

CITY OF DALY CITY

Regular Meeting - CITY COUNCIL

AGENDA

Monday, September 11, 2017 - 7:00 PM
City Hall Council Chambers – 2nd Floor
333 – 90th Street, Daly City, CA 94015

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

Webcast: www.dalycity.org/meetings

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 September 2017 as Prostate Cancer Awareness Month (Dr. Barry M. Chauser, Director, California Prostate Cancer Coalition)

Proclaiming September 15 to October 15 Latino Heritage Month in Daly City (Luis Landos, Commissioner, Daly City Recreation Commission)

APPROVAL OF MINUTES:

Regular Meeting of August 14, 2017

APPROVAL OF AGENDA:

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine and may be approved

AVAILABILITY OF PUBLIC RECORDS:

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

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

Resolutions:

1. Accepting and Appropriating a \$2,000 Donation from the Ross Stores Foundation
2. Authorizing the City Manager to Execute an Agreement with the Jefferson Elementary School District and Appropriate Grant Funds for the After School Education and Safety Program Administered by the Department of Library and Recreation Services
3. Accepting and Appropriating a \$6,000 Grant from the Daly City Public Library Associates
4. Appropriating Grant Funding from Cities of Service
5. Amending Traffic Regulations: Convert the existing 30-minute parking meter to a 15-minute limited time parking (green) zone in front of 101 School Street (TSR 18/12)
6. Acceptance of Donated Funds and Use of Federal Asset Forfeiture for a Daly City Gun Buyback Event
7. Rescinding Purchase Order to Independent Electric Supply and Approve a Purchase Order to Buckles-Smith for 28 Streetlights and Streetlight Poles
8. Requesting Use of Federal Asset Forfeiture Funds (DEA) to Purchase Fitness Equipment for the Daly City Police Department
9. Amending the Capital Improvement Budget to Incorporate SB 1 Road Maintenance and Repair Account Funds Authorized Under SB 1
10. Accepting Edward Byrne Memorial Justice Assistance Grant Program Funds for Forensic Laboratory Fees
11. Extending Tentative Subdivision Map Approval for Major Subdivision SUB01-2-Serramonte Vista

END OF CONSENT AGENDA

COMMUNICATIONS:

12. Use Permit UPR-9-16-12301 and Design Review DR-9-16-12302 — Mixed-Use Apartment Building at 6098 Mission Street (Mission/Goethe intersection)

- A. Findings
- B. EA (Categorical Exemption)
- C. UPR-9-16-12301, DR-9-16-12302

Staff:

Alvin

Recommended Action:

Adopt Resolution

Roll Call

- 13. Draft Response to 2016/2017 Grand Jury Report: "A Delicate Balance: Privacy vs. Protection"

Staff:

Mussman

Recommended Action:

Motion to Accept Report and Authorize City Manager to Prepare Written Response

- 14. Fire Department Proposed Staffing Change

Staff:

Myers

Recommended Action:

Adopt Resolution

Roll Call

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

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

APPOINTMENTS: Board/Commission Membership Committee Appointments

REPORTS:

- 15. Council Committee
- 16. City Council
- 17. Staff

ADJOURNMENT:

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The meeting was called to order by Mayor Sylvester at 7:05 P.M.

ROLL CALL: Councilmembers Present:

Glenn R. Sylvester, Mayor
Juslyn C. Manalo, Vice Mayor
Raymond A. Buenaventura
Judith A. Christensen

Staff Present:

Patricia E. Martel, City Manager
Rose L. Zimmerman, City Attorney
K. Annette Hipona, City Clerk

Councilmember Absent:

Michael P. Guingona

PRESENTATIONS:

Proclaiming July 25, 2017 as San Mateo County Alert Day in Daly City (Lt. William Fogarty, OES Director, SMC Sheriff's Office)

Mayor Sylvester presented a proclamation to Lieutenant Fogarty for the San Mateo County Alert System (SMC Alert) for providing subscribers immediate notifications regarding emergencies or issues that impact their communities such as road closures, floods or fires. Both the Mayor and Lt. Fogarty encouraged residents and businesses to subscribe to the free service which is available in 10 different languages.

APPROVAL OF MINUTES:

Regular Meeting of July 24, 2017

Councilmember Christensen made an amendment to the minutes of July 24, 2017, on Page 2, after the second paragraph regarding Police Officers Association and Police Management Association Memorandum of Understanding and Salary Schedules. Councilmember Christensen provided a transcript to the City Clerk of Director Chiu's comments in response to Council questions.

Mayor Sylvester also made an amendment to the minutes of July 24, 2017, on Page 3, regarding the Mayor's objection to Ms. Alvarez Lynch's going over her 2 minute public comment limit.

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It was moved by Councilmember Christensen, seconded by Mayor Sylvester, and carried to approve the minutes of July 24, 2017, as amended.

APPROVAL OF AGENDA:

CONSENT AGENDA:

City Manager Martel requested that item #6 be removed from the Consent Agenda to be continued at a future date. It was moved by Vice Mayor Manalo, seconded by Mayor Sylvester and carried to approve the Consent Agenda, as amended.

Resolutions:

Accepting Notice of Completion for the 729 Beechwood Drive Storm Drain Replacement Project

Resolution 17-119, Accepting Completion of Certain Project in the Department of Public Works (729 Beechwood Drive Storm Drain Replacement Project)

Authorizing a Professional Services Agreement for Preparation of Plans and Specifications for the 2017-18 Street Resurfacing Project

Resolution 17-120, Authorizing Appropriation of Funds and Execution of Professional Services Agreement with Pavement Engineering, Inc.

Accepting and Appropriating a Grant from San Mateo County Aging and Adult Services for the 2017-18 Congregate Nutrition Program

Resolution 17-121, Accepting a Grant from the San Mateo County Aging and Adult Services Department and Authorizing Appropriation of Grant Funds (Congregate Nutrition Program)

Affirming Daly City's Commitment to the Paris Agreement on Climate Change

Resolution 17-122, Affirming the City of Daly City's Commitment to the Paris Agreement on Climate Change

Supporting the California Public Utilities Commission's One Thing for the Sun Campaign

Resolution 17-123, In Support of the California Public Utilities Commission's One Thing For the Sun Campaign, In an Effort to Raise Awareness of California Clean Energy

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Setting Time and Place of Public Hearing - Proposed Purchase of an Additional Automated License Plate Reader (Set Hearing 09/11/2017)

Resolution 17-124, Setting Time and Place of Public Hearing Re: Proposed Purchase of an Additional Automated License Plate Reader

Check Registers:

Check Registers for the Month of July 2017

END OF CONSENT AGENDA

COMMUNICATIONS:

Draft Response to 2016/2017 Grand Jury Report: "English Is Not Our Only Language: Are Local Law Enforcement Agencies Providing Multilingual Access to Outreach Programs?"

Police Lieutenant Cameron Christensen presented a report of the findings from the 2016-2017 San Mateo County Civil Grand Jury Report identifying the linguistic challenges of the non-English speaking population for law enforcement agencies.

It was moved by Councilmember Christensen, seconded by Vice Mayor Manalo and carried to accept the report and authorize the City Manager to prepare a written response to the report.

Consideration of Housing Endowment and Regional Trust (HEART) Membership

Councilmember Ray Buenaventura arrived at 7:40 p.m.

Housing and Community Development Supervisor Betsy Zobell and City Manager Patricia Martel gave a follow up report of what happened during the Study Session held earlier in the evening and reiterated how the City left HEART after being members for nine years (2004-2013) due to financial constraints and lack of use by the residents. Both Ms. Zobell and Ms. Martel answered Council questions regarding using CDBG Funds, Housing Trust Funds and the Inclusionary Housing Ordinance to provide developer loans and down payment assistance loans.

Armando Sanchez, Executive Director of HEART, answered Council questions regarding performance evaluations and the possibility of a fee restructure by the board of HEART.

The discussion about rejoining the HEART program centered on the fiscal effect of the membership fee expense and the overall benefit to the City and its residents.

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The following residents expressed concern with maintaining affordable housing and resolving compliance issues at the Franciscan Mobile Home Park before getting into a similar affordable housing program.

Bill Stipinovich

Bob Quinn

Sonny Quiniquini

It was moved by Councilmember Christensen to rejoin HEART when there is a new fee restructure that makes membership more affordable and when the City has enough money to pay for the membership out of the general fund budget versus from the reserves fund. The motion failed due to lack of a second.

It was moved by Councilmember Buenaventura to have staff gather additional information to include the possibility of a membership fee restructure and performance evaluations before making a firm decision. It was seconded by Vice Mayor Manalo with an amendment to also include an outreach plan. The motion with amendment carried by the following roll call vote:

Ayes: Buenaventura, Christensen, Manalo

Noes: Sylvester

AWARD/REJECTION OF BIDS/CONTRACTS:

Award of Construction Contract for the Junipero Serra Boulevard, Geneva Avenue, and San Pedro Road, Pavement Rehabilitation Project

Civil Engineer Associate David Rogers gave a brief background of the repairs and ADA improvements needed and made the recommendation for the City Council to accept all bids, pre-appropriate funds, and award a construction contract to G. Bortolotto & Co., Inc.

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

Resolution 17-125, Authorizing Execution of Construction Contract With G. Bortolotto & Company, Inc. For the Junipero Serra Boulevard, Geneva Avenue and San Pedro Road Pavement Rehabilitation Project

PUBLIC APPEARANCES/ORAL COMMUNICATIONS:

The following Westlake residents spoke against front yard paving, rooming houses, absentee owners abusing Accessory Dwelling Unit/Junior Accessory Dwelling Unit laws and Airbnb's as issues creating overcrowding, safety and environmental impacts and overuse of the

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City's services and financial resources. The residents made some suggestions and are asking Council to work with them to resolve these issues.

Julie O'Callaghan (for Karen Boyle)
Julie Nordman
Rick swan (for John Leung)
Jacquelyn Newman (for Carmen Moissiy)

Charles Marsbury
David Jeffries
Scott McNutt

Gabriella Makstman, resident, commented on how these issues are a financial opportunity to maximize profits for our City.

Cathy Pantazy, resident, addressed concerns about the future development between Gellert and Callan and gave Council and staff the results of a survey conducted by the St. Francis Heights Association. She also expressed concern regarding dying trees in Crestview Estates and that rooming houses are a City wide issue.

Marian Mann, resident, spoke on behalf of 43 petition signers from the Doelger Senior Center about the lack of coffee service after 1 PM.

Pamela DiGiovanni, resident, expressed how the rooming houses could be a silent operation for human and labor trafficking activities. Ms. DiGiovanni also commended Chief Martinez for taking immediate action in erasing KKK writings on some doors following the Charlottesville tragedy and encouraged residents to continue to respect and protect diversity in order to maintain the quality of life in Daly City.

Sylvia Alvarez-Lynch, resident, stated that the Mayor discriminated against her and violated her first amendment rights by not allowing her more than two minutes like other speakers because he did not like what she was saying. She asked the Council to provide leadership that is both transparent and responsible and to not give any raises because the City is in danger of bankruptcy. Ms. Alvarez-Lynch also suggested that police be required to serve a minimum of six years so that they are not getting quality training only to leave Daly City.

APPOINTMENTS:

There were no appointments.

REPORTS:

Council Committee

Council Committee Meetings, July 24 – August13, 2017:

Solid Waste/Recycling Committee (Buenaventura)
Affordable Housing Committee (Christensen/Manalo)

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City Council

Mayor Sylvester attended the Peninsula Clean Energy meeting and is pleased with the City's favorable opt out rate which is better than the other 22 cities in the County. He also attended the SFO Roundtable to try to shift the airplane noise by getting airplanes to fly over the water instead of Daly City. The Mayor also congratulated Chief Martinez and his staff for the good work during the National Night Out event.

Staff

There were no reports.

ADJOURNMENT:

Mayor Sylvester requested a moment of silence and adjourned the meeting at 9:24 PM in memory of Ngeth Chheng and the Charlottesville victims.

Approved as submitted, this 11th
day of September, 2017.

City Clerk

Mayor



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Accepting and Appropriating a \$2,000 Donation from the Ross Stores Foundation

Recommended Action

It is recommended the City Council accept a \$2,000 donation from the Ross Stores Foundation and appropriate this amount for Library summer and winter reading programs.

Background/Discussion

Library staff solicited funds to support existing reading programs for Daly City youth, including Summer Learning and Winter Reading. The Ross Stores Foundation provided an unrestricted gift of \$2,000 to support those programs.

Fiscal Impact

The \$2,000 donation revenue from the Ross Stores Foundation was not anticipated in the current Fiscal Year budget. These funds were received and will be expended in Fiscal Year 2017-18.

Summary/Conclusion

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

Respectfully submitted,

Chela Anderson
Library Services Manager

Joseph Curran
Director
Department of Library and Recreation Services



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Authorizing the City Manager to Execute an Agreement with the Jefferson Elementary School District and Appropriate Grant Funds for the After School Education and Safety Program Administered by the Department of Library and Recreation Services

Recommended Action

It is recommended the City Council authorize the City Manager to execute an agreement with the Jefferson Elementary School District and appropriate grant funds of \$83,450 for the Fiscal Year 2017-18 After School Education and Safety Program (ASES).

Background

The City, through the Department of Library and Recreation Services, delivers the ASES Program at four Jefferson Elementary School District sites. The ASES Program is held each day after school and runs from the end of the school day until 6:00 p.m. This program supplements and compliments programs currently provided by the Jefferson Elementary School District, Daly City Peninsula Partnership Collaborative and the City of Daly City Department of Library and Recreation Services. These programs include academic tutoring, homework assistance, enrichment classes and recreational activities.

Grant funding for the Jefferson Elementary School District ASES Program is provided directly by the State of California Department of Education to the School District. The School District serves as the pass-through and provides these grant funds to the City to fund the costs incurred by the City to deliver the ASES program.

Fiscal Impact

No City General Fund subsidy is incurred through the delivery of this program. Grant funding for the program of \$83,450, provided to the City through the School District by the State of California Department of Education, should be appropriated into account number 28-131-179-3601.

Summary/Conclusion

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

Respectfully Submitted,

Denise Brown
Recreation Services Manager

Joseph Curran
Director of Library and Recreation Services

CONTRACTUAL SERVICES AGREEMENT
BETWEEN THE JEFFERSON ELEMENTARY SCHOOL DISTRICT
AND _____
FOR SERVICES AT THE _____ SCHOOL SITE

THIS AGREEMENT ("Agreement") is made at Daly City, California, effective _____, 201__, by and between the Jefferson Elementary School District, ("School District"), and _____ ("Contractor") who agree as follows:

1. **SERVICES.** Subject to the terms and conditions set forth in this Agreement, Contractor shall provide to the School District the services described in Exhibit A ("Services"). The Services shall be provided by appropriate representatives and employees of Contractor at the time, place and in the manner specified in Exhibit A.
2. **PAYMENTS AND OTHER DISTRICT OBLIGATIONS.** School District shall pay Contractor for the Services at the time and in the manner set forth in Exhibit B. These payments shall be the only payments to be made to the Contractor for the Services. Contractor shall submit all billings for said Services to School District in the manner specified in Exhibit B. School District agrees to pay Contractor for Services rendered during the term of the Agreement (see Section 15, below) in an amount not to exceed \$ _____, as specified in Exhibit B. Any District obligations other than payments shall be specified in Exhibit A.
3. **INDEPENDENT CONTRACTOR.** It is understood that Contractor, in the performance of the Services, shall act as and be an independent contractor and shall not act as an agent or employee of the School District. Contractor shall obtain no rights to retirement benefits, workers' compensation benefits, or other benefits which accrue to School District's employees, and Contractor hereby expressly waives any claim it may have to any such rights. Nothing contained in this Agreement will be deemed or construed as creating a joint venture or partnership between Contractor and the School District.
4. **MUTUAL INDEMNIFICATION.** Contractor shall defend, indemnify, and hold harmless School District and its agents, representatives, officers, consultants, employees, Board of Education, and members of the Board of Education (collectively, the "School District Parties"), from and against any and all claims, demands, liabilities, damages, losses, suits and actions, and expenses (including, but not limited to attorney fees and costs including fees of consultants) of any kind, nature and description (collectively, the "Claims") directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of Contractor, or their respective agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees ("Contractor Parties") in the performance of or failure to perform Contractor's obligations under this Agreement, including but not limited to Contractor's or the Contractor Parties' use of the site, Contractor's or the Contractor Parties' performance of the Services, Contractor's or the Contractor Parties' breach of any of the representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to School District or the School District Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph.

School District shall defend, indemnify, and hold harmless Contractor and the Contractor Parties from and against any and all Claims directly or indirectly arising out of, connected with, or resulting from any act, error, omission, negligence, or willful misconduct of School District, the School District Parties or their respective agents, subcontractors, employees, material or equipment suppliers, invitees, or licensees in the performance of or failure to perform School District's obligations under this Agreement, including but not limited to School District's or the School District Parties' breach of any representations or warranties contained in this Agreement, or for injury to or death of persons or damage to property or delay or damage to Contractor or the Contractor Parties. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity, which would otherwise exist as to a party, person, or entity described in this paragraph.

