subject to any restrictions on the ownership, occupancy, transferability or use of the Development under any Hazardous Materials Laws.

(b) Developer Acknowledgement. The Developer hereby acknowledges and agrees that (i) this Section is intended as the Agency's written request for information (and Developer's response) concerning the environmental condition of the Site as required by California Code of Civil Procedure Section 726.5, and (ii) each representation and warranty in this Agreement with respect to the environmental condition of the Site is intended by the Parties to be an "environmental provision" for purposes of California Code of Civil Procedure Section 736.

Section 6.8 Insurance Requirements.

(a) Required Coverage. The Developer shall maintain and keep in force, at the Developer's sole cost and expense, the following insurance applicable to the Development:

(i) To the extent required by law, Worker's Compensation insurance, including Employer's Liability coverage, with limits not less than required by applicable law.

(ii) Comprehensive or Commercial General Liability insurance with limits not less than One Million Dollars (\$1,000,000) each occurrence combined single limit for Bodily Injury and Property Damage, including coverage's for Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations.

(iii) Comprehensive Automobile Liability insurance with limits not less than One Million Dollars (\$1,000,000) each occurrence combined single limit for Bodily Injury and Property Damage, including coverage's for owned, non-owned and hired vehicles, as applicable.

(iv) Property insurance covering the Development covering all risks of loss, including flood if the Site is located in a flood zone, for one hundred percent (100%) of the replacement value, with deductible, if any, acceptable to the Agency, naming the Agency as a Loss Payee, as its interest may appear.

(b) General Requirements. The required insurance shall be provided under an occurrence form, and the Developer shall maintain such coverage continuously throughout the Term. Comprehensive General Liability and Comprehensive Automobile Liability policies shall be endorsed to name as additional insureds the Agency and its commissioners, members, officers, agents, and employees. All policies and bonds shall contain (i) the agreement of the insurer to give the Agency at least ten (10) days' notice prior to cancellation (including, without limitation, for nonpayment of premium) or any material change in said policies; (ii) an agreement that such policies are primary and noncontributing with any insurance that may be carried by the Agency; (iii) a provision that no act or omission of the Developer shall affect or limit the obligation of the insurance carrier to pay the amount of any loss sustained; and (iv) a waiver by the insurer of all rights of subrogation against the Agency and its authorized parties in connection with any loss or damage thereby insured against.

(c) Certificates of Insurance. Upon the Agency's request at any time during the Term of this Agreement, the Developer shall provide certificates of insurance, in form and with insurers reasonable acceptable to the Agency, evidencing compliance with the requirements of this Section, and shall provide complete copies of such insurance policies, including a separate endorsement naming the Agency as additional insured, if requested by the Agency.

#### Section 6.9 Transfer.

(a) For purposes of this Agreement, "Transfer" means any sale, assignment, or transfer, whether voluntary or involuntary, of: (i) any rights and/or duties under this Agreement; and/or (ii) any interest in the Development. The term "Transfer" excludes the leasing of any single unit in the Development to an occupant in compliance with the Regulatory Agreement, or leasing of the Commercial Space to Approved Commercial Uses.



(b) The Agency hereby approves the transfer of the Site and assignment of the Loan Documents to the Partnership, provided that the assignment agreement or other document evidencing the assignment is reasonably acceptable to the Agency.

(c) The Developer anticipates syndicating the low income housing tax credits that will be generated by the Development, which syndication will require transfer of the limited partnership interest in the Partnership to a tax credit investor (the "Investor"). The Agency hereby approves transfer of the limited partnership interest to the Investor and future Transfers of the Investor's limited partner interest.

(d) In the event the general partner of the Partnership is removed by the Investor for cause following default under the Partnership Agreement, the Agency hereby approves the Transfer of the general partner interest.

(e) The Agency hereby approves a Transfer of the Property from the Partnership to MidPen Housing Corporation, a California nonprofit public benefit corporation ("MidPen"), or a non-profit affiliate of MidPen, and an assumption of the Loan by such transferee on or before the end of the fifteen (15) year compliance period as described in Section 42(i)(1) of the Internal Revenue Code of 1986, as amended.

(f) The Agency hereby approves the grant of the security interests in the Development for financing approved by the Agency on the Financing Plan.

