



# CITY OF DALY CITY

333-90TH STREET

DALY CITY, CA 94015-1895

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May 31, 2022

**POSTING  
ONLY**

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**SEP 15 2022**

Subject: Use Permit UPR-04-22-15650, 7310 Mission Street

To Whom It May Concern:

At its regular meeting of May 23, 2022, the City Council adopted Resolution 22-82, Adopting Findings of Fact and Imposing Conditions of Approval on Renewal of Approved Expired Use Permit UPR-04-22-15650 and Design Review DR-04-22-15651 for a Mixed-Use Building at 7310 Mission Street, a copy of which is enclosed.

Very truly yours,

K. Annette Hipona  
City Clerk

KAH: rv  
Enclosure

cc: City Engineer  
Planning Manager  
San Mateo County Assessor's Office

RESOLUTION NO. 22-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY  
ADOPTING FINDINGS OF FACT AND IMPOSING CONDITIONS OF APPROVAL  
ON RENEWAL OF APPROVED EXPIRED USE PERMIT UPR-04-22-15650 AND DESIGN  
REVIEW DR-04-22-15651 FOR A MIXED-USE BUILDING AT 7310 MISSION STREET

A. A Use Permit and Design Review for this project were approved by the Planning Commission and City Council in June 2020. Because this approval expired in June 2021, the applicant is required to renew the approved application. As was the case in 2020, the applicant, Stephen Antonaros, requests approval to construct a 17-unit four-story mixed-use apartment building on a 5,097 square foot vacant lot on the west side of Mission Street between Vale Street and West Market Street

B. The proposed building would be mixed-use, with a 620 square foot non-residential component proposed at the first and second levels, while the residential component of the project, nine studio and eight two-bedroom apartments, are proposed on floors two through four of the four-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 retail user or office.

C. The second floor would contain five dwelling units and a small office space associated with the ground floor retail. The third and fourth floors would contain six dwelling units. The ground floor (street level) would include one retail space of 620 square feet, a 696 square foot lobby, and an approximately 132 square foot recycling trash area. The ground floor would also house the required eleven residential off-street parking spaces and two required retail off-street parking spaces. 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 maintaining the existing street tree with a decorative tree grate.

D. The proposed mixed-use 17-unit apartment building is subject to use permit approval according to the Zoning Ordinance. The subject parcel is zoned C-1 Light Commercial, as are the parcels to the north, south, and east. The adjacent parcel to the west is zoned R-1 Single Family Residential. The immediate vicinity is predominately commercial along Mission Street and single-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 uses presently exist on surrounding properties.

E. On May 3, 2022, the project was approved by the Daly City Planning Commission and pursuant to the Daly City Zoning Ordinance, the matter was carried forward to the Daly City City Council with the summary of the hearing, findings, and recommendations of the Daly City Planning Commission.

F. On May 23, 2022, the matter was duly noticed and publicly heard by the Daly City City Council with an affirmation of the environmental determination proposed by the Planning Commission pursuant to Title 14 of the California Code of Regulations, (State CEQA

Guidelines) Section 15332 – In-fill Development, and the City Council heard all interested persons who desired to be heard in connection with the proposed use permit.

Findings:

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Daly City, that following review of the application, the appended staff reports, the summary of hearing and report of the Daly City Planning Commission, relevant documents, writings, ordinances, regulations, as well as the materials submitted by the applicant and the comments of the applicant, City staff and interested members of the public, the City Council of the City of Daly City makes the following findings of fact:

1. That the above recitals, “A” through “F” are accurate, and constitute findings of the City Council of the City of Daly City.
2. In accordance with Title 17 of the Daly City Municipal Code, as well as applicable state zoning enabling legislation, the City Council conducted a public hearing on May 23, 2022; notice of said hearing was by newspaper publication on May 12, 2022, posting and first class mailing to property owners within 300 feet;
3. 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;
4. The available on-site parking spaces would provide ample parking spaces for the apartment residents and the commercial space within the building, and the proposed mixed-use building would not conflict with adjacent uses;
5. The proposed mixed-use building complies with the open space requirements of the Zoning Ordinance, providing 2550 square feet of open space yielding 150 square feet of open space per each of 17 apartment units where 150 square feet of open space is required;
6. 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;
7. 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;
8. The City Council 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;

9. The site is designated as C-1 Light Commercial (C-1) which allows for a 36-foot height limit and requires no maximum floor area ratio. The proposed building would not exceed the maximum height limit and is within the density limits according to the C-1 district zoning standards and is therefore consistent with C-MU General Plan designation;
10. The subject site is situated on Mission Street between Vale Street and West Market Street. 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 mixed-use development consisting of 17 dwelling units and one retail/office commercial unit can be considered the highest and best use of the subject property;
11. The proposed project consists of 17 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
12. 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.