5. **INSURANCE REQUIREMENTS.** During the entire term of this Agreement, Contractor shall procure, pay for and keep in full force and affect the following types of insurance:

Comprehensive general liability insurance, including owned and non-owned automobile (vehicle) liability insurance, with respect to the Services provided by, or on behalf of, Contractor under this Agreement. Liability insurance for death, bodily injury and property damage shall be for no less than One Million dollars (\$1,000,000) per occurrence. Such insurance shall include molestation coverage if the Services allow Contractor to interact with students.

The policies of insurance described above shall be carried with responsible and solvent insurance companies authorized to do business in the State of California. True and correct copies of all certificates of insurance reflecting the coverage described above shall be provided to the School District upon request. Contractor agrees that it shall not cancel or change the coverage provided by the policies of insurance described above without first giving the School District's Assistant Superintendent, Business Services, thirty (30) days prior written notice.

6. **COMPLIANCE WITH LAWS.** Contractor shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.

Contractor shall comply with the requirements of California Education Code § 45125.1 with respect to fingerprinting of Contractor or employees or agents of Contractor who may have contact with the School District's pupils. If at any time during the term of this Agreement Contractor is either notified by the U.S. Department of Justice or otherwise becomes aware that any employee or agent of Contractor performing Services under this Agreement has been arrested or convicted of a violent or serious felony listed in California Penal Code § 667.5(c) or California Penal Code § 1192.7(c), respectively, Contractor agrees to immediately notify the School District and remove said employee or agent from performing Services pursuant to this Agreement. Contractor will pay for fingerprinting to be done through the district.

7. **LICENSES.** Contractor represents and warrants to School District that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Contractor to practice its profession. Contractor represents and warrants to School District that Contractor shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are legally required of Contractor to practice its profession.

8. **NON-ASSIGNABILITY.** Contractor shall not assign this Agreement or any portion thereof to a third party without the prior written consent of the School District, and any attempted assignment without such prior written consent in violation of this section automatically shall terminate this Agreement.

9. **TERMINATION OF AGREEMENT.** Contractor or School District may, at any time, terminate this Agreement, by giving thirty (30) days written notice specifying the effective date of termination. Contractor shall be entitled to receive payment for Services provided prior to the date of termination of the Agreement. Such payment shall be that portion of the full payment, which is determined by comparing the Services completed to the Services required by the Agreement.

10. **WORKER'S COMPENSATION INSURANCE.** Contractor agrees and understands that the School District shall not be responsible for providing Workers' Compensation Insurance to or on behalf of, Contractor or Contractor's employees or agents for the work/services to be performed. Contractor shall be solely responsible for providing for Workers' Compensation Insurance for Contractor. Contractor also agrees and understands that it shall be solely responsible for all Federal and State Income tax liability created by the monies paid by School District to the Contractor for the work/services performed and that the School District will not withhold said taxes from monies paid to Contractor pursuant to this Agreement.

11. **NON-DISCRIMINATION.** No person shall illegally be excluded from participation in, denied the benefits of, or be subjected to discrimination under this Agreement on account of their race, ancestry, sex, creed, color, national origin, religion, age, political affiliation, marital status, medical condition, sexual orientation, or disability. Contractor shall ensure full equal employment opportunity for all employees under this Agreement.

12. RETENTION OF RECORDS. Contractor shall maintain all required records and reports as reflected in Exhibit A, Scope of Services, for three (3) years after the School District makes final payment and all other pending matters are closed, and shall be subject to the examination and/or audit of the School District, a federal grantor agency, and the State of California.

13. MERGER CLAUSE. This Agreement, including Exhibit A and Exhibit B attached hereto and incorporated herein by reference, constitutes the sole Agreement of the parties hereto and correctly states the rights, duties and obligations of each party as of the date of this Agreement. Any prior agreement, promises, negotiations, or representations between the parties not expressly stated in this Agreement are not binding. All subsequent modifications shall be in writing and signed by the Superintendent of the School District or his or her designee and Contractor. In the event of a conflict between the terms, conditions or specifications set forth herein and those in Exhibit A and Exhibit B attached hereto, the terms, conditions or specifications set forth herein shall prevail.

14. CONTRACT ADMINISTRATION. This Agreement shall be administered by the School District's Superintendent or designee ("Administrator"). All correspondence shall be directed to or through the Administrator or his or her designee.

15. TERM OF AGREEMENT. This Agreement shall commence on _____ and shall terminate on _____.

16. NOTICES. Any written notice to School District shall be sent to:

Administrator: Julie Kessler
Title: Assistant Superintendent of Business Services
The Jefferson Elementary School District
101 Lincoln Avenue
Daly City, California 94015

Any written notice to Contractor shall be sent to:

Individual's name: _____

Title: _____

Contractor Name and Address:

17. CONFIDENTIAL INFORMATION. Contractor shall maintain the confidentiality of, and protect from unauthorized disclosure, any and all individual student information received from the District, including but not limited to student names and other identifying information. Contractor shall not use such student information for any purpose other than carrying out the obligations under this Agreement. Upon termination of this Agreement, Contractor shall turn over to District all educational records related to the services provided to any District student pursuant to this Agreement.

18. SEVERABILITY. If any provision of this Agreement shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

19. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of California, excluding its choice of law rules. Any action or proceeding seeking any relief under or with respect to this Agreement shall be brought solely in the Superior Court of the State of California for the County of San Mateo, subject to transfer of venue under applicable State law, provided that nothing in this Agreement shall constitute a waiver of immunity to suit by the District.

21. WAIVER. No delay or omission by District in exercising any right under this Agreement shall operate as a waiver of that or any other right and no single or partial exercise of any right shall preclude the District from any or further exercise of any right or remedy.

22. EXECUTION OF OTHER DOCUMENTS. The parties to this Agreement shall cooperate fully in the execution of any and all other documents and in the completion of any additional actions that may be necessary or appropriate to give full force and effect to the terms and intent of this Agreement.

23. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy, facsimile, or an original, with all signatures appended together, shall be deemed a fully executed agreement.

School site Principal's signature of agreement to Exhibit A, Scope of Services, and Exhibit B, payment amount and terms. This signature is for district purposes and does not execute this agreement no greater than \$3,000.

Principal's Signature

Date

IN WITNESS WHEREOF, the parties hereto have executed this Agreement:

Note: If this agreement is for an amount greater than \$3,000 the below must be signed by the Superintendent or Assistant Superintendent of Business Services

Jefferson Elementary School District

Contractor's Name

By: _____
Signature

By: _____
Signature

Printed Name

Printed Name

Title

Title

Address

Address

City State Zip

City State Zip

Telephone Number

Telephone Number

Date

Date

Exhibit A – Scope of Services and Obligations
(at _____ School Site)

Contractor agrees to satisfactorily perform the following Services during the term of this Agreement:

(NOTE: this section may be change and approved by review of JESD Asst. Sup. of Business Services)

Exhibit B – Payment Terms

The Parties agree to the following payment terms:

1. For Services satisfactorily performed, the School District will make payments to Contractor, but such payments shall not exceed a total of \$ _____ for the contract period. If the Services are not complete but the not-to-exceed total has been paid, then Contractor shall perform the remaining Services without further payment.
2. Contractor shall submit invoices for payment of Services satisfactorily performed, invoice must reference District Purchase Order number.
3. The School District shall pay each undisputed and detailed invoice within thirty (30) days of receipt of the invoice and any additional supporting documentation requested by the School District.
4. All payments made by District to Contractor pursuant to this Agreement shall be reported to the applicable federal and state taxing authorities as required. District will not withhold any money from fees payable to Contractor, including FICA (social security), state or federal unemployment insurance contributions, or state or federal income tax or disability insurance. Contractor shall assume full responsibility for payment of all federal, state and local taxes or contributions, including unemployment insurance, social security and income taxes with respect to Contractor and the Contractor Parties and otherwise in connection with this Agreement.



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Accepting and Appropriating a \$6,000 Grant from the Daly City Public Library Associates

Recommended Action

It is recommended the City Council accept a \$6,000 grant from the Daly City Public Library Associates and appropriate this amount for library materials and for audio equipment.

Background/Discussion

The Daly City Public Library Associates provided a grant to the Library to purchase additional materials on health and wellness topics and to add speakers to the public program areas at the John Daly Library. This contribution is attributed to a grant from Seton Medical Center and generous donations made in memory of Natividad Lansang.

Fiscal Impact

The \$6,000 grant revenue from the Daly City Public Library Associates was not anticipated in the current Fiscal Year budget. These grant funds were received and will be expended in Fiscal Year 2017-18.

Summary/Conclusion

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

Respectfully submitted,

Chela Anderson
Library Services Manager

Joseph Curran
Director
Department of Library and Recreation Services



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Appropriation of Grant Funding from Cities of Service

Recommended Action

Accept and appropriate a \$25,000 grant from Cities of Service to implement a second year of Project Green Space, a tree planting and rain garden installation program.

Background/Discussion

Cities of Service, a nonprofit organization founded by former New York City Mayor Michael Bloomberg, provided a grant to the City Manager's Office through the "Prepared Together" program. This grant will be used for tree planting and rain garden installations to strengthen community resilience in two focus areas: Bayshore and Hillside. This effort seeks to restore and grow the urban forest using impact volunteering.

Fiscal Impact

The grant revenue from Cities of Service will be expended in Fiscal Year 2017/18.

Summary/Conclusion

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

Respectfully submitted,

Stephen Stolte
Sustainability Coordinator

Patricia E. Martel
City Manager



City Council Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Amend Traffic Regulations: Convert the existing 30-minute parking meter to a 15-minute limited time parking (green) zone in front of 101 School Street (TSR 18/12).

Recommended Action

Recommend the City Council amend traffic regulations to convert the existing 30-minute parking meter to a 15-minute limited time parking (green) zone in front of 101 School Street (TSR 18/12).

Background

On August 10, 2017, the City's Traffic Safety Committee met and reviewed various requests for traffic improvements, signage and pavement markings, and recommended that the City Manager amend the aforementioned traffic regulation.

Discussion

The business owner of Amigos Market at 101 School Street, Suite B, requested limited time parking in front of their business. There is an existing 30-minute parking meter in front of the business on School Street. Since 30 minutes is the shortest time increment the City has available for a parking meter, the existing parking meter will be removed and a 15-minute green zone will be installed. The shorter time period of the green zone will encourage parking turnover in front of the business.

Fiscal Impact

Funding is available for the proposed signs and/or markings in the Street Maintenance operating budget 01-314-330-4241 for Fiscal Year 2017-2018.

Summary/Conclusion

Recommend the City Council amend the traffic regulations to convert the existing 30-minute parking meter to a 15-minute limited time green zone in front of 101 School Street.

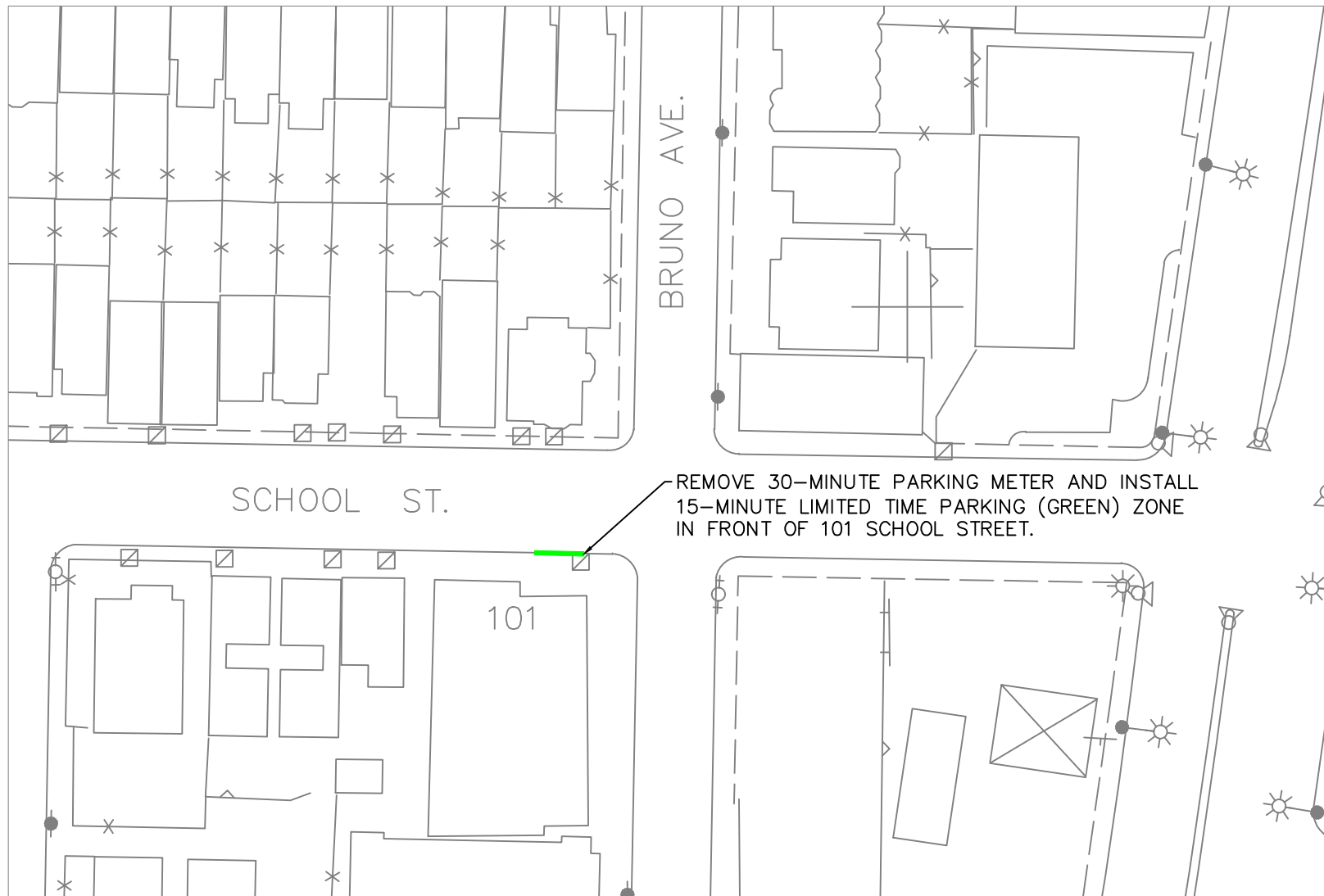
Staff is available to provide any additional information desired by the Mayor or Councilmembers.

Respectfully submitted,

Shirley Chan
Traffic Engineer

John L. Fuller
Director of Public Works

Attachment: Traffic Improvements Location Map



TSR 18/12



N.T.S.

THE CITY OF DALY CITY
CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

TRAFFIC IMPROVEMENTS
SCHOOL STREET

DRAWN DA	DATE 08/17	APPROVED	CITY ENGINEER
CHECKED JLF	SCALE NTS	SHEET NO. 1 OF 1	TSR 18-12
DESIGNED SCY	SURVEY NO.	DRAWING NUMBER	REV.



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Acceptance of Donated Funds and Use of Federal Asset Forfeiture for a Daly City Gun Buyback Event

Recommended Action

Accept donated funds in the combined amount of \$15,000.00 and authorize use of Federal Asset Forfeiture Funds (DEA) for a Daly City Gun Buyback event scheduled for September 9, 2017.

Background

The City of Daly City arranged to host a gun buyback event at the Cow Palace on September 9, 2017. Funds were donated by several supporters for this event. The funds donated will be used solely for compensating community members who anonymously donate their firearms for destruction, making the community safer.

Discussion

Congresswoman Jackie Speier donated \$10,000.00 and the Town of Colma donated \$5,000.00 towards the Daly City Gun Buyback. These donations totaling \$15,000.00 will support the buyback of firearms from members of our community. Each firearm anonymously turned in will be compensated at either \$100.00 or \$200.00 depending on the firearm type. The firearms will be processed and ultimately melted rendering them unusable.

Fiscal Impact

Funds are donated for the intended use at the Gun Buyback event. Should the event exceed \$15,000.00, the remainder of funds will be taken from Federal Asset Forfeiture Funds (DEA). The total cost for the event shall not exceed \$40,000.00.

Summary/Conclusion

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

Respectfully submitted,

Cameron Christensen
Lieutenant

Manuel Martinez Jr.
Chief of Police



City Council Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Rescind Purchase Order to Independent Electric Supply and Approve a Purchase Order to Buckles-Smith for 28 Streetlights and Streetlight Poles

Recommended Action

Recommend the City Council rescind the purchase order to Independent Electric Supply, Inc. in the amount of \$147,884.67 and approve the purchase order to Buckles-Smith for replacement of streetlights and poles in the total amount of \$181,938.75 including sales tax.

Background

In 2002, the City installed 28 streetlights and streetlight poles on the John Daly Boulevard Bridge. Due to the constant exposure to fog and salty air, the poles and luminaire arms are rusted and deteriorated beyond repair. In 2016, several poles in poor condition were removed in the interest of public safety. The remaining streetlights and poles need to be removed and replaced.