## ARTICLE 7. DEFAULT AND REMEDIES

Section 7.1 No Fault of Parties. The following events constitute a basis for a party to terminate this Agreement without the fault of the other:

(a) The Developer despite good faith efforts is unable to complete acquisition of the Additional Parcels;

(b) The Developer disapproves the condition of the Property within the Due Diligence Period, or there shall have been an adverse change in the condition of the Property, or discovery of a physical condition that would adversely interfere with the development of the Development since the conclusion of the Due Diligence Period; or

(c) The Developer does not receive commitments of projected financial assistance or reasonable substitutions therefor, including grants and loans, necessary to develop the Development as shown in the Financing Plan by the date set forth in the Schedule of Performance (as such date may be extended), despite Developer's good faith efforts to obtain such funding.

Upon the happening of any of the above-described events the Agency and the Developer shall meet in good faith to determine whether a mutually acceptable amendment to this Agreement and/or modification to the scope of development for the Development is feasible. If the Agency and the Developer are unable to agree on a mutually satisfactory modification, the

parties may agree to terminate this Agreement, and at the election of either party, this Agreement may be terminated by written notice to the other party. After termination, neither party shall have any rights against or liability to the other under this Agreement.

Section 7.2 Fault of Agency. Except as to events constituting a basis for termination under Section 7.1, the following events each constitute an "Agency Event of Default" and a basis for the Developer to take action against the Agency:

- (a) The Agency, without good cause, fails to convey the Property to the Developer within the time and in the manner set forth in Article 3 and the Developer is otherwise entitled by this Agreement to such conveyance; or
- (b) The Agency does not attempt diligently and in good faith to cause satisfaction of the conditions required of the Agency in Article 2; or
- (c) Other than the failures addressed above in subsections (a) and (b), failure of the Agency to duly perform, comply with, or observe any of the conditions, terms, or covenants of any of this Agreement, and such failure having continued uncured for thirty (30) days after receipt of written notice thereof from the Developer to the Agency or, if the breach cannot be cured within thirty (30) days, the Agency shall not be in breach so long as the Agency is diligently undertaking to cure such breach and such breach is cured within ninety (90) days.

Upon the occurrence of any Agency Event of Default hereunder following the expiration of all applicable notice and cure periods the Developer is afforded all of its rights at law or in equity, by taking all or any of the following remedies: (1) terminating in writing this Agreement; and (2) prosecuting an action for specific performance.

Section 7.3 Fault of Developer. Except as to events constituting a basis for termination under Section 7.1, the following events each constitute a "Developer Event of Default" and a basis for the Agency to take action against the Developer:

- (a) Failure of the Developer to exercise good faith and diligent efforts to satisfy, within the time set forth in the Schedule of Performance, one or more of the conditions precedent to the Agency's obligation to convey the Property to the Developer;
- (b) Failure of the Developer to pay when due any sums payable under the Loan Documents including but not limited to failure to repay the principal and any interest on the Agency Loan that is due and payable to the Agency pursuant to the Note and other Loan Documents after ten (10) days written notice from the Agency; or
- (c) Other than the failures addressed above in subsections (a), and (b), failure of the Developer to duly perform, comply with, or observe any of the conditions, terms, or covenants of any of the Loan Documents, and such failure having continued uncured for thirty (30) days after receipt of written notice thereof from the Agency to the Developer or, if the breach cannot be cured within thirty (30) days, the Developer shall not be in breach so long as the Developer is diligently undertaking to cure such breach and such breach is cured within ninety (90) days;



The occurrence of any Developer Event of Default hereunder following the expiration of all applicable notice and cure periods will, either at the option of the Agency or automatically where so specified, relieve the Agency of any obligation to make or continue the Agency Loan and shall give the Agency the right to proceed with any and all remedies set forth in this Agreement and the Loan Documents, including but not limited to the following: (i) Termination of this Agreement by written notice to the Developer; or (ii) Acceleration of the Agency Loan.

## ARTICLE 8. SECURITY FINANCING AND RIGHTS OF HOLDERS

Section 8.1 No Encumbrances Except for Development Purposes. Notwithstanding any other provision of this Agreement, mortgages and deeds of trust, or any other reasonable method of security are permitted to be placed upon the Developer's fee interest in the Site for the purpose of securing loans approved by the Agency pursuant to the approved Financing Plan. Mortgages, deeds of trust, or other reasonable security instruments securing loans approved by the Agency pursuant to the approved Financing Plan are each referred to as a "Security Financing Interest." The words "mortgage" and "deed of trust" as used in this Agreement include all other appropriate modes of financing real estate acquisition, construction, and land development.