BE IT FURTHER RESOLVED that the City Council, after fully reviewing all information presented to it, and carefully balancing all relevant considerations, hereby adopts in full the above stated findings of fact and affirms the decision of the Daly City Planning Commission in granting the Use Permit UPR-04-22-15650 and Design Review DR-04-22-15651, subject to each and every of the below stated conditions of approval

## **CONDITIONS OF APPROVAL**

### **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 use permit and design review approval granted herein shall be valid for a period of one year. If building permits have not been issued within this timeframe, the applicant shall apply for a time extension.

#### Site Design

3. The existing street tree on the Mission Street frontage shall be preserved as shown on the project plans.

4. 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 the building permit.
5. The open spaces area at the building rooftop shall be designed in a manner approved by the Planning Division and provide amenities to building residents approved by the Planning Division.

#### Building Design

6. The applicant shall finish the proposed retail space to a leasable condition, as defined by the Planning Division. This shall include a commercial-grade electrical service and installation a code-compliant lavatory in the proposed retail space.
7. The applicant shall revise the floorplan to connect the first and second floor retail/office space, unless disallowed by the building code.
8. The applicant shall explore providing additional dimensions to the upper-story walls at the Mission Street façade and shall extend the existing dimension if permissible by an encroachment permit.
9. All ground floor windows shall be dark-colored aluminum and all upper-floor windows shall be metal framed or high-quality PVC with color to match the adjacent wall.
10. Any metal materials shall be galvanized.
11. 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.
12. All rooftop mechanical equipment shall be screened from the view of all adjacent public rights-of-way by screen walls, painting, and similar treatments acceptable to the Planning Division. The Division may require screen walls for equipment located within 20 feet of the rooftop parapet wall.
13. Backflow preventers, check devices, and other visible mechanical equipment shall be painted black, dark green, red (if required by the Fire Department), or other colors complementary to the building design.

#### Operational Requirements

14. 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.

#### Site Maintenance

15. The site shall be maintained in a safe, sanitary, and litter-free condition at all times.
16. No outside storage shall be allowed, except in the approved trash enclosure area.

17. Doors to the trash enclosure area shall be kept closed except when necessary to dispose of trash or to store material to be recycled.
18. 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 highways.
19. Garbage storage areas are to be kept sanitary and free of litter and debris.

#### **B. BUILDING DIVISION**

20. Due to height and number of story limitation per CBC Table 504.3 and 504.4 the building shall be of a Type V-A - or better.
21. 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**

22. The applicant shall comply with the applicable requirements of the City of Daly City Standard Details and Specifications, latest edition.
23. Encroachment permits from the City of Daly City and Caltrans are required prior to any work or underground utilities installation within the Caltrans right-of-way.
24. Grading exceeding 50 cubic yards shall require approval of plans and a grading permit. A licensed Civil Engineer shall prepare the grading plans and erosion control plan in conformance with a soil report prepared by a licensed soil engineer or qualified civil engineer in compliance with the NPDES requirements prior to any development on the property.
25. The project's electrical transformer shall not be installed within the public rights-of-way.
26. The applicant shall provide sewer, water, and storm drain studies, and shall construct recommended improvements as required by the City Engineer.
27. Drainage from the site shall be directed to a public storm drain system or street and shall not flow over any sidewalk. On-site drainage detention shall be provided to limit the rate of flow to the pre-development rate. The detention facility shall accommodate the excess runoff from a storm of 10-year frequency, and two-hour duration.
28. Following new 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.
29. The applicant shall replace curb, gutter, sidewalk, and decorative brick banding over the entire frontage of the development to the nearest expansion joints or score lines. Utility covers within the ROW shall be replaced with slip-resistant pedestrian friendly covers.