The manufacturer of the existing streetlights makes a light emitting diode (LED) fixture in the same style as the fixtures currently in use. By purchasing new LED light fixtures from the same manufacturer, the streetlights will have the same distinctive appearance, but be more energy efficient. By purchasing poles from the same manufacturer, the new aluminum poles would have the same bolt pattern as the existing poles; therefore, the existing pole foundations can be re-used. Both the streetlights and poles will be painted in the same blue as the original streetlights.

On July 24, 2017, the City Council approved a purchase order to Independent Electric Supply, Inc. in the amount of \$147,884.67 for the purchase of 28 streetlights and poles. However, on July 31, 2017, Independent Electric Supply emailed staff to withdraw their quote because an error had been made. Unlike a public works contract, the vendor is not required to submit a bid bond with the quote submission. Without a bid bond from the vendor, the City did not have a way to require the vendor to honor the original quote. Since the original quotes expired before the next City Council meeting, staff asked for new quotes from all three vendors.

Discussion

On August 17, 2017, staff contacted three (3) lighting distributors for new quotes to purchase 28 streetlights and streetlight poles and received two (2) quotes. The two (2) quotes are shown in the table below.

• Buckles-Smith	\$181,938.75
• Independent Electric Supply, Inc.	\$199,665.00

Buckles-Smith provided the lowest quote for the desired 28 dual head street lights (56 light fixtures) and 28 replacement poles and mast arms.

**Rescind Purchase Order to Independent Electric Supply
And Approve a Purchase Order to Buckles-Smith for
28 Streetlights and Streetlight Poles
Meeting Date: September 11, 2017
Page 2 of 2**

Fiscal Impact

Sufficient funding is available in fiscal year 2017 – 2018 Capital Improvements Project Account 17-312-634-4536 to purchase the streetlights and streetlight poles.

Summary/Conclusion

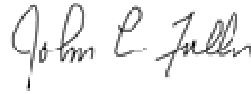
Staff recommends that the City Council rescind the purchase order to Independent Electric Supply, Inc. in the amount of \$147,884.67 and approve the purchase order to Buckles-Smith for replacement streetlights and streetlight poles in the total amount of \$181,938.75 including sales tax.

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

Attachments: Quote – Buckles-Smith
 Quote – Independent Electric Supply, Inc.

QUOTE



Independent Electric Supply
1575 Burke Avenue
San Francisco, CA 94124
415.734.4700
iesupply.com

Company Name:

Address:

Contact Person:

Phone:

RAUL MARTINEZ

Date: 8-25, 2017

TO THE CITY COUNCIL OF THE CITY OF DALY CITY, CALIFORNIA

Project: **JOHN DALY BOULEVARD BRIDGE STREETLIGHT REPLACEMENT**

Quote shall be valid for 30 days from quote date.

Item No.	Item Description	Quantity	Unit of Measure	Unit Price	Item Total
1	SELUX QH2L-R4-2-4TL500-30-5010-120	28	EA		
2	SELUX AT535-16- 4 SP-BC3	28	EA		
3	Sales Tax not <u>not included</u>	1	LS		
4	Freight	1	LS		
TOTAL					<u>Lot \$183,600.00</u>

* Sales tax not included

QUOTE

Date: AUG 24, 2017

Company Name: BUCKLES-SMITH ELECTRIC
Address: 796 SAN ANTONIO ROAD
PALO ALTO, CA 94303
Contact Person: JERRY BROWN
Phone: 650-494-0400 PH.
925-852-7763 CELL

TO THE CITY COUNCIL OF THE CITY OF DALY CITY, CALIFORNIA
Project: **JOHN DALY BOULEVARD BRIDGE STREETLIGHT REPLACEMENT**

Quote shall be valid for 30 days from quote date.

Item No.	Item Description	Quantity	Unit of Measure	Unit Price	Item Total
1	SELUX QH2L-R4-2-4TL500-30-5010-120	28	EA	2975 ⁰⁰	83,300 ⁰⁰
2	SELUX AT535-16-5010-BC3	28	EA	3000 ⁰⁰	84,000 ⁰⁰
3	Sales Tax	1	LS		14,638 ⁷⁵
4	Freight	1	LS		INCLUDED
TOTAL				\$	181,938 ⁷⁵



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Requesting Use of Federal Asset Forfeiture Funds (DEA) to Purchase Fitness Equipment for the Daly City Police Department

Recommended Action

Staff recommends Council approve the use of Federal Asset Forfeiture Funds (DEA) to purchase fitness equipment for the Police Department fitness center.

Background

The Daly City Police Department underwent a major gym and locker room remodel over the last six months as part of a capital improvement project. The fitness equipment that we had in the previous gym was donated over the years by Department members. Much of the original equipment was donated to a local high school, and the remaining equipment that had reached the end of its useful life was discarded.

Discussion

The gym remodel project consisted of an adjustment to location and construction, requiring the purchase of new fitness equipment to properly fit and meet the needs of Department members. Police Officers are encouraged to maintain a healthy lifestyle given the demands of the job, and proper fitness equipment can help attain those levels. The requested funds will assist in acquiring the necessary equipment to supply the new gym, which will consist of cardiovascular machines and strength training items from multiple specialty vendors. The Department of Justice has approved the use of these funds for the purchase of fitness equipment. Based on an analysis of current equipment and space it is estimated the cost will be between \$24-25,000.00.

Fiscal Impact

DEA has approved and funding is available through the use of Federal Asset Forfeiture Funds.

The estimated cost of the one-time purchase for fitness equipment will not exceed **\$25,000.00**.

Summary/Conclusion

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

Respectfully submitted,

Cameron Christensen
Lieutenant

Manuel Martinez Jr.
Chief of Police



City Council Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Amend the Capital Improvement Budget to Incorporate SB 1 Road Maintenance and Repair Account Funds Authorized Under SB 1

Recommended Action

Recommend the City Council adopt a Resolution Amending the Capital Improvement Budget to Incorporate SB 1 Road Maintenance and Repair Account Funds

Background/Discussion

SB 1 (Beall) was filed with the Secretary of State on April 28, 2017. This bill established a Road Maintenance and Rehabilitation Account (RMRA) in the State Transportation Fund that is intended to address deferred maintenance on the state highway system and the local street and road network. As written SB 1 requires the California Transportation Commission (CTC) to adopt criteria to ensure efficient use of these funds. The RMRA funds will be provided to cities on a monthly basis along with traditional gas tax monthly disbursements, with the first distribution expected in January 2018. Based on estimates provided by State Controllers Office (SCO) projected to receive approximately \$615,000 in FY17-18 (i.e., between January 1 and June 30, 2018).

These funds do not have to be expended immediately. RMRA funds can be saved for a future project, however the projects utilizing RMRA funds must be identified and approved by the City Council and reported to the CTC before October 16, 2017. Public Works staff is recommending using the RMRA funds for the next annual slurry seal project projected for completion in the summer of 2018. The recommended slurry seal project is identified in the City's ten year Capital Improvement Plan (CIP) and will be formally recommended for approval and allocation of RMRA funds during our 2018/2020 CIP budget adoption in May 2018. Staff has identified the St Francis Heights Street Slurry Seal as the next project. The project design phase will be completed during the current year using none RMRA gas tax funds.

The reason for recommending approval of the attached resolution is to satisfy the requirements of SB 1 relative to holding local governments accountable for the efficient investment of public funds to maintain public streets and roads. Specifically the following addition to the Streets & Highways Code;

2034.

(a) (1) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (h) of Section 2032 from the Controller in a fiscal year, an eligible city or county shall submit to the commission a list of projects proposed to be funded with these funds pursuant to an adopted city or county budget. All projects proposed to receive funding shall be included in a city or county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting. The list of projects proposed to be funded with these funds shall include a description and the location of each proposed project, a proposed schedule for the project's

**Amend the Capital Improvement Budget to Incorporate
SB 1 Road Maintenance and Repair Account Funds Authorized
Under SB 1
Meeting Date: September 11, 2017
Page 2 of 2**

completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (b) of Section 2030.

The criteria developed by the CTC require that the first round of projects to be funded with RMRA dollars be submitted no later than October 16, 2017. The proposed Resolution is expected to be acceptable as confirmation that the specific project has been identified and approved by the City Council at a regular public meeting.

Fiscal Impact

The RMRA funds received during the current fiscal year will be saved and allocated for the St Francis Heights Street Slurry Seal Project. Total funding for this project will be a combination of RMRA, Measure A and other traditional gas tax funds, with a total budget of \$1,206,000.00.

Summary/Conclusion

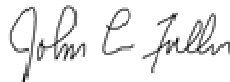
Recommend the City Council adopt a Resolution Amending the Capital Improvement Budget to Incorporate SB 1 Road Maintenance and Repair Account Funds.

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

Respectfully submitted,



Sibely Calles
Senior Management Analyst



John L. Fuller
Director of Public Works

Attachments: St. Francis Slurry Seal Map
Funding Document
Draft Resolution

St Francis Heights Street Slurry Seal

PROJECT DESCRIPTION AND OPERATING IMPACT:

The application of latex-modified asphalt slurry seal on selected streets citywide per the 7-year Street Slurry Seal Master Plan and in coordination with the City's pavement Management System recommendations. The operating impact will reduce the street maintenance effort for pavement repair and patching. The St. Francis Heights slurry seal project will examine the following streets and a slurry seal will be applied if it is determined to be an appropriate treatment: Alta Loma Ave., Belhaven Ave., Belhaven Ct., Buena Vista Ave., Campana Ave., Carleton Ave., Castillejo Dr., Cerro Ct., Cerro Dr., Clarinada Ave., Del Prado Dr., Eastmoor Ave., Edgemont Dr., El Dorado Dr., Escuela Dr., Glenbrook Ave., Grandview Ave., Higate Dr., Huntington Dr., Lakeshire Dr., Larkspur Ave., Lincoln Ave., Mariposa Ave., Mayfield Ave., Midvale Dr., Monterey Dr., Northaven Dr., Olcese Ct., Pamela Ct., Portola Ave., Ridgefield Ave., Rockridge Ave., San Fernando Way, San Miguel Ave., Santa Elena Ave., Santa Paula Dr., Santa Rita Ave., Savage Way, Shelbourne Ave., Southdale Ave., St. Catherine Dr., St. Francis Blvd, St. James Ct., St. Marks Ct., St. Michaels Ct., Verano Dr., Woodland Ave., Woodside Ave., Zita Manor

PROJECT JUSTIFICATION:

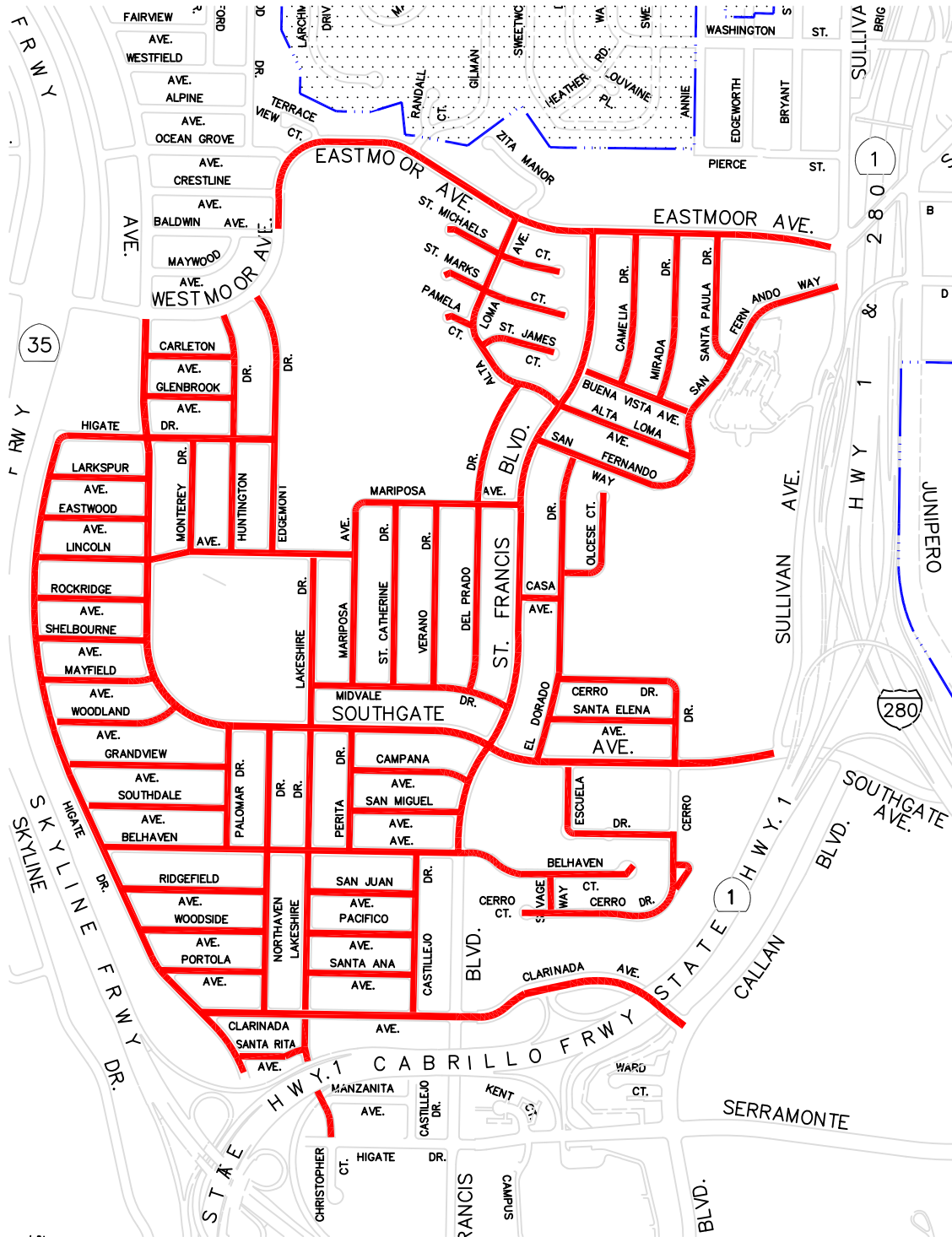
The life and condition of residential streets, which have not deteriorated significantly to require re-paving, can be more cost-effectively preserved with the application of latex-modified asphalt slurry seal.

St Francis Heights Street Slurry Seal		< ENTER PROJECT NAME HERE										
PROJECT EXPENDITURES:		2016E	2017E	2018E	2019E	2020E	2021E	2022E	2023E	2024E	2025E	TOTAL
1-DESIGN		-	-	41,000	-	-	-	-	-	-	-	41,000
IN-HOUSE SRV CHG DESIGN				40,000								
CONTRACTUAL SERVICES DESIGN												
ADMINISTRATION DESIGN				1,000								
2-CONSTRUCTION		-	-	-	1,165,000	-	-	-	-	-	-	1,165,000
IN-HOUSE SRV CHG CONSTRUCTION					40,000							
CONTRACTUAL SERVICES CONSTRUCTION					1,124,000							
ADMINISTRATION CONSTRUCTION					1,000							
3-EQUIPMENT		-	-	-	-	-	-	-	-	-	-	-
EQUIPMENT												
4-OTHER USES		-	-	-	-	-	-	-	-	-	-	-
TOTAL PROJECT EXPENDITURES		-	-	41,000	1,165,000	-	-	-	-	-	-	1,206,000
REVENUE SOURCES:												
MEASURE M					300,000							300,000
MEASURE A				41,000	250,000							291,000
GAS TAX *					615,000							615,000
OTHER SOURCES												-
TOTAL PROJECT REVENUES		-	-	41,000	1,165,000	-	-	-	-	-	-	1,206,000
IMPACT ON OPERATING BUDGET		2016E	2017E	2018E	2019E	2020E	2021E	2022E	2023E	2024E	2025E	
PERSONNEL												-
OPERATING & MAINTENANCE												-
OTHER												-
TOTAL IMPACT ON OPERATING BUDGET		-	-	-	-	-	-	-	-	-	-	-

*Gas Tax - SB1/RMRA Funds

CITY OF DALY CITY
SAN MATEO COUNTY, CALIFORNIA

PROJECT PLANS FOR CONSTRUCTION OF
2018-19 ST. FRANCIS HEIGHTS SLURRY SEAL



SCALE IN FEET
0 1000 2000



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: **Acceptance of Edward Byrne Memorial Justice Assistance Grant (JAG)
Program Grant Funds for Forensic Laboratory Fees**

Recommended Action

Staff recommends Council accept award funds from the Federal 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program totaling \$16,639.00. Funds will be used to pay for San Mateo County Forensic Laboratory fees.

Background

On August 3, 2017, the funding information was made available to the City of Daly City and the application was due on September 5, 2017. The Police Department applied for the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to help supplement the evidence processing costs at the San Mateo County Forensic Laboratory. One of the conditions of this application for the JAG grant funds is for the applicant to ask the governing body to review the police department's request to apply for grant funding.

Discussion

This grant provides a total award of \$16,639.00 and will be administered by the police department.

Fiscal Impact

Proposed funding runs from October 1, 2017 through September 30, 2018, or until the award has been exhausted.