Section 8.2 Holder Not Obligated to Construct. The holder of any Security Financing Interest authorized by this Agreement is not obligated to construct or complete any improvements or to guarantee such construction or completion. However, nothing in this Agreement shall be deemed to permit or authorize any such holder to devote the Property or any portion thereof to any uses, or to construct any improvements thereon, other than those uses of improvements provided for or authorized by this Agreement.

Section 8.3 Notice of Default and Right to Cure. Whenever the Agency pursuant to its rights set forth in Article 8 of this Agreement delivers any notice or demand to the Developer with respect to the commencement, completion, or cessation of the construction of the Improvements, the Agency shall at the same time deliver to each holder of record of any Security Financing Interest creating a lien upon the Developer's fee interest in the Site or any portion thereof a copy of such notice or demand. Each such holder shall (insofar as the rights of the Agency are concerned) have the right, but not the obligation, at its option, within ninety (90) days after the receipt of the notice, to cure or remedy or commence to cure or remedy any such default or breach affecting the Site which is subject to the lien of the Security Financing Interest held by such holder and to add the cost thereof to the security interest debt and the lien on its security interest. Nothing contained in this Agreement shall be deemed to permit or authorize such holder to undertake or continue the construction or completion of the Improvements (beyond the extent necessary to conserve or protect such improvements or construction already made) without first having expressly assumed in writing the Developer's obligations to the Agency relating to such Improvements under this Agreement pursuant to an assignment and assumption agreement prepared by the Agency. The holder in that event must agree to complete, in the manner provided in this Agreement, the Improvements to which the lien or title of such

holder relates. Any such holder properly completing such Improvements pursuant to this paragraph shall assume all rights and obligations of Developer under this Agreement.

Section 8.4 Right of Agency to Cure. In the event of a default or breach by the Developer of a Security Financing Interest prior to the completion of the construction of the Development, and the holder has not exercised its option to complete the construction of the Development, the Agency may cure the default, prior to the completion of any foreclosure. In such event the Agency shall be entitled to reimbursement from the Developer of all costs and expenses incurred by the Agency in curing the default.

Section 8.5 Modifications. If a holder of a Security Financing Interest or the Investor should, as a condition of providing financing for development of all or a portion of the Development, request any modification of this Agreement in order to protect its interests in the Development or this Agreement, the Agency shall consider such request in good faith consistent with the purpose and intent of this Agreement and the rights and obligations of the parties under this Agreement.

## ARTICLE 9. GENERAL PROVISIONS

Section 9.1 Notices, Demands and Communications. Formal notices, demands, and communications between the Agency and the Developer shall be sufficiently given if, and shall not be deemed given unless, dispatched by registered or certified mail, postage prepaid, return receipt requested, by reputable overnight delivery service, or delivered personally, to the principal office of the Agency and the Developer as follows:

|            |                                                                                                                                        |
|------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Agency:    | Daly City Housing Development Finance Agency<br>333 90 <sup>th</sup> Street<br>Daly City, CA 94015<br>Attn: City Manager               |
| Developer: | Mid-Peninsula The Farm, Inc.<br>303 Vintage Park Dr. Suite 250<br>Foster Agency, CA 94404<br>Attn: Jan Lindenthal, Assistant Secretary |

Such written notices, demands and communications may be sent in the same manner to such other addresses as the affected party may from time to time designate by mail as provided in this Section.

Section 9.2 Non-Liability of Agency Officials, Employees and Agents. No member, official, employee or agent of the Agency shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the Agency or for any amount which may become due to the Developer or successor or on any obligation under the terms of this Agreement.

