

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
ADOPTING FINDINGS OF FACT FOLLOWING PLANNING COMMISSION
RECOMMENDATION RE: GENERAL PLAN AMENDMENT (GPA01-4), PLANNED
DEVELOPMENT (PD-57), MAJOR SUBDIVISION (SUB01-2), USE PERMIT (UP04-12)
AND ADOPTING MITIGATION MEASURES AND MONITORING PLAN
AND DESIGN REVIEW (DR01-17), 200 CONDOMINIUMS AND 137-ROOM HOTEL
(Serramonte Boulevard between Callan and Gellert Boulevards, Daly City, CA)

Preamble:

A. The applicant, Hansen PSC, has submitted an application to change the General Plan designation of a 6.3-acre parcel of land on Serramonte Boulevard, south of the Serramonte Shopping Center, from *Office* to *High Density Residential and Service Commercial*; a planned development application has also been submitted. The proposed change is to allow the future development of 200 luxury condominium units and a 137-room hotel.

B. The project site is located on Serramonte Boulevard, south of Serramonte Center, between Gellert and Callan Boulevard. It is a 6-acre site and is currently zoned *Pre-PD* (Pre-Planned Development) and is designated *Commercial Office* in the Land Use Element of the Daly City General Plan.

C. The existing site slopes downward in a northerly direction with an elevation change of up to 120 feet. Because the site is extremely steep, there will be extensive grading and filling required for the project. To prepare the site for the grading would require the removal of a dense growth of trees and approximately 142,000 cubic yards of soil for the condominium portion of the property and another 57,000 cubic yards of cut for the hotel parcel.

D. The luxury condominium complex, proposed for the site, consists of five four-story buildings and one recreation building. Three of those buildings would be located along Serramonte Boulevard and the other two would be set behind them. Four of the buildings would have four levels of living space above bi-level garage areas. The remaining building would have four levels of living space above a three level garage. At the highest point above finished grade, each condominium building would be approximately 65.5 feet in height.

E. The proposed project includes 200 residential units: 80 one-bedroom units each at 893 square feet, 40 two-bedroom units at about 1,100 square feet each, and 80- three-bedroom units at 1,329 square feet each. The recreation building would be 7,465 square feet with 18 parking spaces provide underneath the building. The building would also have security tower which would reach a maximum height of 59 feet above grade.

F. A hotel is also proposed for this project specializing in *extended business stays*. Extended stay business hotels are lodging hotels designed for business and personal travelers in need of accommodations for a week or more. Although nightly lodging would be available, most guests would stay for one week or longer. Rooms would include a kitchenette, and the hotel would have laundry facilities available. The hotel would not include a restaurant, bar, or meeting space.

G. The 137-room hotel would be a four level structure built above three levels of garage. The hotel would include 147 parking spaces in the garage. As with the condominiums, the hotel would be built partially into the sloping site. The hotel's external height would range from four to seven stories and would reach a maximum height of 90 feet.

H. A use permit and a subdivision map are required for the use and development of any property for condominiums. The subdivision will include individual lots for each of the residential units, and the common area for the parking garages and recreational building. The parcel for condominiums will be 4.68 acres and the hotel parcel would be 1.4 acres.

I. The City's Planning Division has conducted an Initial Study on the possible environmental consequences of this project, and based on the Initial Study, determined that under the requirements of the California Environmental Quality Act and environmental impact report was required. A Notice of Completion of the Draft EIR was submitted to the State Clearinghouse for public dissemination and the Final EIR was prepared and distributed on September 2, 2004.

J. The Daly City Planning Commission reviewed the environmental impact report and reviewed and approved the General Plan Amendment GPA01-4, Planned Development PD-57, Major Subdivision SUB01-2, Use permit UP04-12 and Design Review DR01-17 for the construction of 200 condominium units and 137-room hotel.

K. The Daly City Planning Commission generated findings and conditions to be attached to the project approval, as well as planned development standards and the environmental determination consistent with the environmental impact report. The Planning Commission confirmed and approved the proposed FEIR for this project and forwarded a recommendation to the City Council to approve the project subject to conditions, as identified below:

- Certify the Serramonte Condominium and Hotel Environmental Impact Report.
- Amend the General Plan designation from Office to High Density Residential and Service Commercial.
- Establishment of a Planned Development District (PD-57) for the project site. The new Planned Development District will replace the current Pre-PD (Pre-Planned Development) zoning for the subject property and specific Planned Development Standards will also be established through approval of PD-57.
- Approve a Major Subdivision and Use Permit for the condominium portion of the project.
- Approve a Design Review Permit for architectural character, site design, exterior lighting, landscaping and signage.