Summary/Conclusion

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

Respectfully submitted,

Patrick Hensley
Captain

Manuel Martinez
Chief of Police



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

**Subject: Extension of Tentative Subdivision Map Approval for
Major Subdivision SUB01-2 – Serramonte Vista**

Recommended Action

Extend Major Subdivision SUB01-2 for a period of one year, until September 11, 2018.

Background

On September 13, 2004, the City Council approved Major Subdivision SUB01-2, a proposal to subdivide an existing lot for the purpose of building 200 condominium units and a 137 room hotel on a site located on the south side of Serramonte Boulevard between Gellert and Callan Boulevard (see Attachment A – Location Map). The approved tentative map was valid for an initial period of two years, until September 13, 2006. In September 2006, the City Council extended the Tentative Map for an additional 12 months to September 2007. On October 22, 2007, the City Council granted an additional extension of 12 months to September 13, 2008. Due to four separate pieces of State legislation passed dating back to July of 2008, the effective dates of tentative subdivision maps statewide were extended an additional seven years beyond what had already been granted by the City.¹ With the incorporation of these legislative extensions, the tentative map was valid until September 13, 2015. On September 14, 2015, the City Council granted an additional two-year time extension. The existing map is now set to expire on September 14, 2017.

The Subdivision Map Act allows tentative maps to be extended if the request for extension is made prior to expiration. The extension must be considered within 60 days of the request and must be approved by the advisory agency or legislative body authorized to approve, conditionally approve, or deny tentative maps.² On September 8, 2017, the applicant submitted a request to extend the life of the tentative map.

Discussion

Section 66452.6(e) of the Subdivision Map Act allows time extensions for subdivision maps of up to a maximum of five years. The City Council has already granted two one-year extensions and one two-year extension of the map (a total of four years), so the remaining potential extension for the map is one additional year. Therefore the City is authorized to further extend the effective date of the tentative map for an additional year, until September 11, 2018. Staff is recommending the permit be extended for this time period. The City Council should be aware that the map subject to this extension will likely be replaced by a new tentative map reflecting the 323 condominium units currently proposed as part of “The Views” project and the extension of the subject map does **not** grant

¹ See Senate Bill 1185 (SB 1185), Assembly Bill 333 (AB 333) Assembly Bill 208 (AB 208) and Assembly Bill (AB 116), for additional details about the legislative extensions to existing tentative maps.

² See Section 66452.6(e) of the Subdivision Map Act.

approval of a new map. Rather, the extension provides the applicant with the ability to implement **only** the original project approved in 2004.

Recommendation

Staff recommends that the City Council take the following actions:

- 1) Extend the approval for Major Subdivision SUB01-2 until September 11, 2018.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tatum Mothershead', written in a cursive style.

Tatum Mothershead
Director of Economic and Community Development

Attachments

Attachment A – Location Map

LOCATION MAP

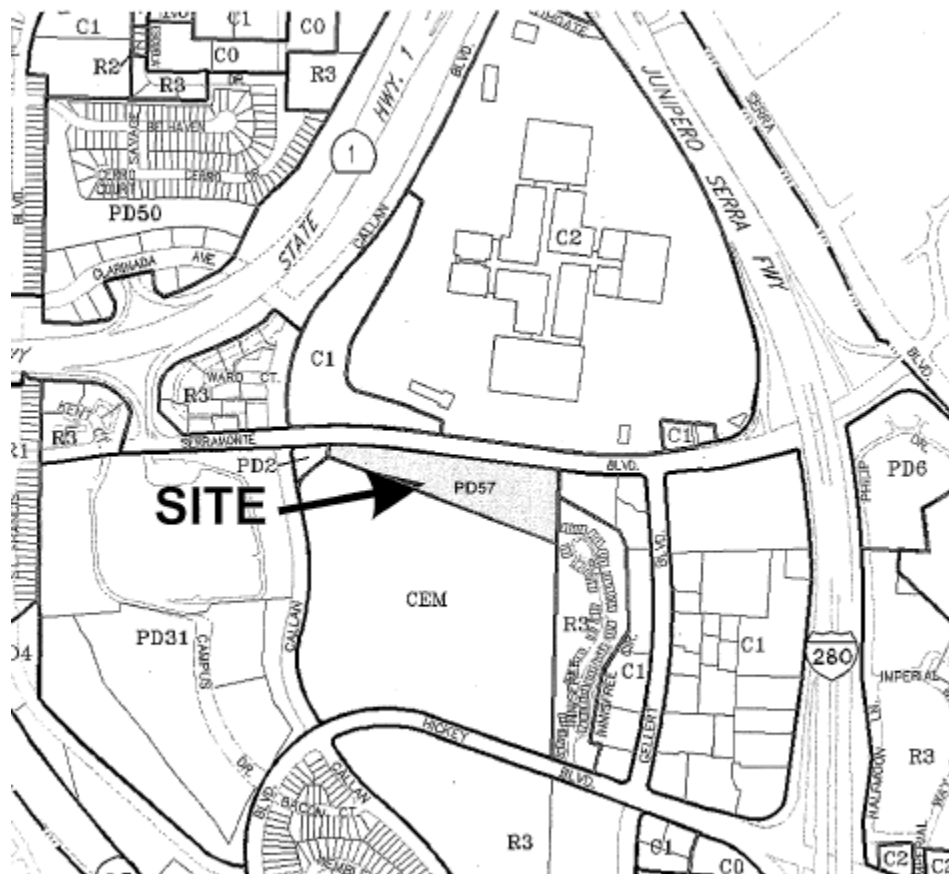


Extension of a Major Subdivision

SUB 01-2

701 Serramonte

200 Condominium and 137 Room Hotel Project





City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Use Permit UPR-9-16-12301 and Design Review DR-9-16-12302 — Mixed-Use Apartment Building at 6098 Mission Street (Mission/Goethe intersection)

Recommended Action

Approve Use Permit and Design Review subject to the Findings and Conditions as outlined herein.

Planning Commission Discussion

On August 1, 2017, the Planning Commission voted 4-0 to recommend that the City Council approve Use Permit UPR-9-16-12301 and Design Review DR-9-16-12302. The Planning Commission recommended approval of the proposal subject to amendments to the Conditions of Approval including providing a back-up power source for the elevators, the use of propane gas for outdoor grilling, the prohibition of smoking in the building, six-foot mesh to screen open balconies that border residential property lines, provide community outreach plan, and a six-foot security fence along all property lines. Staff has added the above requirements to the Conditions of Approval, which are identified as Conditions of Approval 8, 9, 10, 11 and 12. Planning Commission discussion items are provided in bold italics.

Background

The applicant, Mary Tom requests approval to construct a 36-unit six-story mixed-use apartment building on a 0.25-acre vacant lot comprised of two parcels on the northeast corner of Mission and Goethe Street (see Attachment A – Site Location).

Project Overview

As indicated in the project plans, the proposed building would be mixed-use, with a 1,600 square foot non-residential component proposed at the street level, while the residential component of the project, 21 studio and 15 two-bedroom apartments, are proposed on the remaining floors of the six-story building. With respect to the type of non-residential use proposed on the ground floor that could be expected in the non-residential component of the building, likely tenants would be a small restaurant and or specialty retail.

The second floor would contain eight dwelling units, the third and fourth floors would contain nine dwelling units, the fifth floor would contain seven dwelling units, and the sixth floor would contain three units. The ground floor (street level) would include two retail spaces of 900 square feet and 700 square feet, a 712 square foot lobby, and an approximately 130 square foot recycling trash area. The ground floor would also house the required four retail off-street parking spaces and 18 of the 42 required residential off-street parking spaces. A car elevators would run between the ground floor and basement floor levels for vehicular access to the 24 remaining required residential parking spaces to be provided in the basement.

In association with constructing the proposed apartment building, the applicant would complete improvements in the public right-of-way, including replacing the existing sidewalk with decorative paving and installing street trees with decorative tree grates.

The proposed mixed-use 36-unit apartment building is subject to use permit approval according to the Zoning Ordinance. The subject vacant parcel is zoned C-1 Light Commercial, as are the parcels to the south, east and west. The adjacent parcel to the north is zoned R-3 Multi-Family Residential and the adjacent parcels to the northeast are zoned R-1 Single-Family Residential. The immediate vicinity is predominately commercial along Mission Street and multi-family residential on adjacent feeder streets. The proposed mixed-use project is considered compatible with surrounding land use and consistent with the City's General Plan in terms of project scale and intensity of use, combining residential and commercial uses consistent with the way in which residential and commercial use presently exist on surrounding properties.

The applicant has proposed that the six-story mixed use apartment building would provide the greatest portion of its massing along Mission Street and Goethe Streets where the proposed building would be four full stories and set back on floors five and six. The north and east facades would be three stories and set back on the fourth, fifth, and sixth floors. This stepping back of mixed use or commercial buildings adjacent to residential zoning districts allows for adequate transition from infill development of parcels allowing higher height limits and higher density. The building mass is reduced along the south and west elevations and is therefore compatible with existing building type transitions from multi-family residential to single-family residential along Goethe and Rice Streets. The color and material variation of the proposed building provides some visual interest and reduces the scale of large walls that would otherwise have a more massive appearance in the context of smaller adjacent structures.

Use Permit

The C-1 zoning district standards require the applicant to obtain a use permit to establish a residential use at the subject location. The proposed project would also require a lot merger of two existing lots, which has been added a Condition of Approval for the project. The subject lots are currently vacant.

The General Plan designation is Commercial Mixed Use (C-MU). The designation intends to provide, through the Zoning Ordinance, regulatory incentives and/or requirements to facilitate building construction which contain a vertical mix of uses, e.g. retail or restaurant uses at the street level and office or residential uses at levels above the street. The C-MU designation along Mission Street is intended to allow for residential intensification that is well-served by public transportation, so that it may transform into more a vibrant urban street. In the case of this particular parcel, the Daly City BART Station is roughly a half-mile from the site and a SamTrans bus route runs along Mission Street and currently has a scheduled stop adjacent to the subject parcel at the corner of Mission and Goethe Streets.

Design Review

In designing the building, the project architect has proposed a vertical mix of façade elements that corresponds with the use of the building. Color and material variations identify prominent architectural features of the building. All openings, including windows and doors, would have a reveal of at least three inches from the front façade. The fifth and sixth floor roof balconies would have a more continuous railing that would frame and contain the open space along the rooftop edge.

The building would establish a focal point in the vicinity due to its corner location, height, and bulk. Staff requested the proposed building design reflect a variation in façade building material combining stucco, wood and stone. The windows would be of commercial grade and recessed to provide depth and articulation. Railings for residential balconies and rooftop decks would be of like color and material. The fourth story windows would be capped with metal “eyebrows” that would be similar in material and color as the proposed metal balconies.

The building is designed with four major openings: a pedestrian entry leading to the main lobby along Mission Street, an entry to the retail space also along Mission Street, an entry to a retail space along Goethe Street, and a vehicle entry to the residential and retail parking garage also along Goethe Street. The foundation, including the garage platform, would be color split faced concrete block. The garage door for the parking structure will be recessed back from the street. The pedestrian entry door frames would be aluminum. Each unit would include a balcony or deck with wrought iron railings. Staff has evaluated the applicant’s proposed use of material, color and architectural detail, and has found them to be satisfactory.

Although no architectural changes are proposed by staff, several Conditions of Approval are recommended, primarily as a means to clarify items in the proposed architecture:

1. All windows shall be dark-colored aluminum;
 2. Any metal materials shall be galvanized; and
 3. The garage entrance shall provide an arched overhead detail identified in the project perspective drawings.
- ***Commission Chair DiGiovanni expressed concerns with smoking in common areas and proposed that no smoking be allowed on open common areas including the rooftop deck. She also proposed Conditions of Approval that only propane gas be used for barbecuing and that only California native and drought tolerant plants be used in the landscape.***
 - ***Commission Chair DiGiovanni requested that a security fence be constructed on or near each of the abutting properties.***
 - ***Commissioner Chair DiGiovanni requested that the applicant consider providing affordable units in the building rather than paying the affordable housing fee.***

- *Marie Brizuela, resident of Broadmoor Village, expressed concerns regarding the wording of Condition #8 and that the condition explicitly require that two car elevators be installed during the initial construction;*
- *Van Ly, resident at 25 Rice Street, spoke on behalf of an abutting neighbor at 25 Rice Street and expressed concern that barbecues be used only on the roof deck and that a six-foot high guard fence built. The applicant and the Commission agreed that a wire mesh fence be attached to a retaining wall up to a height of six-feet above the decks abutting residential properties. This condition was suggested to reduce the likelihood of debris thrown from the balcony;*
- *Julie Feng, resident at 30 Goethe Street, expressed concerns regarding potential damage to her home due to the shaking caused by the proposed excavation, Ms. Feng also expressed concern with the high parking demand in the area;*
- *Joanne Ly, resident at 25 Rice Street, had questions regarding the retaining wall on her abutting property line.*

Parking and Circulation

The proposed building is considered mixed-use and is therefore eligible for a 20 percent parking reduction. A total of 41 residential parking spaces are required for the subject project and 41 parking spaces are provided. Four retail parking spaces are required and four retail parking spaces are provided. Eighteen residential parking spaces and all four retail parking spaces would be provided on the ground floor. The remaining 24 residential parking spaces would be provided on the basement level. A car elevator would connect the two parking levels.

With regard to site circulation, the internal circulation appears to comply with the mandated travel lane and parking space dimensions required in the Zoning Ordinance. However, staff is concerned that the proposed single car elevator may be insufficient in times of peak parking demand as residents whose parking spaces are at the basement level may block ground floor parking spaces as they wait for the car elevator, a condition which could impact traffic flow in Goethe Street. This situation would be exacerbated if the elevator was to become inoperable due to malfunction or driver error. Staff is therefore recommending that the applicant provide a second car elevator in the car elevator space identified in plans as “future.”

- *Commissioner Tallerico expressed concern with parking lot queuing when the elevator is occupied, particularly at rush hour. He recommended that two elevators be built during initial construction.*
- *Commissioner Proaño added she is unfamiliar with car elevators in parking garages and that queuing issues would be subject to the speed of the elevator and if the elevator was relatively quick any concern regarding queuing would be satisfied.*

- *Commissioner Satorre stated that the site is important and should be developed to its potential. He added that parking is a global issue that is routinely mitigated and therefore should not be a concern for the Planning Commission.*
- *Commissioner Tallerico stated that in the event of a power outage the elevator should be connected to back-up power.*
- *Commissioner Proaño stated that she hoped that young people living in the building would utilize public transportation given its proximity to public transportation.*
- *Commissioner Proaño further discussed the issue of reduced parking requirements in public transit oriented areas and commented that there have been other high density residential and commercial developments recently constructed with reduced parking that have thus far created no significant impact to the neighborhood.*

•
Environmental Assessment

The proposed project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332: In-Fill Development Projects.

Fiscal Analysis

The proposed mixed-use building would allow for the construction of 36 apartment units and 1,568 square feet of retail/office uses. Prior to the building permit issuance, the applicant will be required to pay building permit, plan check, AB 1600 development impact, and affordable housing impact fees to the City. Additionally, the value of the building will be added to the current assessed value of the subject property, which will result in additional property tax collection by the County, a portion of which would be distributed to the City. The City will also collect business license taxes from retail uses established in the building. The residential units and office/retail development would add an incremental demand for City services.

Findings

The Planning Commission has found that, as conditioned, the proposed Use Permit UPR-9-16-12301, and Design Review DR-9-16-12302 are in compliance with Title 17 (Zoning) of the Daly City Municipal Code. Approval of the proposed project would not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in or working in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or the general welfare of the city. Approval of the proposed Use Permit UPR-09-16-12301, and Design Review DR-09-16-12302, as conditioned herein, is in the best interest of the public health, safety, and general welfare of the community, and that the general site aesthetics have been incorporated to ensure compatibility with adjacent buildings and to provide an attractive environment. These findings are based 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 City Council will conduct a public hearing on September 11, 2017; notice of said hearing was by newspaper publication on September 1, 2017, posting and first class mailing to property owners within 300 feet;
2. The proposed mixed-use building is consistent with the Daly City General Plan, which designates the project site as Commercial — Mixed Use (C-MU), pertaining to areas along Mission Street intended for mixed-use development and where the City intends to provide regulatory incentives and/or requirements for developers to construct buildings which contain a vertical mix of uses, e.g. retail or restaurant uses at the street level and office or residential uses at levels above the street;
3. The available on-site parking spaces would provide ample parking spaces for the apartment residents and the commercial spaces within the building, and the proposed mixed-use building would not conflict with the adjacent uses;
4. The proposed mixed-use building complies with the open space requirements of the Zoning Ordinance, providing 6,100 square feet of open space where 5,400 square feet of open space is required yielding 169 square feet of open space per each of 36 apartment units where 150 square feet of open space is required;
5. The proposed mixed-use building merits use permit approval, as the building would be compatible with existing adjacent uses, adequate utility and infrastructural capacity exists within close proximity to serve the site, and the provision of parking is substantial and, as designed, would not have a detrimental impact to the adjacent neighborhood;
6. General architectural considerations have been incorporated in order to ensure the compatibility of this development with its design concept and the character of on-site signage. 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;
7. The Planning Commission has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and determined the proposed project is categorically exempt pursuant to CEQA Guidelines Section 15332;
8. The site is designated as C-1 Light Commercial (C-1) which allows for a thirty-six foot height limit and requires no maximum floor area ratio. The proposed lot merger would accommodate a building with 36 residential dwelling units and two commercial dwelling units. The proposed building would not exceed the maximum height limit and is within the density limits according the C-1 district zoning standards and is therefore consistent with C-MU General Plan designation;
9. The subject site is situated on the northeast corner of Mission and Goethe Streets. This area is characterized by a mixture of retail commercial and residential use. Given the size and shape of the subject property, together with adjacent land uses, a high density development

consisting of 36 dwelling units and two retail commercial units can be considered as the highest and best use of the subject property;

10. The proposed project consists of 36 dwelling units, 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; and
11. 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.