Section 9.3 Forced Delay. In addition to specific provisions of this Agreement, performance by either Party hereunder shall not be deemed to be in default where delays or



defaults are due to war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; epidemics; quarantine restrictions; freight embargoes; governmental restrictions or priority; litigation (including suits filed by third parties concerning or arising out of this Agreement); weather; inability to secure necessary labor, materials or tools; acts of the other Party; acts or failure to act of any public or governmental agency or entity (except that acts or the failure to act of the Agency or City shall not excuse performance by the Agency or City); or any other causes beyond the control or without the fault of the party claiming an extension of time to perform. An extension of time for any cause will be deemed granted if notice by the Party claiming such extension is sent to the other within fifteen (15) days from the date the Party seeking the extension first discovered the cause and such extension of time is not rejected in writing by the other Party within fifteen (15) days after receipt of the notice. Times of performance under this Agreement may also be extended in writing by the Agency and the Developer. In no event shall the cumulative delays exceed one hundred eighty (180) days, unless otherwise agreed to by the Parties in writing.

Section 9.4 Title of Parts and Sections. Any titles of the articles, sections or subsections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any part of its provision.

Section 9.5 Indemnification. Borrower shall indemnify, defend and hold the Agency and its commissioners, members, directors, officers, employees, agents, successors and assigns harmless against any and all claims, suits, actions, losses and liability made against it and expenses (including reasonable attorneys' fees) which arise out of or in connection with this Agreement, including but not limited to the purchase of the Property and the development, construction, marketing and operation of the Development, except to the extent such claim arises from the negligence or willful misconduct of the Agency, its agents, and its employees.

Section 9.6 Applicable Law. This Agreement shall be interpreted under and pursuant to the laws of the State of California.

Section 9.7 No Brokers. Each Party represents to the other that it has not had any contact or dealings regarding the Property, or any communication in connection with the subject matter of this transaction, through any real estate broker or other person who can claim a right to a commission or finder's fee. If any broker or finder makes a claim for a commission or finder's fee based upon a contact, dealings, or communications, the Party through whom the broker or finder makes this claim shall indemnify, defend with counsel of the indemnified Party's choice, and hold the indemnified Party harmless from all expense, loss, damage and claims, including the indemnified Party's attorneys' fees, if necessary, arising out of the broker's or finder's claim. The provisions of this section shall survive expiration of the Term or other termination of this Agreement, and shall remain in full force and effect.

Section 9.8 Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged by such invalidation, voiding or unenforceability.

Section 9.9 Binding Upon Successors. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties hereto except that there shall be no Transfer of any interest by any of the parties hereto except pursuant to the terms of this Agreement. Any reference in this Agreement to a specifically named Party shall be deemed to apply to any successor, heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

The covenants and restrictions set forth in this Agreement shall run with the land, and shall bind all successors in title to the Property. However, on the termination of this Agreement, such covenants and restrictions shall expire.

Section 9.10 Parties Not Co-Venturers. Nothing in this Agreement is intended to or does establish the Parties as partners, co-venturers, or principal and agent with one another.

Section 9.11 Action by the Agency. Except as may be otherwise specifically provided in this Agreement, whenever any approval, notice, direction, finding, consent, request, waiver, or other action by the Agency is required or permitted under this Agreement, such action may be given, made, or taken by the City Manager, or by any person who shall have been designated in writing to the Developer by the Agency, without further approval by the Commissioners. Any such action shall be in writing. The Developer acknowledges that nothing in this Agreement (including any approval by the City Manager in accordance with this Agreement) shall limit, waive, or otherwise impair the authority and discretion of: (i) the City's Planning Department, in connection with the review and approval of the proposed construction plans for the Development (or any change to such plans), or any use, or proposed use, of the Property, (ii) the City's issuance of a building permit, or (iii) any other office or department of the City acting in its capacity as a governmental regulatory authority with jurisdiction over the development, use, or operation of the Development.

Section 9.12 Agency's Warranty of Good Standing and Authority. The Agency represents and warrants to the Developer that (i) this Agreement has been duly entered into and is the legally binding obligation of the Agency, (ii) this Agreement will not violate any judgment, law, consent decree, or agreement to which the Agency is a party or is subject to and will not violate any law or ordinance under which the Agency is organized, and (iii) there is no claim pending, or to the best knowledge of the Agency, threatened, that would impede the Agency's ability to perform its obligation hereunder.

Section 9.13 Representations and Warranties of the Developer. The Developer hereby represents and warrants to the Agency as follows:

(a) Organization. The Developer is a duly organized, validly existing, and in good standing under the laws of the State of California and has the power and authority to own its property and carry on its business as now being conducted.