L. Pursuant to the Daly City Zoning Ordinance, the matter was carried forward to the Daly City City Council with the summary of hearing, findings and recommendations of the Daly City Planning Commission above-referenced.

M. The matter was thereafter duly noticed and publicly heard by the Daly City City Council. The Council held a public meeting on the applicant's project along with the proposed environmental documents, at which time it considered the Initial Study and final Environmental Impact Report, the findings and the determination of the City's Planning Division, the staff report, written and oral comments of the attending public, and the testimony and other evidence of all those wishing to be heard at the City Council meeting on this is matter as well as the summary of hearing, findings and recommendations of the Daly City Planning Commission.

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 "M" within the Preamble are accurate, and constitute findings of the City Council of the City of Daly City.

2. That the application was lawfully filed, and properly before the Daly City Planning Commission and the City Council of the City of Daly City; and that public notice, published noticed and/or posted notice was properly made.

3. That these findings address a General Plan Amendment GPA01-4, Planned Development PD-57, Major Subdivision SUB01-2, Use Permit UP04-12 and Design Review Permit DR01-17 for the construction of 200 condominium units and 137-room hotel on the above referenced site.

4. In accordance with Titles 16 and 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission conducted a public hearing on July 6, 2004; notice of said hearing was given by newspaper publication, posting and first class mailing to property owners within 300 feet of the site.

5. The City Council hereby certifies that the Final EIR for the Project was presented to the City Council, that the Final EIR for the project was completed in full compliance with CEQA and the State and City CEQA Guidelines, that there was adequate opportunity for public review of the Draft EIR, that the Planning Commission and the City Council has considered all comments on the Draft EIR and responses to comments, that the Final EIR adequately discusses all significant environmental issues of the Project, that the Final EIR reflects the independent judgment and analysis of the City Council.

6. Mitigation Monitoring Plan. Consistent with Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring Plan, which is included as Attachment “C” to the Planning Division Staff Report, to mitigate or avoid significant effects of the Project on the environment, and to ensure compliance during project development.

7. The City Council finds that after receiving public testimony, reviewing the contents of the Environmental Impact Report and deliberating the aspects of the project, the Planning Commission recommended that the City Council make findings and certify the EIR (EIR) for the Serramonte Condominium and Hotel project as accurate and adequate.

8. The City Council finds that the proposed subdivision, design, and improvements are consistent with applicable general and specific plans for this site. The General Plan land use designation change of the site from Office to *High Density Residential*, which allows up to 50 dwelling units per acre. The applicant is proposing to subdivide a 4.68-acre site into 200 lots for single-family dwellings. The subdivision has a net density of 42.74 dwelling units per acre, which is consistent with the density range allowed in that General Plan designation.

9. The City Council further finds that the subdivision is consistent with Policy 1.1 and 2.1 of the Housing Element of the Daly City General Plan which states the City should support infill housing, and increase the supply of housing in a manner compatible with the character, density, and integrity, on appropriate sites in existing neighborhoods.

10. The City Council also finds that the proposed subdivision conforms with Objective 1 of the Housing Element of the General Plan which encourages new residential development in suitable locations. The project will create 200 residential units that are compatible with other structures and uses in the vicinity.

11. The City Council further finds that subdivision is consistent with Objectives 6 and 7 which encourages a pattern of residential land use which provides for a variety and balance of densities and offers opportunities for a mix of dwellings and tenure type.

12. The City Council further finds that the proposed subdivision is consistent with Policy 7.2 of the Land Use Element, which requires the project sponsor to provide the necessary infrastructure improvements to service the site.

13. The Council finds that the site is physically suitable for the type and density of the proposed subdivision. The parcels are adjacent to a fully urbanized area with all public services capable of being extended to the new lots. Within the subject area, there is a mixture of commercial and high density residential uses.

14. The City Council finds that the submitted design of the proposed buildings meets all health and safety requirements of the Daly City Municipal Code and will not cause public health problems.