30. All street trees shall be maintained by the building owner in perpetuity, with irrigation tied to and maintained by the private building. The owner shall enter into a Landscape Maintenance Agreement in a form acceptable to the City Attorney, to be recorded against the property, prior to the approval of a City encroachment permit. Design of the planting and irrigation system shall minimize the extent of irrigation lines, controllers, and valves in the public right-of-way and shall be reviewed and approved by the City Engineer.
31. The applicant shall coordinate with the Engineering Division to process through the Traffic Safety Committee for the removal/relocation of the existing parking meters.
32. All electrical and telecommunications services shall be provided through underground connections.
33. The applicant shall replace the City sidewalk fronting the subject parcel as necessary to repair construction damaged areas and driveway conformance to the driveway.
34. The applicant shall coordinate with the adjacent upstream property to adequately manage any runoff entering the project site.
35. Upon completion of the project, all vehicles are prohibited from backing out from the project onto Mission Street. Upon issuance of the final Certificate of Occupancy, the applicant shall take all necessary measures to enforce this prohibition.
36. The applicant shall install a minimum of two (2) "Do Not Back Out onto Mission Street" signs inside the parking garage to the satisfaction of the Engineering Division.
37. The applicant shall install a "No Large Vehicle" sign at the garage entrance to the satisfaction of the Engineering Division.
38. Any proposed changes to the parking layout, parking space dimensions, garage dimensions or maximum vehicle sizes shown on the approved drawings shall be submitted to the Engineering Division for review, including supporting turning template analysis. The parking layout shall be designed to prohibit and discourage vehicles from backing out onto Mission Street.
39. The applicant shall contract with the City's third party consultant to revise the water study to as a condition of approval and to reflect the car-stacker system proposed in the garage. All costs associated with the analysis and any necessary improvements to the water infrastructure required by the analysis shall be borne by the applicant.

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

40. Any existing sewer lateral(s) shall be abandoned at the main.
41. Any existing water service(s) shall be abandoned at the main.
42. The applicant shall, through the Engineering Department, contract with the City's third-party consultant, to determine the system's ability to serve the project and determine if any collection system improvements are required. All costs associated with the analysis and any

necessary collection system improvements required by the analysis, shall be borne by the applicant.

43. The applicant shall, through the Engineering Department, contract with the City's third-party consultant, to determine the system's ability to serve the project and determine if any water system improvements are required. All costs associated with the analysis and any necessary water improvements required by the analysis, shall be borne by the applicant.

**E. FIRE DEPARTMENT**

44. Fire sprinkler system required per City Ordinance. Install per NFPA.
45. Obtain water flow information.
46. Fire alarm system required under separate fire permit and plan check. Install per NFPA 72.
47. Fire alarm system shall be monitored per CFC.
48. Smoke Detectors and CO monitors required per CBC.
49. HVAC smoke detection and automatic shutdown required per NFPA 90A and CMC.
50. Key box required. Apply through Fire Department.
51. Clearly visible address identification required.
52. Utility identification required.
53. Door shall be easily openable in one motion without special knowledge, key, or effort per CBC.
54. Exit signs/emergency illumination required.
55. Sprinkler coverage required for stacked auto storage.
56. Sprinkler inspectors test and drain must empty into sanitary sewer.

BE IT FURTHER RESOLVED that the City Council finds and determines that each of the above conditions is an integral and necessary part of the approval of this use permit and design review permit, and where one or more condition is not complied with, there shall be no inference that there was intentional waiver of such condition, nor shall the project proponent, the property owner, nor any subsequent purchaser be able to rely to their benefit, nor to the detriment of the City of Daly City be reason of the failure to comply with any such condition.

BE IT FURTHER RESOLVED that it is the intent of this City Council that the foregoing findings be considered as an integrated whole whether or not any subdivision of these findings fails to cross-reference or incorporate by reference any other subdivision of these findings; and that any finding required or permitted to be made by this City Council with respect to any particular subject matter shall be deemed made if it appears in any portion of these findings.



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I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City, California, at a regular meeting thereof held on the 23<sup>rd</sup> day of May, 2022, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: Buenaventura, DiGiovanni.

Manalo, Daus-Magbual

NOES, Councilmembers: Sylvester

Absent, Councilmembers: None

  
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CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

RODERICK DAUS-MAGBUAL  
MAYOR OF THE CITY OF DALY CITY