(b) Authority of Developer. The Developer has full power and authority to execute and deliver this Agreement, and the other Agency Documents to be executed and delivered pursuant to this Agreement, and to perform and observe the terms and provisions of all of the above.



(c) Authority of Persons Executing Documents. This Agreement and all other documents or instruments executed and delivered, or to be executed and delivered, pursuant to this Agreement have been executed and delivered by persons who are duly authorized to execute and deliver the same for and on behalf of the Developer.

(d) No Conflict. To the best of Developer's knowledge, the Developer's execution, delivery and performance of its obligations under this Agreement will not constitute a default or a breach under any contract, agreement or order to which the Developer is a party or by which it is bound.

Section 9.14 Complete Understanding of the Parties. This Agreement and the attached exhibits constitute the entire understanding and agreement of the Parties with respect to the matters set forth in this Agreement.

Section 9.15 Operating Memoranda; Implementation Agreements. The Parties acknowledge that the provisions of this Agreement require a close degree of cooperation and that new information and future events may demonstrate that changes are appropriate with respect to the details of performance of the Parties under this Agreement. The Parties desire, therefore, to retain a certain degree of flexibility with respect to the details of performance for those items covered in general terms under this Agreement. If and when, from time to time, the Parties find that refinements or adjustments are desirable, such refinements or adjustments shall be accomplished through operating memoranda or implementation agreements approved by the Parties which, after execution shall be attached to this Agreement as addenda and become a part hereof.

Operating memoranda or implementation agreements may be executed on the Agency's behalf by the City Manager, or his or her designee. In the event a particular subject requires notice or hearing, such notice or hearing shall be appropriately given. Any significant modification to the terms of performance under this Agreement, including but not limited to amendments or modifications to the Agency Loan, shall be processed as an amendment of this Agreement in accordance with Section 9.16 and must be approved by the Commissioners in accordance with applicable law.

Section 9.16 Amendments. The Parties can amend this Agreement only by means of a writing signed by both Parties, following approval by the Commissioners, in accordance with applicable law.

Section 9.17 Multiple Originals; Counterparts. This Agreement may be executed in multiple originals, each of which is deemed to be an original, and may be signed in counterparts.

IN WITNESS WHEREOF, the Agency and the Developer have executed this Agreement on or as of the Effective Date.

DEVELOPER:

Mid-Peninsula The Farm, Inc., a California  
nonprofit public benefit corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

AGENCY:

DALY CITY HOUSING DEVELOPMENT  
FINANCE AGENCY

By: \_\_\_\_\_

Its: \_\_\_\_\_

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

The land referred to is situated in the County of San Mateo, City of Daly City, State of California, and is described as follows:

#### PARCEL ONE:

Lots 3, 4 and 7 Block 30 as designated on the Map entitled Map No. 1 Vista Grande San Mateo County, California, filed in the Office of the County of San Mateo, State of California on November 5, 1906, in Book "C" of Maps at Page 35 and a copy entered in [Book 4 of Maps at Page 41](#).

#### PARCEL TWO:

Lot 5 in Block 2 as shown on that certain Map entitled "Map of the Knowles Tract, San Mateo County, California", which Map was filed in the Office of the County Recorder of San Mateo County on May 21, 1888, in Book "A" of Original Maps at Page 42 and copied into Book 1 of Maps, at Page 3.

EXCEPTING THEREFROM that portion thereof conveyed to the State of California by Deed from Julia Chaine, a widow, dated September 2, 1933, and recorded October 5, 1933, in Book 602 of Official Records, at Page 488.

#### PARCEL THREE:

Lot 6 in Block 30, as designated on the Map entitled, "Map No. 1 Vista Grande San Mateo County, California", which Map was filed in the office of the Recorder of the County of San Mateo, State of California on November 5, 1906, in Liber "C" of Maps at Page 35 and a copy entered in Liber 4 of Maps at Page 41.

EXCEPTING THEREFROM that portion thereof conveyed to the State of California for widening Mission Street by Deed dated June 29, 1933, and recorded August 3, 1933, in Liber 599 of Official Records, at Page 371.