15. The City Council ultimately finds that the proposed subdivision meets or exceeds all applicable development requirements established by the City.

16. The City Council further finds that the general site considerations, including landscaping and on-street parking improvements will provide a desirable residential subdivision environment.

17. The design of the proposed subdivision or improvements must not conflict with any easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. Based on information as documented in assessors parcel records and public works street maps, the City Council finds that the proposed subdivision does not conflict with any easements.

18. A Master Sign Program is needed to insure that all new and future site signage within PD-57 is consistent. The Program would establish standards for the copy, letter style, logos, size, shape, construction and placement of signs within the project area and would be completed as part of the Design Review materials to be evaluated by a Design Review Committee appointed by the Mayor. The City Council finds that all new signage would require standard City sign, building and electrical permits.

19. The applicant will provide a combination of flowering plants, groundcover and trees that are well suited to the functional and aesthetic enhancement of the site. The proposal will be in conformance with Section 17.41, Landscaping, of the Daly City Zoning Ordinance.

20. The City Council finds that utilities to serve the project are in place within the public right-of-way and have the capacity to accommodate the development.

21. A Congestion Management Plan, per the *C/CAG Guidelines for Implementation of the Land Use Component of the Congestion Management Program*, has been prepared for the proposed project. This City Council finds that this plan could potentially mitigate many of the afternoon peak hour trips by incorporating various techniques such as preferential parking for van and carpoolers, providing videoconference space in the office development, utilizing the *Hire Daly First* program and encouraging a hiring preference to local residents.

22. The City Council finds that Policies 1.1, 1.2 and 1.3 of the General Plan Land Use Element state that the City should pursue projects that encourage commercial retail uses in locations that can physically support intensive uses (i.e. adequate provision of infrastructure) and projects that allow the City to aggressively pursue increasing the City's commercial tax base. Based on a fiscal analysis prepared by Strong Associates, the proposed condominium/hotel project would yield a net annual surplus, whereas the theoretical permitted office/retail complex would yield a net annual shortfall.

23. After reviewing the plans as submitted, the City Council finds and agrees with the Planning Commission that the site is physically suitable for the type and density of the proposed subdivision. The project is located in an urbanized area, adjacent to and surrounded entirely by existing development.

24. The City Council finds that all utilities to serve the project are in place within adjacent right-of-ways and have the capacity to accommodate the project, and that all public services are capable of being extended to the subject property.

25. The City Council also finds that Daly City is a coastal city in a prime location, being bordered by the City and County of San Francisco to the north. The combination of a oceanside location, excellent climate, and the ready availability of urban facilities, services and entertainment make Daly City an extremely desirable place to live.

A. The land area of the City is very small -- approximately eight square miles. Daly City is already a fully built-out city, with a population of approximately one-hundred and fifteen thousand.

B. The majority of new market rate multi-family development in the City is not affordable to lower-income households. Moreover, market conditions, including the high cost of residential land, construction costs, and the availability and cost of financing, make the development of affordable housing in the City extremely difficult.

C. In addition, the consumption patterns of the upper-income households who occupy these new market rate multi-family housing units create a need for affordable housing in the City.

D. In addition, because the City is built-out, land available for residential development in the City is limited. Further, land which could be used for development of housing for low income households is being depleted by development of high cost housing. Thus, continued new residential development which does not include or contribute toward the cost of housing for lower income households will only serve to further exacerbate the current affordable housing shortage.

BE IT FURTHER RESOLVED, that the City Council recommends findings for approval of General Plan Amendment GPA01-4, Planned Development PD-57, Major Subdivision SUB01-2, Use Permit UP04-12, and Design Review DR01-17 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.

Conditions of Approval

A. DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

General:

1. Within thirty (30) days of Council approval, the applicant shall file with the City Clerk a Declaration of Acceptance of all conditions. Until said Declaration is filed, the project shall not be valid for any permits sought from the City.
2. The project shall conform to all city Standard Project Conditions and plans and conditions approved by the Design Review Board, the Planning Commission and the City Council. Major changes to the approved conditions or operation of this facility shall be subject to review at a new Design Review Committee meeting, and if deemed necessary by the Director of Economic & Community Development, a new public hearing process. Minor changes due to conditions of approval or code changes may be submitted for approval to the Planning Division.