Conditions of Approval

The Planning Commission recommends approval of Use Permit UPR-9-16-12301 and Design Review DR-9-16-12302, based on the following conditions as specified by each Department and Division. These conditions need to be complied with prior to, or as part of, any building permit for the proposed improvements.

A. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

General

1. The project shall be valid only in conjunction with detailed plans submitted with this project. Any modifications required, due to the Conditions of Approval, and minor changes to the plan, must be reviewed and approved by the Planning Division prior to the change. Major site or architectural modifications shall be treated as an amendment and shall be subject to review by the Planning Commission and City Council.
2. The design review approval granted herein shall be valid for a period of one year. If map recordation has occurred or building permits have not been issued within this timeframe, the applicant shall apply for a time extension.
3. Prior to the issuance of a building permit, the applicant shall pay an Affordable Housing Impact Fee in compliance with the City's Affordable Housing Ordinance. Please contact the City's Housing Division at (650) 991-8256 for details.

Site Design

4. The applicants shall fully improve and landscape the public right-of-way. This shall include installing decorative pedestrian-oriented street-lights and providing street trees along the Mission Street and Goethe frontages. The street tree placement and sidewalk design shall be consistent with the Mission Street Urban Design Plan.

5. Street trees shall be installed twenty feet on center, sized as 24-inch box, receive triple staking at installation, and receive establishment irrigation. The tree staking and establishment irrigation shall be identified in building plans submitted for a building permit. All irrigation shall be tied to the building's water system and maintenance of the street trees shall be Property Owner's responsibility.
6. All street trees shall receive decorative tree grates shall be consistent with the Mission Street Urban Design Plan and approved by the Planning and Engineering Divisions.
7. Backflow preventers shall be concealed and/or screened from public view to the satisfaction of the Daly City Community and Economic Development Director prior to issuance of building permit.
8. The applicant shall provide a second car elevator in the car elevator space at the time of initial construction.
9. The applicant shall provide an emergency back-up power source for the proposed vehicle elevators.
10. The applicant shall incorporate into lease or rental agreements that only propane gas may be used for outdoor barbecuing.
11. Smoking on the property shall not be permitted, as stipulated by the City's Indoor Smoking Ordinance.
12. The applicant shall contact all abutting property owners and provide them with a community outreach plan and contact information.
13. A six-foot security fence shall surround the subject site during construction.

Building Design

14. All windows shall be dark-colored aluminum.
15. Any metal materials shall be galvanized.
16. The garage entrance shall provide an arched overhead detail identified in the project perspective drawings.
17. The applicant shall, prior to building permit submittal, provide a sign program for Planning Division review and approval. The final building elevation design shall consider sign placement and plans submitted for building permit approval shall reflect such placement.
18. Material transitions between thin-set brick veneer and siding shall receive a decorative course of brick veneer;

19. All rooftop mechanical equipment shall be screened from the view of all adjacent public rights-of-way by screenwalls, painting, and similar treatments acceptable to the Planning Division. The Division may require screenwalls for equipment located within 20 feet of the rooftop parapet wall.
20. All stucco applications to the building shall be medium dash stucco finish and this requirement shall be detailed on all construction drawings submitted to the Building Division for review.
21. Backflow preventers, check devices, and other visible mechanical equipment shall be painted black, dark green, red (if required by the Fire Department), or other color complimentary to the building design.
22. A six-foot barrier made of wire mesh shall be required to screen private balconies abutting residential property lines.

Landscaping

23. Prior to the issuance of building permits, a detailed landscape and irrigation plan shall be submitted for review by the Planning Division, which shall comply with DCMC Chapter 17.41 Water Conservation in Landscaping. New landscaping required for the proposed project shall incorporate Bay Area Friendly species that are drought tolerant and the irrigation systems shall incorporate water efficiency measures.
24. All landscaping shall be installed, inspected and approved prior to the issuance of occupancy permits.
25. All trees adjacent to the City sidewalk shall be box-specimen and shall provide a root-barrier acceptable to the City.
26. 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.
27. The applicant shall long-term irrigation to all trees, shrubs, and groundcover.
28. 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.
29. The property owner shall enter into a Maintenance Agreement with the City of Daly City to ensure long-term maintenance and servicing by the Property Owner of stormwater site design and treatment control measures according to the approved Maintenance Plan.

30. Prior to the issuance of building permits, a detailed landscape and irrigation plan shall be submitted for review by the Planning Division, which shall comply with DCMC Chapter 17.41 Water Conservation in Landscaping. New landscaping required for the subdivision shall incorporate Bay Area Friendly species that are drought tolerant and the irrigation systems shall incorporate water efficiency measures. Alternative plant and tree species may be approved by the Planning Division if it can be shown they would be more appropriate for the site.

Operational Requirements

31. The applicant shall submit a parking management plan to the Planning Division prior to final building inspection and shall manage the building consistent with the plan. The plan shall identify four parking spaces for perpetual access by retail/commercial tenants.
32. The applicant shall install and maintain operable an audible warning system at the Goethe Street garage entrance. The system shall be capable of volume control.
33. The buildings and site shall remain clean and clear of all graffiti, debris, and other visual nuisances at all times. The building and site shall be periodically cleaned, as needed, to prevent discoloration and debris accumulation.

Stormwater Treatment

34. 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.
35. 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, beginning with a \$10,000 deposit from which the Planning Division may draw to pay for the costs from the third-party review and associated inspections.
36. 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.
37. 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.

38. 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.

Lot Merger

39. The property owner shall record a lot merger for the seven parcels that currently constitute the site. The merger shall be recorded prior to the issuance of a Building Permit.

Site Maintenance

40. The site shall be maintained in a safe, sanitary, and litter free condition at all times.
41. No outside storage shall be allowed, except in the approved trash enclosure area.
42. Doors to the trash enclosure area shall be kept closed except when necessary to dispose of trash or to store material to be recycled.
43. All sidewalks, walkways, driveways, parking lot facilities, and easements within and adjacent to the property, including weeds. The requirement shall not apply to adjacent State-owned highway.
44. Garbage storage areas are to be kept sanitary and free of litter and debris.

Site Remediation

45. Prior to building permit submittal, the applicant shall notify the San Mateo County Environmental Health Division to ensure proper disposal or handling of contaminated soils and groundwater. The applicant shall provide evidence of this notification and acceptance of any disposal plan approved by the Environmental Health Division to the Planning Division at the time of building permit submittal.

B. BUILDING DIVISION

46. Applicant shall provide allowable building area calculation based on the type of construction for which the building will be constructed.
47. The rear deck shall be designed to provide a direct path of travel to the exterior of the building.
48. An exit passageway shall be provided for units with bedroom windows for an emergency escape and rescue which are discharging on to the second floor roof and have direct access to the public way without re-entering the building.

49. Applicant shall install protected window opening for the exterior fire rated wall. Maximum protected window opening shall be limited to 15 percent per CBC Table 705.8.
50. The applicant shall maintain all vertical and horizontal clearances for structures required by Pacific Gas and Electric Company (PGE) located on the adjacent overhead utilities. Evidence of PGE review the proposed building shall be supplied to the City at the time of building permit application submittal.
51. Upon submittal for building permit, the applicant shall 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.
52. Construction hours will be limited to 8:00 a.m. to 5:00 p.m. Mondays through Fridays and construction on weekends and holidays shall be prohibited.

C. ENGINEERING DIVISION

53. Plans submitted for building or grading permit shall show all existing and proposed utilities, on-site and off site improvements including vehicular and pedestrian movements, parking, water, sanitary sewer, and storm drain mains. Existing and proposed easements shall also be shown. Applicant shall also provide a "Will Serve" letter from the City of San Francisco for storm drain and sewer discharge into the sanitation system.
54. The project's electrical transformer shall not be installed within the public rights-of-way.
55. The applicant shall be financially responsible for all project-related storm drainage improvements on- and off-site, as required and approved by the City Engineer in accordance with City Standards.
56. The applicant shall replace the perimeter sidewalk, curb and gutter of the subject parcel along the property frontage. Sidewalk, curb and gutter shall comply with City Standards.
57. An encroachment permit is required prior to any work or underground utilities installation within the public right-of way.
58. Following any utility installation, the applicant shall replace areas of street pavement, sidewalk, curb, and gutter damaged by construction. Such repair shall be per City standard specifications.
59. All roof drainage shall be directed toward the curb gutter through pipes underneath the City sidewalk. There shall be no storm water sheet flow over the sidewalk.

60. All street trees shall be maintained by the building owner in perpetuity, with irrigation tied to and maintained by the property owner. Final location and type of street tree shall be approved by the City Engineer. A recorded document shall be implemented for the street tree maintenance.
61. Street lights along the project's frontage shall be retrofitted with LED light heads to replace the existing HPS cobra head street lights. All lighting shall be designed to minimize glare onto the adjacent property. Material and installation shall be approved by the City Engineer.
62. All plans shall show the correct right-of-way widths of the adjacent street.
63. Delineate all easements and relinquishments of abutter's rights on the Parcel map.
64. Coordinate with Republic Services of Daly City for all requirements of solid waste disposal / access for pickup services.
65. All garbage pick-ups shall occur before 7AM or between 9AM – 2PM.
66. Storm drain calculation will need to be prepared and approved by the City Engineer.
67. Existing and proposed striping in front of the property shall be shown on the plans for review.
68. Approval from DWR will be required for water and sewer service to the property.
69. All utilities along the proposed building frontage shall be undergrounded.
70. The driveway widths along Goethe Street shall comply with the minimum requirements of the Daly City Municipal Code.

D. DEPARTMENT OF WATER AND WASTEWATER RESOURCES

71. The Applicant through the Engineering Division shall contract with the City's consultant Brown and Caldwell a water systems analysis and its ability to serve the project. Contact the Engineering Division at 650-991-8064 for details.
72. All garage drains shall flow through a properly sized sand/ oil interceptor to the city's collection system. All costs associated with any water system improvements required by the City as a result of this project, shall be borne by the applicant.
73. A sewer capacity study is required. The Applicant shall, through the Engineering Division, contract through the City's consultant RMC for a sewer capacity study. Contact the Engineering Division at 650-991-8064 for details.

- 74. All existing laterals projecting towards the property from the main shall be abandoned at the main, and laterals from the commercial space and the residential space shall be separate.
- 75. All costs associated with any water or sewer infrastructure improvements required as a result of this project shall be borne by the Applicant.

E. FIRE DEPARTMENT

- 76. The applicant shall comply with all Fire Department Fire Code, requirements prior to Certificate of Occupancy.
- 77. Fire sprinklers are required per the Daly City Municipal Code and the 2013 California Fire Code Chapter 9 Section 903. The commercial units and the garage shall be subject to the requirements of NFPA 13 and the residential shall be subject to the requirements of NFPA 13R.
- 78. Applicant shall provide and install a key box. Prior to issuance of the Final Certificate approval applicant must provide key for entry to the building. Application for a Knox box can be obtained at fire administration located at 10 Wembly Drive, Daly City.
- 79. Project should comply with Fire Apparatus Access per 201 3CFC Chapter 5 Fire Service Features, 501.4 for Fire Apparatus access Roads and Water Supply.
- 80. The applicant shall, through the Engineering Department, contact the City's third party consultants for a water systems analysis and a sewer system capacity analysis to determine the ability of the existing system to serve the project.
- 81. Fire sprinkler underground supply mains shall be submitted on a separate permit or in conjunction with the fire sprinkler submittal. All fire service back flow devices must be reduced pressure principle detector assemblies (RPDA) that are on the University of Southern California (USC) approved back flow list. The submission shall be submitted to the Water Department and approved by them prior to permit issuance.
- 82. Project shall comply with 2013 CFC Chapter 9 Section 907 Fire Alarm and Detections systems.
- 83. Project should include a fire hydrant to comply with 2013 CFC Chapter 5 Section 507.5.1.1.
- 84. Project shall comply with hydrant location and spacing per 2013 CFC Appendix C.
- 85. Project shall comply with 2013 CFC Section 903.4 and 903.4.2. Alarms are amended by DCMC 15.32.110.
- 86. All water services and all sewer laterals facing the project shall be abandoned at the main prior to construction of the new development.

87. Project shall comply with 2103 CFC Chapter 5, Section 505.1 and 2 as amended by DCMC 15.32.070.
88. Project shall comply with the fire flows per 2013 CFC Appendix B buildings with fire sprinklers and obtain a fire flow report from the local water provider showing a flow conforming to Appendix B Table B105.1 for the type construction and square footage.
89. Project shall comply with the 2013 CFC Chapter 9 Section 905 Standpipes.
90. Project shall comply with the 2013 CFC Chapter 33 – Fire Safety During Construction and Demolition.

Recommendations

The Planning Commission recommends that the City Council:

1. Adopt the Findings as outlined herein;
2. Affirm the Environmental Assessment; and
3. Approve Use Permit UPR-9-16-12301 and Design Review DR 9-16-12302, subject to the Conditions of Approved outlined herein.

Respectfully submitted,



Corey Alvin
Associate Planner



Tatum Mothershead
Director of Economic and Community Development

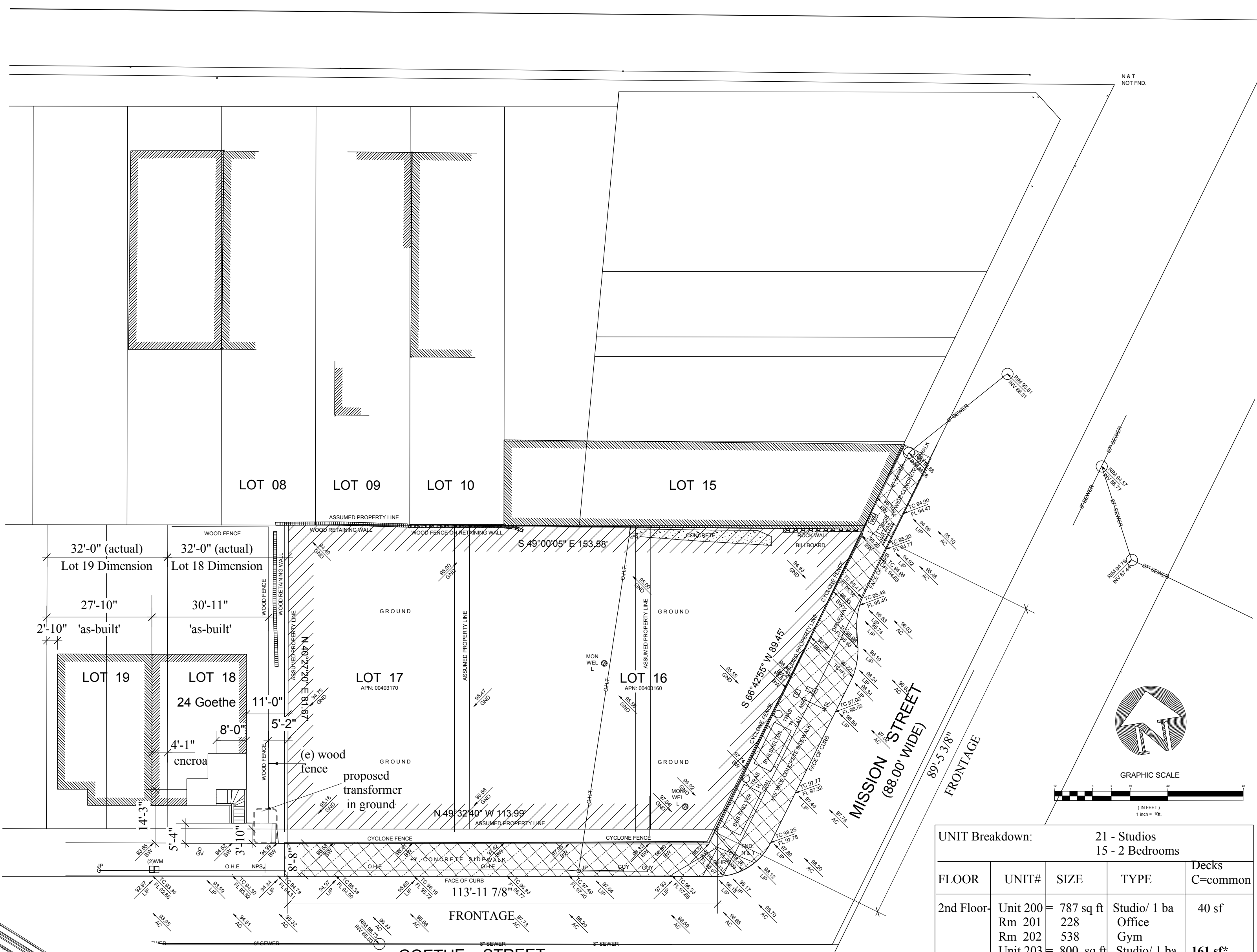
Attachments

- Attachment A – Site Location
- Attachment B – Project Plans
- Attachment C – Renderings
- Attachment D – Letter from Van T. Ly and Associates