APN: 003-172-130;  
003-172-140;  
003-172-150;  
003-172-160; and  
003-172-170

JPN: 003-017-172-13;  
003-017-172-14;  
003-017-172-15;  
003-017-172-16; and  
003-017-172-17



## EXHIBIT B

### SCHEDULE OF PERFORMANCE

This Schedule of Performance summarizes the schedule for various activities under the Disposition, Development, and Loan Agreement (the "Agreement") to which this exhibit is attached. The description of items in this Schedule of Performance is meant to be descriptive only, and shall not be deemed to modify in any way the provisions of the Agreement to which such items relate. Section references herein to the Agreement are intended merely as an aid in relating this Schedule of Performance to other provisions of the Agreement and shall not be deemed to have any substantive effect. As provided in Section 2.1 of this Agreement, this Schedule of Performance may be modified by Operating Memoranda executed in accordance with Section 9.15 of this Agreement.

| Action                                                                                                                                                                                                                                                                          | Date                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 1. <u>Title Report</u> . Agency shall provide Developer an updated Title Report. [§2.7]                                                                                                                                                                                         | Within twenty (20) days of execution of this Agreement.                                                                |
| 2. <u>Developer Deposit</u> . Developer shall provide the Deposit. [§2.5]                                                                                                                                                                                                       | Within thirty (30) days of execution of this Agreement.                                                                |
| 3. <u>Relocation</u> . Agency shall relocate all existing tenants. [§2.5]                                                                                                                                                                                                       | No later than thirty (30) days prior to Closing.                                                                       |
| 4. <u>Application – Tax Credits (First Application)</u> . Developer shall submit an application to TCAC for a preliminary reservation of 9% tax credits. [§2.4]                                                                                                                 | Next available TCAC round immediately following Effective Date.                                                        |
| 5. <u>Application – Tax Credits (Second and subsequent Applications)</u> . Developer shall submit a second and subsequent applications to TCAC for a preliminary reservation of 9% tax credits if the first application is unsuccessful. [§2.4]                                 | For each TCAC round within two (2) years of the Effective Date.                                                        |
| 6. <u>Applications – Tax Credits (Additional Applications)</u> . Developer may submit additional applications to TCAC for a preliminary reservation of 9% tax credits if the applications submitted in the first two (2) years after the Effective Date are unsuccessful [§2.4] | Within three (3) years of the Effective Date; within four (4) years of the Effective Date (subject to Section 2.4(b)). |

| Action                                                                                                                                 | Date                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. <u>Commitment of HOME Funds.</u> City shall provide the Developer a firm commitment of HOME Funds. [§4.2(a)]                        | Within thirty (30) days of receipt of tax credit allocation from TCAC.                                                                                                                |
| 8. <u>Submission – Financing Plan.</u> Developer shall prepare and submit the revised Financing Plan for Agency approval. [§2.3]       | Within 120 days after receipt of tax credit allocation from TCAC.                                                                                                                     |
| 9. <u>Approval – Financing Plan.</u> The Agency shall approve or disapprove the Financing Plan. [§2.3]                                 | Within 30 days after receipt of the Financing Plan. Opportunity is provided in §2.5 for resubmission and further review of a disapproved Financing Plan.                              |
| 10. <u>Submission of Construction Plans.</u> Developer shall submit Construction Plans to the City for approval. [§2.8]                | Within one hundred fifty (150) days of receipt of tax credit allocation from TCAC.                                                                                                    |
| 11. <u>Closing.</u> Agency shall sell the Property to Developer. [§3.4; 3.5]                                                           | Upon satisfaction or waiver of conditions set forth in Section 3.4 and 3.5, but in no event later than the date by which the Developer must commence construction of the Development. |
| 12. <u>Commencement of Construction.</u> Developer shall obtain a building permit and commence construction of the Development. [§5.2] | Within one hundred eighty (180) days of receipt of tax credit allocation from TCAC.                                                                                                   |
| 13. <u>Completion of Construction.</u> Developer shall complete construction of the Development. [§5.3]                                | Within 24 months after commencement.                                                                                                                                                  |
| 14. <u>Progress Reports.</u> Developer shall provide quarterly progress reports to the Agency. [§5.6]                                  | Until Development is fully leased-up.                                                                                                                                                 |

EXHIBIT C

SCOPE OF DEVELOPMENT



DISPOSITION, DEVELOPMENT, AND LOAN AGREEMENT

BETWEEN

THE DALY CITY HOUSING DEVELOPMENT FINANCE AGENCY

AND

MID-PENINSULA THE FARM, INC.