Design Review

3. A Design Review Permit and Design Review Committee approval is required prior to the issuance of any building permits for new structures at this site. Elevations, landscaping plans, and building and paint samples will be required for design review.
4. The applicant shall submit project plans to the Design Review Committee which will include:
 - A. All ground mounted utility appurtenances, such as transformers or air conditioning units shall be undergrounded. These appurtenances shall be identified on the approved landscape plans prior to issuance of building permits.
 - B. Details of exterior building materials and colors. Samples of final color and materials selections may be required by the Planning Division to verify compliance. All visible building elevations shall be provided with architectural treatment of the same quality and character of the front building elevations. The applicant shall provide the Planning Division with architectural drawings for all elevations prior to review by the DRC.

The applicant shall agree to install landscape improvements in accordance with Section 17.41 (Landscaping) of the Zoning Ordinance.

Landscaping

5. The applicant shall provide a complete landscaping and irrigation plan, which utilizes native and drought resistant plantings to the maximum extent possible. The plan is subject to review and approval by the Planning Division prior to the issuance of building permits. All landscaping shall be installed prior to the issuance of any Certificate of Occupancy of any structure. Plan requirements include:
 - A. In general, all shrubs or any vegetation at points of ingress or egress shall be maintained at a height of no greater than 30 inches. Trees must be trimmed in a manner to maintain a site clearance underneath the branches of five feet from grade.
 - B. A water conserving irrigation system which includes automatic controllers and low volume irrigation system components, including but not limited to drip or bubble irrigation components, shall be provided for all required landscaping and shall be maintained at all times.
 - C. The landscaping and irrigation plans shall include planting and irrigation details and diagrams and shall meet the approval of the Planning Division. All planting and irrigation shall be installed prior to the issuance of a Certificate of Occupancy. Financial securities will be required pursuant to Section 17.41.050 of the Zoning Ordinance to ensure the installation of all approved landscaping

improvements. Financial securities are refundable to the applicant upon completion of the plant establishment period.

6. Landscaping shall be planted at the base of any monument signs and shall be maintained in a healthy growing condition and be replaced as necessary. The plants shall include a variety of flowering evergreen shrubs and flowering ground cover. At least 50 percent of new site trees shall be 24-inch box size; the remaining 50 percent shall be at least 15-gallon size.

Site Maintenance

7. The project architect shall provide plans for enclosed debris containers. All outdoor storage and enclosed trash debris containers shall be designed to match the color, materials, and architectural style of the main building and be located in areas visually inaccessible to surrounding neighbors. All debris/recycling container gates shall be solid view obstructing and constructed of metal or other durable materials acceptable to the Planning Division and Supervisor of Streets. The number of on-site debris containers and recycling receptacles shall be shown on a revised site plan submitted to the Planning Division prior to the issuance of building permits.
8. A maintenance plan for on-site litter control shall be submitted by the applicant and approved by the City prior to the issuance of the Certificate of Occupancy. The litter control maintenance plan shall include provision for on-going maintenance required for the project use including the following:
 - A. All sidewalks, walkways, and easements within and adjacent to the property, including weeds and rubbish control.
 - B. Placement and maintenance of on-site trash receptacle and recycling receptacles.
 - C. Garbage storage areas are to be kept sanitary and free of litter and debris. The applicant shall also provide a site trash removal schedule.
 - D. Bales of recyclable cardboard material shall be stored exclusively inside the building.
 - E. The accumulation of motor oil in the trash receptacles, garbage dumpsters or placed anywhere on the premises shall be removed and disposed of in a proper manner. Motor oil that has accumulated in the parking stalls or driveways shall be cleaned as soon as possible to prevent oil from entering the storm drain system.
 - F. The applicant shall develop and implement a periodic maintenance and clean-up schedule of the on-site drainage system, as approved by the Public Works Supervisor.
 - G. The applicant shall use graffiti proof paint on all plastered surfaces, or other acceptable alternative program. The applicant shall agree to be responsible for the immediate removal of on-site graffiti.