SHEET INDEX	
A1.00	Building Data; Existing Site
A2.00	Basement Level Plan
A2.01	Ground/First Floor Plan
A2.02	Second Floor Plan
A2.03	Third Floor Plan
A2.04	Fourth Floor Plan
A2.05	Fifth Floor Plan
A2.06	Sixth Floor Plan
A2.07	Roof Plan
A3.01	Mission Street Elevation
A3.02	Goethe Street Elevation
A3.03	Building Sections
A3.04	Building Elevations
1 of 1	Topographic Survey
1 of 2	Storm Water Control Plan
2 of 2	Storm Water Control Plan



BUILDING AREA ALLOWANCE: 2016 CBC

Gross Areas

Basement +Parking+2nd floor [2 Stories Type 1]

M/S Occupancy (Type 1) Unlimited per S06.2

Basement **10,440** sf

1st Floor **12,913** sf

2nd Floor **10,463** sf

3rd-6th Floors Residential (Type 5A)

Subtotal - Gross Residential **30,418** sf

From Equation 5-5 & Table S06.2

Allowable Increase based on Frontage $f = [F/P - 0.25] W/30$

$F = 203.44', P = 438.69', W = 60'$

$[4637.25]2 = 4275 = \mathbf{42.75\% \text{ Increase}}$ allowed based on

Frontage / Per S06.2, 36,000 allowed for Type 5A, fully

sprinklered floors x .4275 = 15,390 sq ft increase allowed

42.75% [15,390] = 51,390 sq ft allowed

Proposed area = **30,418** sq ft proposed

BUILDING DATA:	
Gross Areas	
Basement Parking	8040 sf
Retail Storage	200 sf
Residents Storage	634 sf
Mechanical Room	606 sf
Subtotal - Basement Level	10,440 sf
Ground Floor - Mission St	
1st Floor Parking	8790 sf
Residents Storage	560 sf
Residential Circulation/Lobby	712 sf
Bike Parking / Trash	525 sf
Retail Space	1568 sf
Retail Parking	758 sf
Subtotal - 1st Floor	12,913 sf
2nd Floor Residential	10,463 sf
3rd Floor Residential	9,265 sf
4th Floor Residential	9,412 sf
5th Floor Residential	8,020 sf
6th Floor Residential	3,721 sf
Subtotal - Gross Residential	40,881 sf

TOTAL GROSS Sq Ftg	64,138 sf
<u>Residential (net apt. area)</u>	
2nd Floor	8320 sq ft
3rd Floor	8397 sq ft
4th Floor	7572 sq ft
5th Floor	5376 sq ft
6th Floor	3329 sq ft
<u>Subtotal Net Residential</u>	32,994 sq ft

UNIT Breakdown:			21 - Studios 15 - 2 Bedrooms	
FLOOR	UNIT#	SIZE	TYPE	Decks C=common
2nd Floor-	Unit 200 =	787 sq ft	Studio/ 1 ba	40 sf
	Rm 201 =	228	Office	
	Rm 202 =	538	Gym	
	Unit 203 =	800 sq ft	Studio/ 1 ba	161 sf*
	Unit 204 =	743 sq ft	Studio/ 1 ba	194 sf*
	Unit 205 =	844 sq ft	Studio/ 1 ba	67 sf
	Unit 206 =	1180 sq ft	2 bdrm/ 2 ba	282 sf*
	Unit 207 =	1196 sq ft	2 bdrm/ 2 ba	60 sf
	Unit 208 =	1180 sq ft	2 bdrm/ 2 ba	60 sf
	Unit 209 =	1066 sq ft	2 bdrm/ 2 ba	255 sf*
3rd Floor-	Unit 300 =	787 sq ft	Studio/ 1 ba	40 sf
	Unit 301 =	800 sq ft	Studio/ 1 ba	40 sf
	Unit 302 =	697 sq ft	Studio/ 1 ba	66 sf
	Unit 303 =	737 sq ft	Studio/ 1 ba	99 sf
	Unit 304 =	844 sq ft	Studio/ 1 ba	68sf
	Unit 305 =	1180 sq ft	2 bdrm/ 2 ba	60 sf
	Unit 306 =	1196 sq ft	2 bdrm/ 2 ba	64 sf
	Unit 307 =	1180 sq ft	2 bdrm/ 2 ba	114 sf
		Unit 308 =	1081 sq ft	2 bdrm/ 2 ba
4th Floor-	Unit 400 =	600 sq ft	Studio/ 1 ba	40 sf
	Unit 401 =	783 sq ft	Studio/ 1 ba	40 sf
	Unit 402 =	697 sq ft	Studio/ 1 ba	62 sf
	Unit 403 =	782 sq ft	Studio/ 1 ba	67 sf
	Unit 404 =	720 sq ft	Studio/ 1 ba	96 sf
	Unit 405 =	1180 sq ft	2 bdrm/ 2 ba	60 sf
	Unit 406 =	1105 sq ft	2 bdrm/ 2 ba	63 sf
	Unit 407 =	732 sq ft	Studio/ 1 ba	150 sf*
		Unit 408 =	973 sq ft	Studio/ 1 ba
5th Floor-	Unit 501 =	644 sq ft	Studio/ 1 ba	102 sf
	Unit 502 =	922 sq ft	2 bdrm/ 2 ba	114 sf
	Unit 503 =	677 sq ft	Studio/ 1 ba	126 sf
	Unit 504 =	622 sq ft	Studio/ 1 ba	138 sf
	Unit 505 =	1026 sq ft	2 bdrm/ 2 ba	182 sf*
	Unit 506 =	766 sq ft	Studio/ 1 ba	110 sf
	Unit 507 =	719 sq ft	Studio/ 1 ba	182 sf*
	DECK		Common	675 sf C
6th Floor-	Unit 601 =	1063 sq ft	2 bdrm/ 2 ba	151sf*
	Unit 602 =	1138 sq ft	2 bdrm/ 2 ba	204 sf*
	Unit 603 =	1128 sq ft	2 bdrm/ 2 ba	153 sf*
	DECK	(North)	Common	<u>1165 sf C</u>
	DECK	(East)	Common	<u>200 sf C</u>

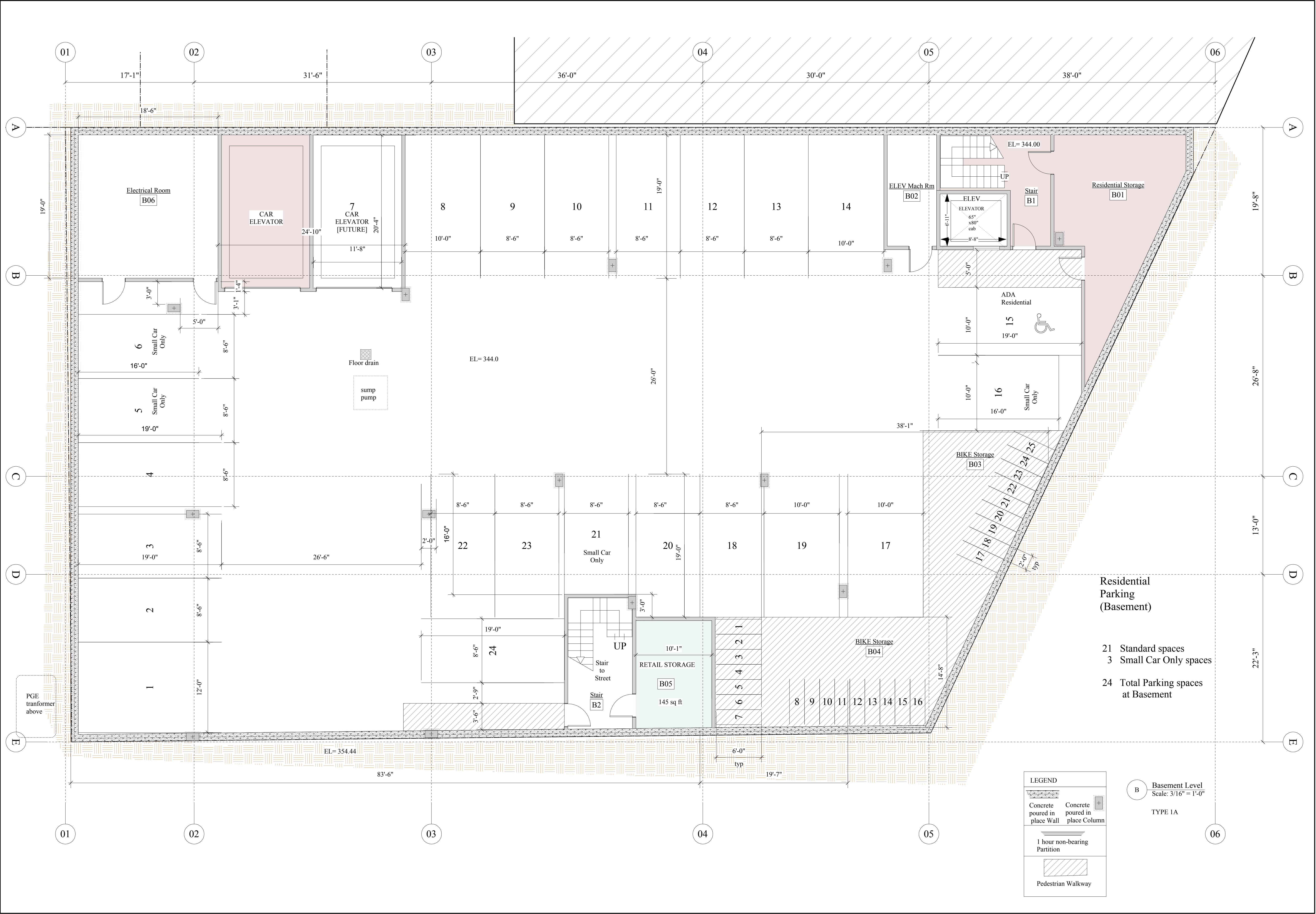
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(415) 864 2261
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for
6098 Mission LLC
(415) 272-4901

NEW 36-UNIT MIXED USE BUILDING
6098 Mission Street and 16 Goethe Street
 Daly City, California
 AP# 004-031-160, 004-031-170

Date(submittal)	7/08/15
Scale	varies
Drawn	SA
Job	
Sheet	A1.00
Of	Sheet



REVISIONS	BY
September 09, 2016	
March 17, 2017	
May 25, 2017	

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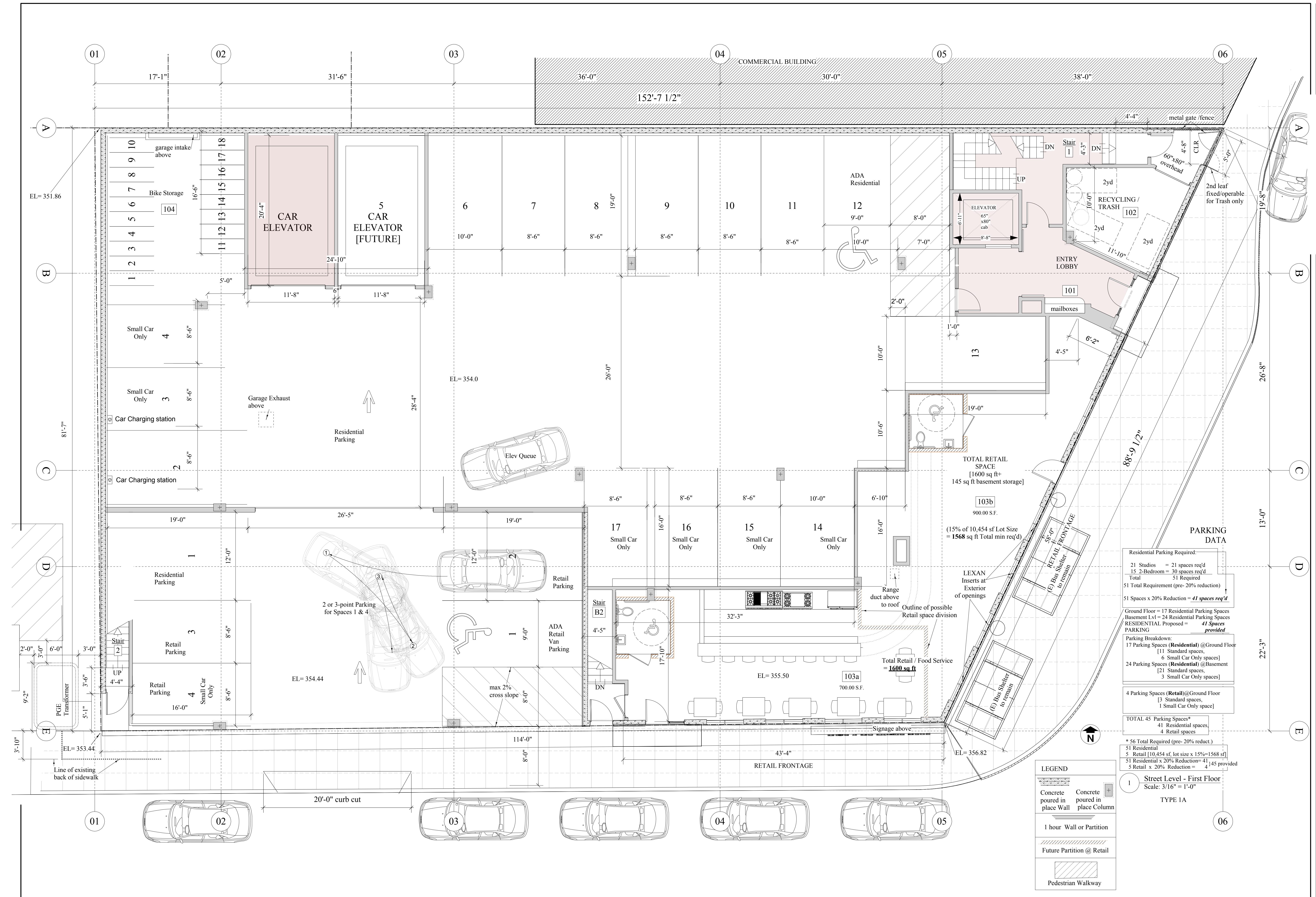
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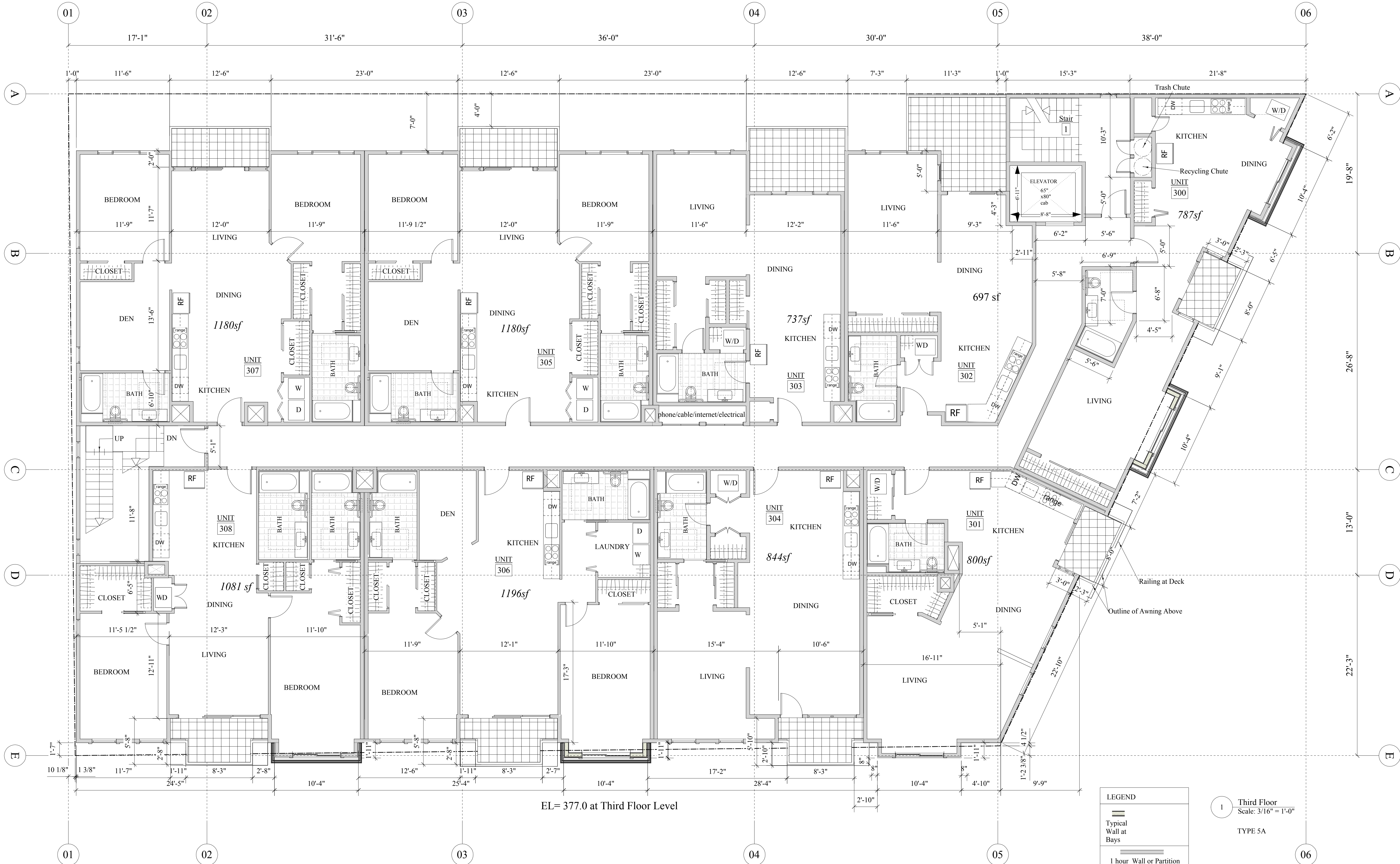