(6800 Mission Street)

Dated as of \_\_\_\_\_, 2014



|                                                           |                                                                          |    |
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Exhibit A: Legal Description of the Property  
Exhibit B: Schedule of Performance  
Exhibit C: Scope of Development



# City Council Agenda Report

Item # \_\_\_\_\_

Meeting Date: May 12, 2014

**Subject: Award of Construction Contract for the Geneva Avenue Utilities  
Undergrounding District 18 – Phase 1 Street Light Installation Project**

## Recommended Action

Staff recommends that the City Council accept all bids, waive minor irregularities, and award a construction contract to Mike Brown Electric Co. of Cotati, California, in the amount of \$87,320.00 for the subject project and authorize the City Manager to execute the contract. Staff further recommends that the City Council affirm the CEQA determination of Categorical Exemption for the Street Light Installation project.

## Background

In 2005 the City Council, by its Resolution 05-161, established Underground Utility District No. 18 (District) along Geneva Avenue from Santos Street to Schwerin Street. During the following decade some environmental and technical changes occurred and the City Council reestablished the Geneva Ave. Underground Utility District on December 9, 2013 by resolution 13-197. With the establishment of the District, utility owners within the District are required to install underground utility facilities including service laterals on private property for a maximum of 100 feet into the property or up to the building foundation (whichever is less), remove all existing overhead wires, poles, and appurtenant structures, and maintain only underground utility facilities and services in the future.

The City is responsible for the installing new street light poles, mast arms, light fixtures and conductors, as well as the City's fair-share cost to install conduits for the City's street lights in a "joint trench" with other participating utility company facilities.

Construction of the underground utility conduits within the public right-of-way began in January 2014. Private property owners are also modifying the electrical service connection to their home or building to accept the new underground utility service.

The construction bid documents for the replacement street light system include installing new aluminum poles and light fixtures with Light Emitting Diode (LED) lamps meeting current City standards and removing the existing streetlights mounted on wooden power poles. LED light fixtures, although initially more costly, are far more energy efficient than traditional High Pressure Sodium (HPS) street light fixtures.

## Discussion

Eleven (11) bids were received on April 22, 2014 with total bids ranging from \$87,320.00 to \$237,811.00. The lowest three bids and the Engineer's Estimate are summarized as follows:

| Bidder                     | Total Bid   | Comments       |
|----------------------------|-------------|----------------|
| 1. Mike Brown Electric Co. | \$87,320.00 | Responsive Bid |
| 2. Tennyson Electric, Inc. | \$92,650.00 | Responsive Bid |

**Award of Construction Contract for the Geneva Avenue Utilities  
Undergrounding District 18 – Phase 1 Street Light Installation Project  
Meeting Date: May 12, 2014  
Page 2 of 2**

|                            |                     |                |
|----------------------------|---------------------|----------------|
| 3. Columbia Electric, Inc. | \$101,637.50        | Responsive Bid |
| <b>Engineer's Estimate</b> | <b>\$144,426.00</b> |                |

Mike Brown Electric Co. of Cotati, California, has been in business since 1975. This bidder holds the required Class C contractor's license, which is current and in good standing. The contractor's references for work performed for other public agencies are acceptable, including Cities of San Mateo and Vacaville and Town of Yountville.

If the project is awarded as recommended, construction is anticipated to commence in June 2014 and be completed in October 2014.

**Fiscal Impact**

The construction cost for the project is \$104,784.48, including a ten percent (10%) contingency and a ten percent (10%) construction inspection and contract administration cost. Adequate funds are available for the project in the FY 2013-14 Geneva Ave. Undergrounding Gas Tax project Account 17-312-636.

**Summary/Conclusion**

Staff recommends the City Council accept all bids, waive minor irregularities, and award a construction contract to Mike Brown Electric Co. of Cotati, California, in the amount of \$87,320.00, for the subject project and authorize the City Manager to execute the contract. Staff further recommends that the City Council affirm the CEQA determination of Categorical Exemption for the Street Light Installation project.