B. FIRE DEPARTMENT

9. Each residence shall be equipped with a fire sprinkler system installed in accordance with NFPA 13D.
10. Class III standpipes are required.
11. Mansard parapets extend up to 8 feet and will require fixed ladder access.
12. No framing lumber permitted on site until all hydrants and access roads are in place. Access road is to be all weather and capable of sustaining 66,600 pounds for fire apparatus.
13. Red zones to be determined upon approval of site/access plan.

C. PUBLIC WORKS DEPARTMENT

14. The development plans shall comply with the City Standard Conditions of Approval for Use Permits, Variances, and Planned Developments dated December 8, 1999.
15. Water, sewer and other City public service facilities to be constructed outside the public street right-of-way shall require an easement dedicated to the City. City public service facilities shall be located no less than ten feet from any existing or proposed utility or structure. Joint easements for sewer and water mains are not desired. Required easements shall be fifteen feet wide and shall be graded uniformly as a road would be.
16. A property/homeowner's association shall be established before the sale of any lot within the subdivision to provide for maintenance, repair, reconstruction and control of common benefit facilities within the subdivision. These facilities are to include, but not limited to, drainage facilities, retaining walls, area lighting, roadway/access driveway, erosion and sediment control facilities. The CC&Rs for such association shall be approved by the City and filed in public records.
17. Curb, gutter, and sidewalk shall be installed along the frontage of Serramonte Boulevard.
18. Emergency Vehicle Access Easement shall be provided to serve all properties in the subdivision.
19. The existing storm drain system downstream shall be evaluated to receive expected flow from future developments during a 10 and 25-year frequency storm. All storm drain facilities required for this subdivision shall be designed for at least a 10-year storm frequency, with a duration of two (2) hours, including the required storm water detention reservoir which shall permit discharge at a rate no greater than the natural runoff of the same property in an unimproved state for the same design year storm. Developer may be required to undertake improvements or contribute to the cost of improvements of the downstream system to provide adequate storm sewer facilities with a capacity based upon

a 10-year calculation if the existing storm drain system, or modification thereof, is not adequate to serve this subdivision.

20. All grading shall be done in accordance with the City Grading, Erosion and Sediment Control Ordinance.
21. All engineering measures, as prescribed in the geotechnical analysis shall be employed for earthwork, landslide, and erosion gully repair, grading, subdrainage, foundations, retaining walls, trenches, drainage and pavement and shall be incorporated into the design of the improvements on-site. Matting and/or hydroseeding will be required for slopes.
22. Grading plans shall be reviewed by an independent qualified Consulting Engineer or Geologist shall be present on-site during excavation and grading phases of the project and shall submit a written certification that the approved grading plan has been implemented as approved.
23. A grading plan must be submitted to and approved by the City Engineer prior to any grading or clearing being performed on site.
24. Subdrain and surface drainage system shall be installed to relieve potential runoff of water from natural springs.
25. Any retaining wall supporting or adjoining a City street or emergency access easement shall be designed for a useful service life of no less than 100 years. Retaining walls built outside, but adjacent to any public street right of way or emergency access easement shall require a deed restriction on the property requiring immediate repairs and property maintenance of soil retaining structures at all times and authorizing the City to undertake any required corrective work at the property owner's full cost.

D. WATER/WASTEWATER RESOURCES DEPARTMENT

26. Water mains shall be no less than 6 inches in diameter.
27. Water system improvements shall be provided to ensure that the needed fire flows will be met at all locations in the project.
28. All studies or analysis required, insuring proper water supply for the development, shall be undertaken at the developer's expense, and are subject to the City Engineer's approval. The developer shall pay modeling costs of the proposed development with the City's consultant's computer analysis.
29. Design considerations such as pipe sizing, routing or materials used shall be subject to review and approval of the City Engineer. In no case will pipe sizes less than 8-inch diameter be allowed, with the exception of mains in a cul-de-sac less than 300 feet long, which may be 6-inch diameter.
30. A cross section of the existing utilities in relation to the retaining wall will be required. The existing water main will have to be replaced with ductile iron pipe along with new

water valves and hydrant assemblies along that area of the proposed project. This main may also have to be relocated, depending on its position to the proposed retaining wall and footing.

31. The developer shall be financially responsible for all project related sanitary sewer improvements on and off-site, as required and approved by the City Engineer in accordance with City Standards.
32. All studies or analysis required to insure proper sanitary sewer service for the development shall be undertaken at the developer's expense and are subject to City Engineer's approval.