Residential Parking Required:	
21 Studios	= 21 spaces req'd
15 2-Bedroom	= 30 spaces req'd
Total	51 Required
51 Total Requirement (pre- 20% reduction)	
51 Spaces x 20% Reduction	= 41 spaces req'd
Ground Floor = 17 Residential Parking Spaces	
Basement Lvl = 24 Residential Parking Spaces	
RESIDENTIAL Proposed =	41 Spaces provided
PARKING Breakdown:	
17 Parking Spaces (Residential) @Ground Floor	[11 Standard spaces, 6 Small Car Only spaces]
24 Parking Spaces (Residential) @Basement	[21 Standard spaces, 3 Small Car Only spaces]
4 Parking Spaces (Retail)@Ground Floor	
[3 Standard spaces, 1 Small Car Only space]	
TOTAL 45 Parking Spaces*	
* 41 Residential spaces, 4 Retail spaces	
* 56 Total Required (pre- 20% reduct.)	
51 Residential	
5 Retail [10,454 sq. lot size x 15% = 1568 sq]	
51 Residential x 20% Reduction = 41	
5 Retail x 20% Reduction = 4	
45 provided	

1 Street Level - First Floor
Scale: 3/16" = 1'-0"

TYPE 1A

LEGEND	
	Concrete poured in place Wall
	Concrete poured in place Column
	1 hour Wall or Partition
	Future Partition @ Retail
	Pedestrian Walkway



EL= 377.0 at Third Floor Level

LEGEND

Typical Wall at Bays

1 hour Wall or Partition

Stormwater retention planter

Private or Common Deck

1 Third Floor
Scale: 3/16" = 1'-0"
TYPE 5A

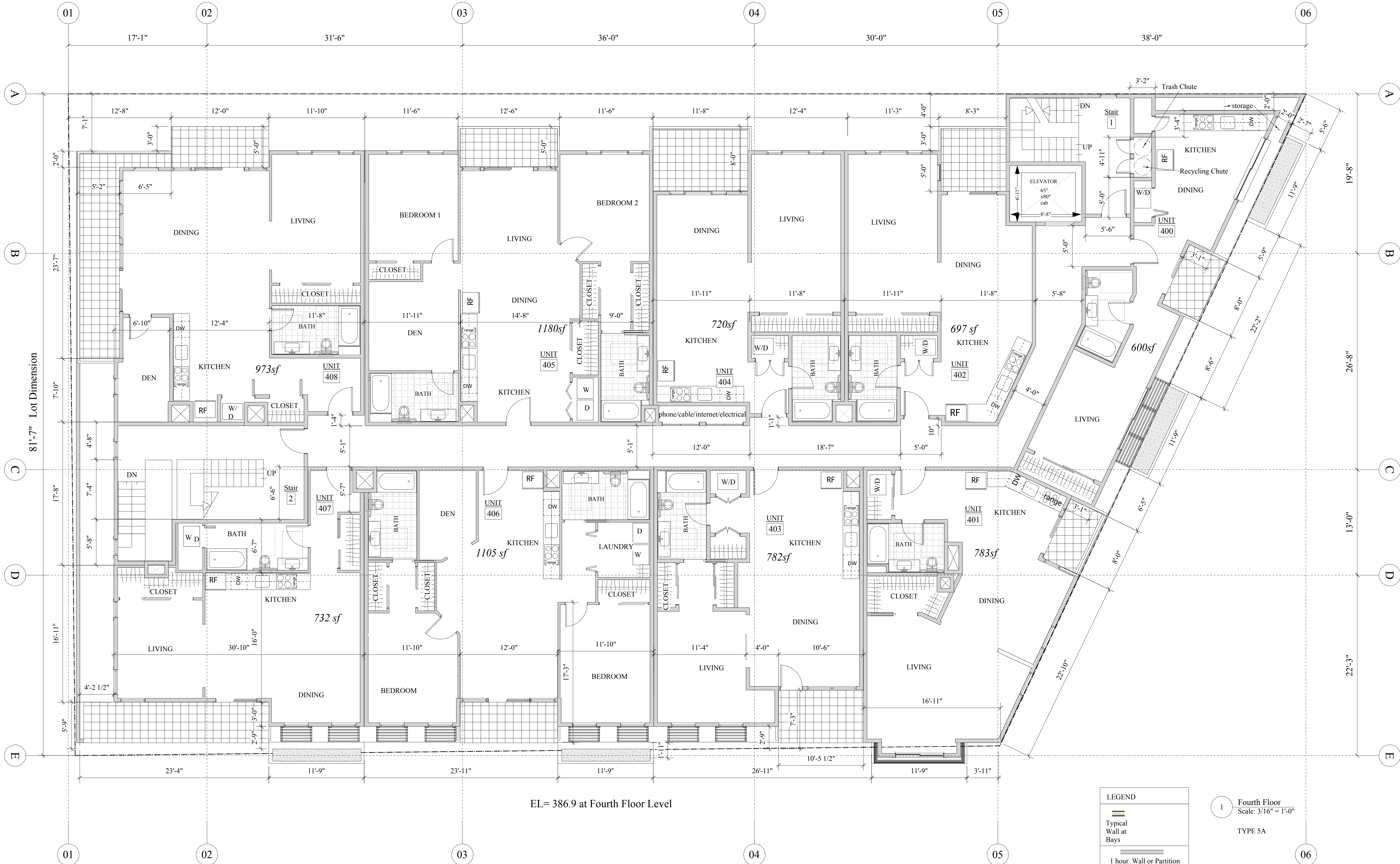
REVISIONS	BY
September 09, 2016	
March 17, 2017	
May 25, 2017	

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2261 Market Street #324
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santonaros@sbglobal.net (415) 864 2261
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for
6098 Mission LLC
(415) 272-4901

NEW 36-UNIT MIXED USE BUILDING
6098 Mission Street and 16 Goethe Street
Daly City, California
AP# 004-031-160, 004-031-170

Date(submittal)	7/08/15
Scale	varies
Drawn	SA
Job	
Sheet	A2.03
Of	Sheet



EL= 386.9 at Fourth Floor Level

LEGEND	
	Typical Wall at Bays
	1 hour Wall or Partition
	Roof of Bays below
	Private or Common Deck

1 Fourth Floor
Scale: 3/16" = 1'-0"
TYPE 5A

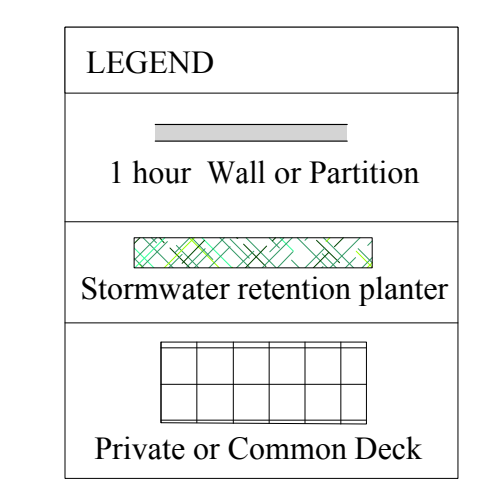
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Date(submittal)	7/08/15
Scale	varies
Drawn	SA
Job	
Sheet	A2.04
Of	Sheet



Date(submittal)	7/08/15
Scale	varies
Drawn	SA
Job	
Sheet	
	A2.05
Of	Sheet

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Date(submittal)	7/08/15
Scale	varies
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Job	
Sheet	A2.07
Of	Sheet



1 MISSION STREET ELEVATION
Scale: 1/4" = 1'-0"

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Date(submittal)	7/08/15
Scale	varies
Drawn	SA
Job	
Sheet	A3.01
Of	Sheet



REVISIONS	BY
September 09, 2016	
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May 25, 2017	

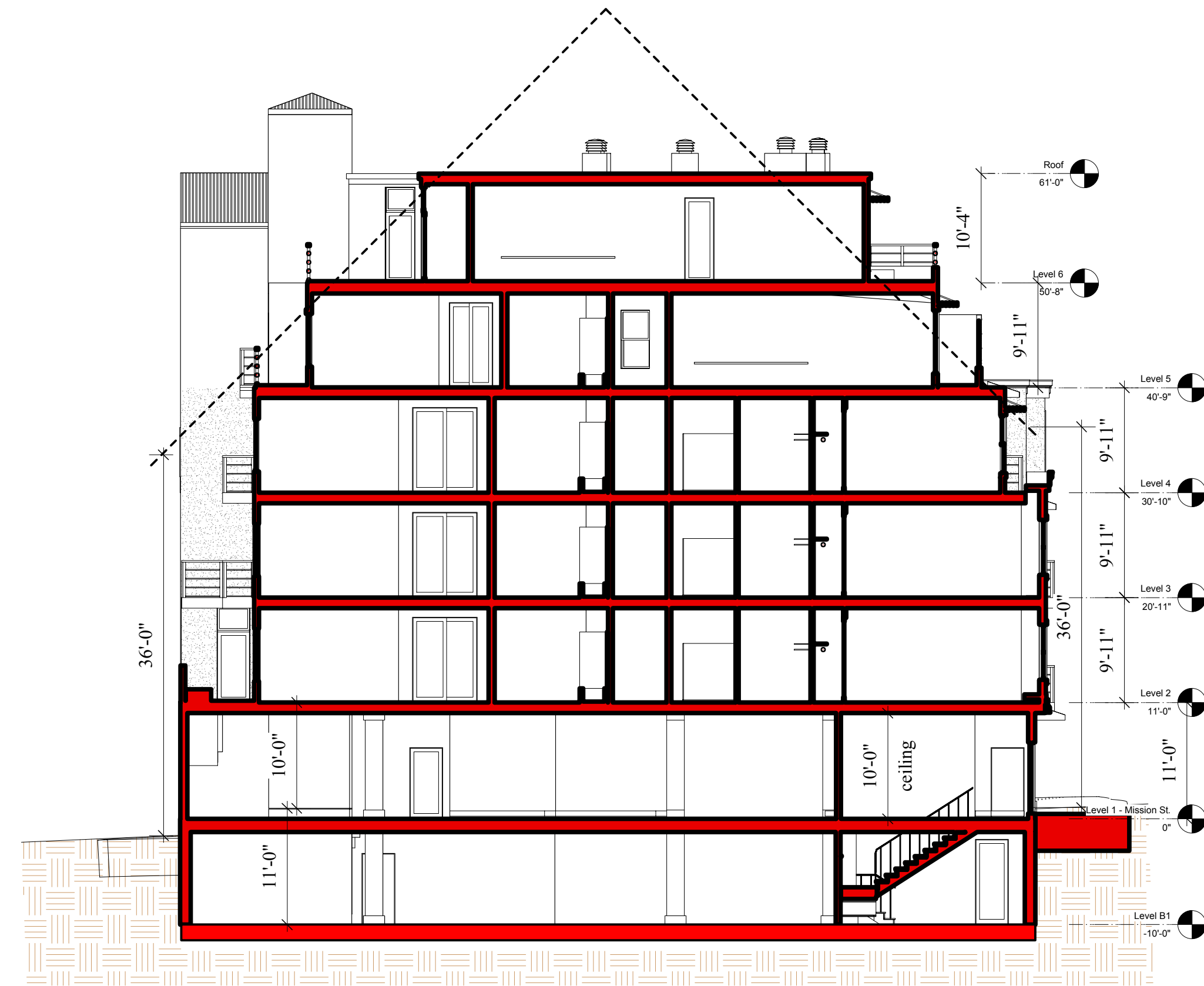
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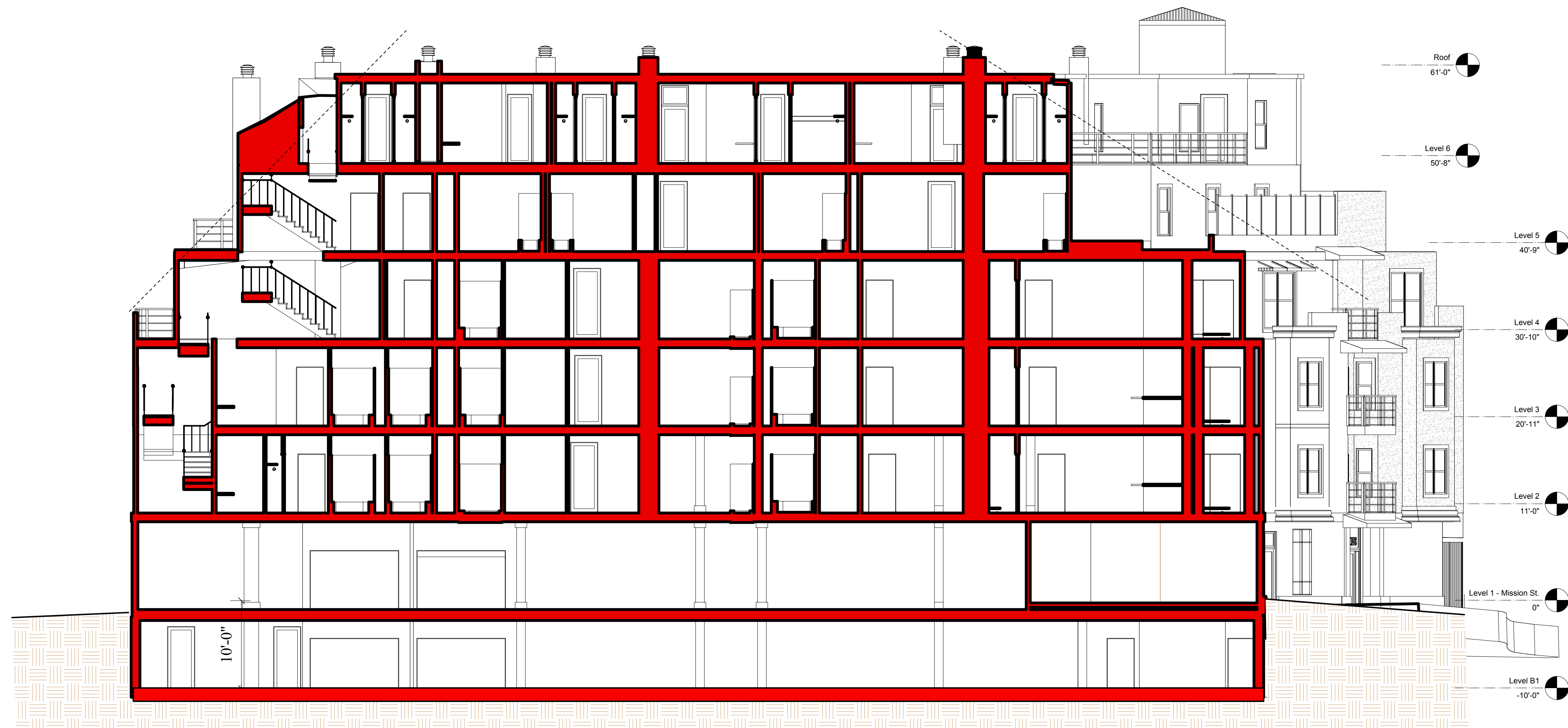
A3.02
Of Sheet