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

Respectfully submitted,



Shirley Chan  
Traffic Engineer



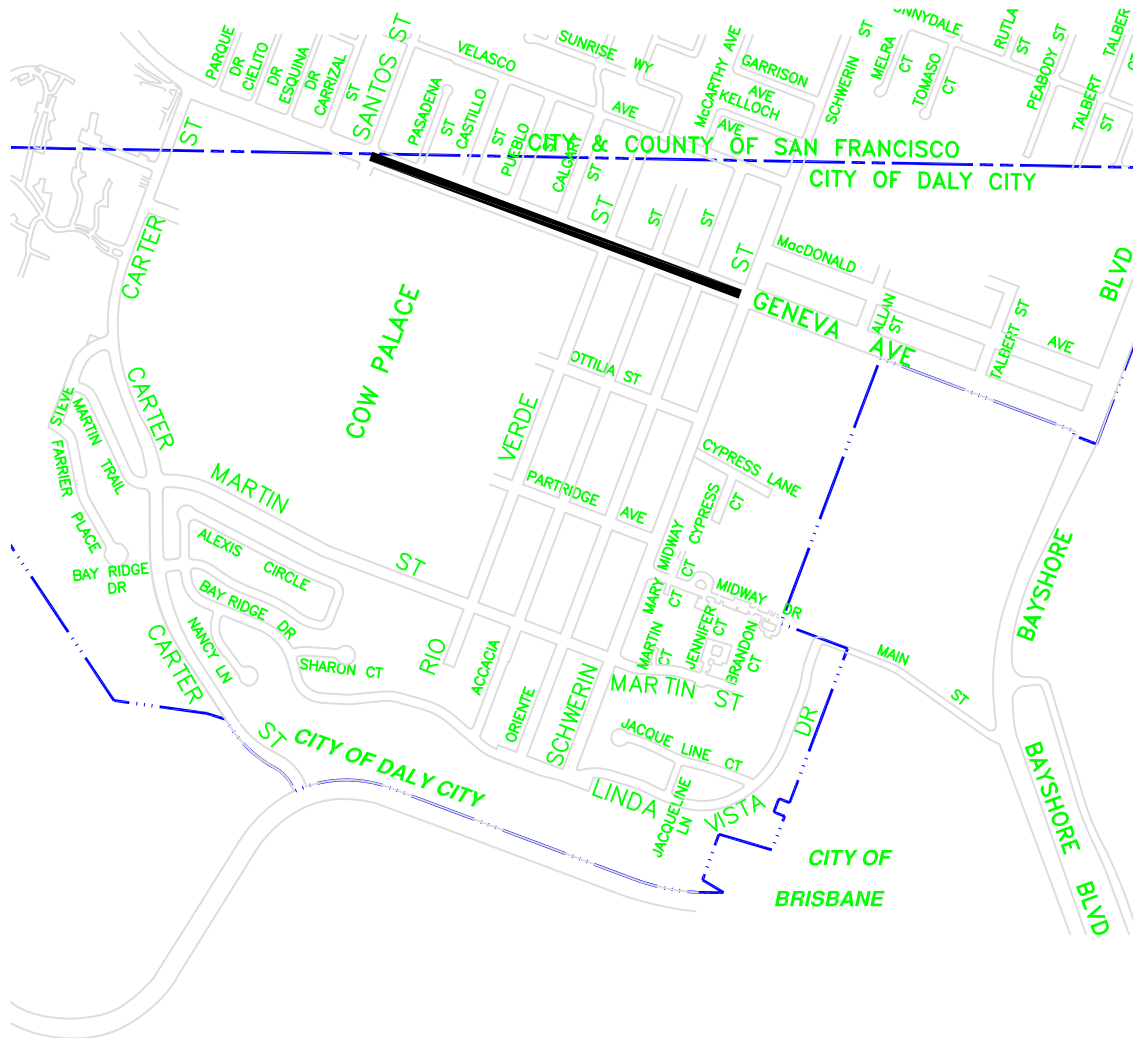
John L. Fuller  
Director of Public Works

Attachment: Location Map



CITY OF DALY CITY  
SAN MATEO COUNTY, CALIFORNIA

PROJECT LOCATION MAP  
**GENEVA AVENUE UTILITIES UNDERGROUNDING  
DISTRICT 18 - PHASE 1  
STREET LIGHT INSTALLATION**



SCALE IN FEET