E. FEES AND DEPOSITS

Deposit

33. The Developer shall deposit and maintain a refundable minimum cash deposit of \$10,000 to be used for cleanup, traffic control, and other work necessary to keep the project site safe and from becoming a nuisance during the construction period of the project. Expenses for work done by the City or its authorized representative, in this same connection upon failure of the applicant to do the same, shall be charged against the deposit.

AB 1600

34. Pursuant to AB 1600 and City Ordinance 1096, the applicant shall contribute fees prior to the issuance of building permits.

School Impact Fees

35. All development in Daly City is required to pay School Impact Fees. The applicant shall be required to provide proof of payment of fees at the time of application for a building permit.

Parkland Dedication Fees

36. The applicant shall contribute fees in compliance with Chapter 16.30, Parkland Dedications, of Title 16, Subdivisions, of the Daly City Municipal Code. Based on the proposed project, a fee equal to the fair market value of 1.9-acres would be required.

Landscaping

37. All planting and irrigation shall be installed prior to the issuance of a Certificate of Occupancy. The applicant shall post an acceptable security in the amount of \$10,000 to ensure that the landscape plan is properly installed. Should the applicant/owner fail, after being contacted in writing to install the landscaping plan, the City may authorize a landscape company to perform the work and to assess the owner accordingly and charge

all reasonable costs against the applicant/owners security. Financial securities are refundable to the applicant upon completion of the plant establishment period.

BE IT FURTHER RESOLVED by the City Council that pursuant to California Government Code Section 66474.9, and to no extent further than as permitted by such statute, the City of Daly City requires, as a condition of approval of this subdivision, that the applicant, and any successor interest, defend, indemnify, and hold harmless the City of Daly City, its officers, agents and employees, from any claim, action, or proceeding against the City of Daly City, its officers, agents and employees to attack, set aside, void or annul, any approval connected with this subdivision, the companion application for Design Review Permit, the environmental evaluation and/or determination, or any other project related approval of the City of Daly City, and the Daly City Planning Commission concerning this subdivision, which action is brought within the time period provided for in Government Code Section 66499.37. Such defense shall include reasonable attorney's fees and/or legal costs should such fees or costs be incurred by the City of Daly City lawfully related to the defense of this project.

BE IT FURTHER RESOLVED that by acceptance of the conditions of these entitlements, the applicant, property owner, developer and their successors and assigns agree to defend and hold harmless the City of Daly City, the Daly City Planning Commission, City employees, professionals and staff in any action by a third party to void, recall or rescind and granted entitlement pursuant to, and to the extent permitted by federal and state law; and that the City Council of the City of Daly City finds, as a matter of local public policy, that litigation costs, if any, associated with granting of the entitlements associated with this development should be borne by the applicant, property owner, developer and their successors and assigns, rather than by the City directly or the taxpayers and residents of the City of Daly City.

BE IT FURTHER RESOLVED that the City Council directs that design review by a Design Review Committee of the City Council be conducted for this site to consider, comment and direct where appropriate, and without limitation, the exterior design and layout of these residential units, with particular attention to consolidation, size and placement of sidewalk curb cuts, and the width and placement of garage doors, buffering trees or other vegetation.

BE IT FURTHER RESOLVED that the Council adopts the Mitigation Monitoring and Reporting Program, attached as Exhibit "A," and directs staff to implement the provisions of the program for this subdivision.

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 subdivision, 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 by reason of the failure to comply with any such condition.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALY CITY
ADOPTING FINDINGS OF FACT FOLLOWING PLANNING COMMISSION
RECOMMENDATION RE: GENERAL PLAN AMENDMENT (GPA01-4), PLANNED
DEVELOPMENT (PD-57), MAJOR SUBDIVISION (SUB01-2), USE PERMIT (UP04-12)
AND ADOPTING MITIGATION MEASURES AND MONITORING PLAN
AND DESIGN REVIEW (DR01-17), 200 CONDOMINIUMS AND 137-ROOM HOTEL
(Serramonte Boulevard between Callan and Gellert Boulevards, Daly City, CA)

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of Daly City,
California, at a regular meeting thereof held on the _____ day of _____, 2004, by the
following vote of the members thereof:

City Attorney
Comment: Be sure to check the YEAR of
the resolution.