1 SECTION Looking East
Scale: 3/32" = 1'-0"



2 Section Looking North
Scale: 3/32" = 1'-0"



3 SECTION looking North
Scale: 1/8" = 1'-0"

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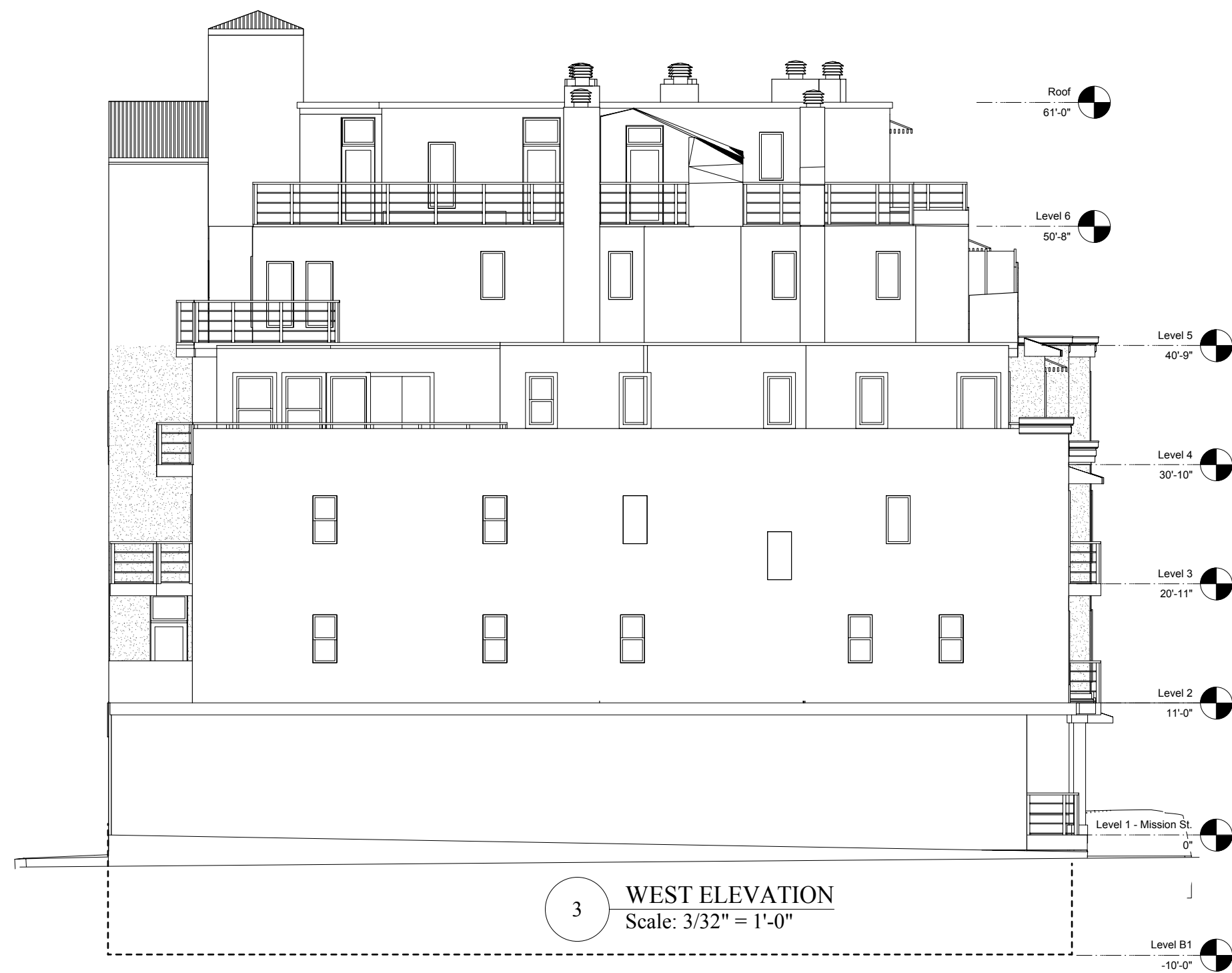
Date(submittal)	7/08/15
Scale	varies
Drawn	SA
Job	
Sheet	A3.03
Of	Sheet



2 EAST ELEVATION
Scale: 3/32" = 1'-0"



1 NORTH ELEVATION
Scale: 3/32" = 1'-0"



3 WEST ELEVATION
Scale: 3/32" = 1'-0"



4 SOUTH ELEVATION
Scale: 3/32" = 1'-0"

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Job	
Sheet	A3.04
Of	Sheet



Garage Entry

Retail Parking area

Perforated Cor-Ten Steel
rollup door at
Residential garage Entry

Retail Entry w/ Awning and Corner Signage

VIEW FROM CORNER OF GOETHE & MISSION STREETS

Retail Frontage and Entry along Misson Street



Retail Parking area

VIEW FROM GOETHE STREET



Upper floor
Cementitious Panel
exterior in lighter tone

Stainless steel mesh
railing inserts

Vinyl coated
fabric awnings w/ Metal frames

Trim at top of Bays and
Corner Element

Anodized Aluminum Shades
& Railings
w/ Stainless Steel cable

Metal Windows and
Trim, powder coated color

Cementitious Panel Exterior Siding
'Equitone' or equal

4 Shelter Backstop Windows to be covered in Lexan panels
Existing Bus Shelters &
Street furniture to remain

Split Face Stone Tile at Retail Frontage

Second Retail Entry

Granite Slab Base to Retail Spaces

Main Residential Entry w/ Awning above
w/ Porcelain Tile columns & Base

Wood Siding Panels at Entryway wall

Creeping Fig along Residential Entry

Republic Services Access - Cor-ten steel gate & Enclosure

VIEW FROM MISSION STREET

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Of	Sheet

VAN T. LY & ASSOCIATES
8 Brussels Street, San Francisco, Ca 94134
Telephone: 415-468-3222
Cell phone: 415-867-7182
van@vantlyarchitect.com

Date: June 5, 2017
Planning Commission
Planning Division
City of Daly city

Re.: 6098 Mission Street

Use Permit UPR-9-16-01230 & Design Review DR-1-16-01232

Dear Commissioners and Planner,

Representing my family who own and live at 25 Rice Street, abutting the project site at North, I would like to address the following concerns about the above development:

1. **Development size:** According to the drawing set, the proposed development includes #16 Goethe Street. Is there any reason that the development area diagram on the Hearing Notice shows **only** 6098 Mission Street? This is **about 40% less** in size of the proposed development. See attached notice.
2. **Daylight plane at North** : On Section 1 sheet A3.03, daylight plane at North was established from Mission Street's sidewalk level. However, the real grade level immediate adjacent to the proposed structure is **7 feet lower**. See attached photo and drawing. Should the daylight plane **start at the immediate grade level?**

Does the project has a surveying map showing the abutting grade level?

3. **Lot security:** As soon as the existing retaining wall is removed with the demolition, 25 Rice Street rear yard will be open to the job site and Goethe Street. There will be a period of time (foundation trenching, rebar installing, inspections, etc..) before the new concrete wall being poured. Owner of 25 Rice Street request **a security plan for 25 Rice Street during this period of time.**
4. **Fire hazard and maintenance:** Second floor plan on sheet A2.02 shows an open **deck abutting the property line** with only a **36" or 42" high guard**. The deck is an usable open space for the unit occupants to enjoy. Enjoyment includes smoking and/or BBQ activities. It is convenient to disregard the remaining of a used cigaret just over the 3' high guard wall. Hot ash or still burning particles are easilly being blew over the 3' high guard wall toward 25 Rice Street, rear yard and/or building. See attached drawing.

Guard/screen/barrier right on the property line should have a **sufficient high and appropriate assembly** to comply with fire distance requirements and prevent the above issues.

Your attention to the above is truly appreciated.

Sincerely,

Van Ly

Represneting

25 Rice Street, Daly City

NUMBER OF PAGE INCLUDING COVER: 2



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Approval of Written Response to 2016/2017 Grand Jury Report: “A Delicate Balance: Privacy vs. Protection.”

Recommended Action

It is recommended the City Council review and provide final direction on the attached draft written response to the 2016/2017 San Mateo County Civil Grand Jury Report referenced above and authorize the City Manager to transmit the approved correspondence to the Presiding Judge of the Superior Court as requested.

Background

The San Mateo County Civil Grand Jury recently issued the report identified above recommending local law enforcement agencies maintain balance between privacy concerns and the use of technology in efforts to protect the public.

Discussion

Following a public presentation and review of the attached draft response, the City Council should provide final direction on the draft. Subsequently, the draft response will be finalized and transmitted to the Superior Court as requested. In addition, the final response will be placed on the San Mateo County Civil Grand Jury website and a copy will be filed in the Daly City Office of the City Clerk.

Fiscal Impact

No impact at this time.

Summary/Conclusion

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

Respectfully submitted,

Ron Mussman
Lieutenant

Patricia E. Martel
City Manager

Attachments: Draft Written Response to Grand Jury Report

September 12, 2017

Honorable Leland Davis, III
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd floor
Redwood City, CA 94063-1655

Re: A Delicate Balance: Privacy vs. Protection

Dear Judge Davis,

We are in receipt of the Grand Jury's final report "A Delicate Balance: Privacy vs. Protection." Pursuant to your request for response, the Daly City, City Council held a public meeting on September 11, 2017 and approved this response. The City of Daly City responds to the Grand Jury's findings, conclusions and recommendations as follows:

Findings:

F1. The County of Santa Clara passed an ordinance in 2016 requiring agencies to adopt policies related to any surveillance technology before such technology is acquired or activated. The ordinance also requires agencies to issue annual reports explaining how the technologies are used and what they discovered.

Response: The City neither **agrees nor disagrees** with this finding. The City is not intimately familiar with local ordinances in other jurisdictions regarding surveillance technology and does not have enough information to comment on this finding.

F2. The County and cities in San Mateo County have not enacted any ordinances governing their acquisition and use of surveillance technology, or the accessibility, management, or retention of the information acquired.

Response: The City **agrees** it has not enacted any ordinances governing the acquisition and use of surveillance technology, or the accessibility or management of the information acquired. However, the City has signed a records sharing and data retention agreement for warehousing

data with the Northern California Regional Intelligence Center (NCRIC). This agreement ensures that data warehoused within the NCRIC is subject to federal standards and guidelines for data retention and sharing that are more stringent than state guidelines.

F3. The County and cities in San Mateo County do inform residents about the use of some surveillance tools (Automated License Plate Readers and Body Worn Cameras) at public forums and city council meetings:

- City or Town Council meeting or staff reports posted on website: Atherton, Burlingame, Daly City, East Palo Alto, Hillsborough, Menlo Park, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, South San Francisco
- Public meeting or Town Halls: East Palo Alto, Hillsborough, Menlo Park, Redwood City, San Carlos, Millbrae, Portola Valley, Ladera, and Emerald Hills.
- The City of Menlo Park mentioned also having used social media for this purpose.

Response: The City of **agrees** that it informs residents about the use of surveillance tools in staff reports. The City is not intimately familiar with the practices in other jurisdictions regarding surveillance technology.

F4. With the exception of Burlingame, which borrowed ALPR technology, the cities and the San Mateo County Sheriff's Office have complied with the law requiring ALPR users to "conspicuously" post a link to the ALPR usage and privacy policy on their websites.

Response: The City **agrees** that it complies with the law requiring ALPR users to "conspicuously" post a link to the ALPR usage and privacy policy on their websites. The City is not intimately familiar with the practices in other jurisdictions regarding surveillance technology.

F5. With the exception of the City of San Mateo, the generic ALPR policies posted by cities and the Sheriff's Office do not provide specific information that helpful to residents.

Response: The City **disagrees** with this finding and believes that the ALPR links provided on the Police Department web page is both specific and helpful to residents. The City is not intimately familiar with the practices in other jurisdictions regarding surveillance technology.

Recommendations:

R1. In addition to providing a conspicuous link to usage and privacy policies on operator websites (as required by law for ALPRs), all law enforcement agencies in the County should create an easily accessible and simply written information webpage by December 31, 2017, which lists the types of surveillance tools (such as ALPRs) and investigative tools (such as ShotSpotter and body worn cameras) utilized by the agency. At a minimum, such a webpage shall include these details about each tool:

- What is the use and purpose of the technology, such as assisting in ongoing criminal investigations, locating missing children, or locating stolen vehicles
- Who is authorized to collect or access the data collected
- How the system is monitored to ensure that the data are secure
- Who owns the surveillance technology
- What measures were taken to ensure the accuracy of the data
- How long the data will be retained

Response: This recommendation will be implemented in part. San Mateo County Law Enforcement Agencies have already, by law, posted privacy policy information on their websites as related to ALPRs. The City will expand its ALPR privacy and usage policy to include additional electronic equipment where the release of such information does not unnecessarily jeopardize public safety and criminal investigations, and will place that information in a conspicuous location on its website by December 31, 2017.

R2. All law enforcement agencies in the County shall increase the number and types of opportunities for community members to voice support for or opposition to any proposed addition of new surveillance technologies including, but not limited to:

- Surveying residents to better understand their concerns about law enforcement's use of surveillance tools and address those concerns in public meetings, Town Halls, Neighborhood Watch sessions and other local gatherings.
- Using social media platforms such as Nextdoor© to keep residents engaged and informed about surveillance technologies and its uses in your community.

Response: The City believes this request to be reasonable for tools used in the conduct of basic police business such as Body Worn Cameras and ALPRs. Furthermore, the City recognizes that not all community members utilize internet and social media, and will seek opportunities at public meetings, including neighborhood association meetings, neighborhood watch gatherings, and publicly noticed city meetings to share this information.

However, this recommendation will not be implemented for law enforcement investigative tools and techniques primarily used for complex criminal investigative purposes. It is neither appropriate nor reasonable for law enforcement agencies to publicly explain and

expose certain critical investigative techniques or technology in any type of public forum. Nor would law enforcement agencies seek public input or conduct feedback surveys from the public on the specialized tactics and techniques employed within the criminal justice system designed to detect criminal activity. Checks and balances already exist through the legal system regarding the use of these techniques. Certain specialized electronic tools are precisely aimed at members of criminal organizations, career criminals, and those under investigation for violent crimes, with minimal to no impact to the law-abiding public.

Public discussion of law enforcement technologies and investigative techniques would be detrimental to ongoing criminal investigations, compromise capabilities to protect communities, and allow individuals involved in criminal activity to more easily avoid detection.

All agencies in San Mateo County have signed a data and records sharing agreement with the Northern California Regional Intelligence Center (NCRIC) that places data in a secure repository located in a federal facility subject to federal and state statutes and policies addressing access, storage, and disclosure.

- R3. Staff shall bring to the city or town council (in the case of a police department or police bureau) or the Board of Supervisors (in the case of the Sheriff's Office) a policy or ordinance for consideration at a public meeting by December 31, 2017. Such ordinances or policies should require, at a minimum:
- Plans to acquire new surveillance technology be announced at public meetings and other forums to ensure that the community is aware and engaged when new technology is under consideration.
 - Any "use policies" related to surveillance technology be readily available and easy to access on the city or County websites.
 - Oversight and accountability be supported by posting periodic reports on the effectiveness of the surveillance tools used in the community.

Response: Existing law requires that law enforcement agencies provide information to local governing bodies when acquiring certain new technologies. Law enforcement agencies make policies that govern the use of our basic police surveillance tools and technologies publicly available.

This recommendation will not be implemented because it is not warranted or reasonable. The recommendation contains obstacles that would limit law enforcement's ability to adapt and evolve to criminal activity and would compromise the safety and security of residents. Law enforcement agencies are unable to wait for regularly scheduled public meetings of their governing bodies while in pursuit of criminals and crimes in progress. Existing state law protects law enforcement agencies from having to disclose investigative, intelligence and security records under the California Public Records Laws.

Government Code 6254 (f) recognizes the need for discretion and protects law enforcement agencies from disclosing investigative and tactical information that would compromise our crime fighting capabilities. Existing laws also prohibit the release of information derived from, or related to the security of our technology systems specifically to ensure those upholding and protecting the public are not compromised.

Under California Penal Code 1546 – 1546.4, known as the Electronic Communications Privacy Act, law enforcement is required to obtain court orders related to electronic communications intercept surveillance under Penal Code 629.50, pen register of trap and trace device under Penal Code 630, and for electronic tracking devices court orders are required under Penal Codes 1524 and 1534.

The City of Daly City appreciates the opportunity to provide written responses to the San Mateo County Civil Grand Jury Report “A Delicate Balance: Privacy vs. Protection.”

Should the Grand Jury require any additional information, please contact me directly at 650-991-8127.

Sincerely,

A handwritten signature in black ink, reading "Patricia E. Martel". The signature is fluid and cursive, with the first name "Patricia" and last name "Martel" clearly distinguishable.

Patricia E. Martel
City Manager

cc: City Council
Annette Hipona, City Clerk
Rose Zimmerman, City Attorney



City Council Meeting Agenda Report

Item # _____

Meeting Date: September 11, 2017

Subject: Fire Department Proposed Staffing Change

Recommended Action

Staff recommends that the City Council review and approve the restoration of one Fire Safety Inspector position for the North County Fire Authority.

Background

The North County Fire Authority (NCFA) is a joint powers authority established in 2003 between the Cities of Brisbane, Daly City and Pacifica. Each member agency has been providing shared funding for positions within the NCFA. Due to the downturn in the economy and the unprecedented budget crisis facing the City of Daly City, funding for three budgeted full time Fire Safety Inspectors positions was reduced to two full time Fire Safety Inspector positions in FY 2015.

Discussion

The North County Fire Authority Board of Directors agreed at their annual meeting on June 13, 2017 to restore a full time Fire Safety Inspector position to be jointly funded by all three NCFA member agencies.

Fiscal Impact

The proposed jointly funded Fire Safety Inspector will not result in any additional budgeted funds being expended as there is money available in the existing fire department budget to implement the restoration of the position.

Summary/Conclusion

Staff recommends approval to restore a Fire Safety Inspector position for the NCFA.

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

Respectfully submitted,

Ron D. Myers
Fire Chief