AYES, and in favor thereof, Councilmembers: _____

NOES, Councilmembers: _____

ABSENT, Councilmembers: _____

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

MAYOR OF THE CITY OF DALY CITY

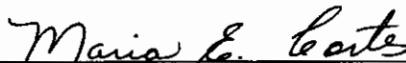
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(Serramonte Boulevard between Callan and Gellert Boulevards, Daly City, CA)**

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 13th day of September, 2004, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: Gomez, Guingona, Klatt, Torres

NOES, Councilmembers: None

ABSENT, Councilmembers: Tissier


CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

SAL TORRES
MAYOR OF THE CITY OF DALY CITY

Table II-1. Summary of Impacts and Mitigation			
Impact	Pre-mitigation Significance	Mitigation Measure	Post-mitigation Significance
A. Aesthetics Would the project cause			
AES-1 Have a substantial adverse effect on a scenic vista?	No Impact	No mitigation is necessary or proposed	No Impact
AES-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No Impact	No mitigation is necessary or proposed	No Impact
AES-3 Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than Significant Impact.	No mitigation is necessary. Project would incorporate landscaping and architectural features to help the project fit into the urban landscape.	Less than Significant Impact.
AES-4 Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	Less than Significant Impact.	No mitigation is necessary or proposed.	Less than Significant Impact.
B. Geology and Soils Would the project:			
GEO-1 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic-related ground failure, including liquefaction, iv) landslides?	Potentially Significant Impact.	GEO-1 The Applicant's design team should formulate a specific development proposal and provide it to the Applicant's geotechnical consultant. That consultant should then provide supplemental information and recommendations addressing the specific project design. The supplemental geologic and geotechnical report should address the 17 comments (see Geology and Soils section) and should be signed by both the project geotechnical engineer and project engineering geologist. Recommendations provided in the supplemental report should be included in the project's Conditions of Approval.	Less than Significant Impact.

Table II-1. Summary of Impacts and Mitigation			
Impact	Pre-mitigation Significance	Mitigation Measure	Post-mitigation Significance
GEO-2 Result in substantial soil erosion or the loss of topsoil?	Potentially Significant Impact	See Mitigation GEO-1, particularly Comments 8 and 9	Less than Significant Impact
GEO-3 Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Potentially Significant Impact	See Mitigation GEO-1	Less than Significant Impact
GEO-4 Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Potentially Significant Impact	See Mitigation GEO-1, particularly Comment 4	Less than Significant Impact
C. Land Use Would the project:			
LU-1 Physically divide an established community.	No Impact.	No mitigation is necessary or proposed.	No Impact.
LU-2 Conflict with applicable land use plans.	Less than Significant Impact.	No mitigation is necessary or proposed.	Less than Significant Impact.
LU-3 Conflict with applicable Habitat Conservation Plan.	No Impact.	No mitigation is necessary or proposed.	No Impact.
D. Traffic Would the project:			
TRA-1 Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	Potentially Significant Impact.	TRA-1 The project would contribute a fare share toward signalization of the Serramonte Boulevard/Northbound SR-1 and Serramonte/Callan Boulevard intersections. Since project traffic alone would cause the LOS at the Serramonte/Callan Boulevard intersection to degrade to LOS F, that intersection must be signalized before the project is occupied.	Less than Significant Impact.

Table II-1. Summary of Impacts and Mitigation

Impact	Pre-mitigation Significance	Mitigation Measure	Post-mitigation Significance
TRA-2 Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	Potentially Significant Impact	Mitigation TRA-1 prescribed above would address this impact	Less Than Significant Impact
TRA-3 Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	No Impact	No mitigation is necessary or proposed	No Impact
TRA-4 Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant Impact with Mitigation Incorporated.	The project includes a Construction Traffic Plan to address heavy vehicles entering and exiting the site during excavations and off-haul work. No other mitigation is necessary or proposed.	Less Than Significant Impact.
TRA-5 Result in inadequate emergency access?	Less than Significant Impact.	No mitigation is necessary or proposed.	Less than Significant Impact.
TRA-6 Result in inadequate parking capacity?	Less than Significant Impact.	No mitigation is necessary or proposed.	Less than Significant Impact.
TRA-7 Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	No Impact.	No mitigation is necessary or proposed.	Less than Significant Impact.