

ORDINANCE NO. 1422

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AMENDING THE DALY CITY ZONING MAP BY AMENDING ORDINANCE NO. 1316
RE: PLANNED DEVELOPMENT STANDARDS FOR PD-60A

(APNs 002-170-220, 002-170-230; 002-201-140, 002-201-520, 002-201-530, 002-201-540, 002-
201-550, 002-201-560, 002-201-570, 002-191-270, 002-191-330)
Westlake Shopping Center

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

Section 1. Findings. The City Council of the City of Daly City finds that, as conditioned, Planned Development PD 4-17-1276, amending Planned Development PD-60 is in compliance with Title 17 of the Daly City Municipal Code (Zoning Ordinance), as well as the General Plan of the City of Daly City, as amended and as to each element of the Daly City General Plan. Approval of the zone change will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in or working in the neighborhood. The City Council further finds that the amendment to PD-60 to allow residential development will not be detrimental to the surrounding areas or result in substantial environmental damage or disturbance or be injurious or detrimental to the property and improvements in the neighborhood or the general welfare of the City of Daly City.

Section 2. Environmental Compliance – Mitigation Monitoring Program.

The City Council has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and has determined, that a Mitigated Negative Declaration is the appropriate level of environmental review. The Daly City Planning Commission and City staff recommend that a Mitigated Negative Declaration per Section 15070(a) of the CEQA Guidelines be adopted for this project.

The City Council approves the Mitigation Monitoring and Reporting Program (MMRP) for this project and hereinafter finds that the mitigated negative declaration, to and including the MMRP complies and conforms with the California Environmental Quality Act and the Guidelines implementing the Act.

Section 3. Zoning Reclassification. The zoning as designated upon the “Official Zoning Map” of the City of Daly City, as adopted by Daly City Ordinance No. 635, and thereafter amended from time to time, is hereby changed as to the parcel identified on the attached map incorporated herein by this reference, to Planned Development Zoning PD-60A, which hereinafter provides for a change of boundary on the “Official Zoning Map” and the establishment of specific standards for development on the subject property. All improvement shall comply with the approved Planned Development Standards hereinafter adopted for Planned Development PD-60A.

**PLANNED DEVELOPMENT STANDARDS
PLANNED DEVELOPMENT ZONE PD-60A
WESTLAKE SHOPPING CENTER**

The purpose and intent of these Planned Development Standards is to establish a Planned Development Zoning District for PD-60A, which encompasses the entire project site.

I. GENERAL

1. When these planned development standards conflict with other sections of the Zoning Ordinance, these standards prevail only to the extent of the conflict. Where these planned development standards do not provide regulations, the Zoning Ordinance shall apply as to the most similar land use or standard.
2. Any modifications to plans approved by the City Council shall require an amendment of the original PD approval and shall be subject to separate approval by the Planning Commission and City Council. Minor changes of the approved plans due to code requirements or conditions of approval may be approved by the Planning Division.
3. All structures, landscape areas, required facilities and amenities shall be maintained in a neat, safe, and healthful condition, subject to improvement and upgrading of plans as required by this Planned Development approval.
4. The property owners of PD-60A shall seek to provide a balanced mix of uses with compatible peak hours and parking needs.

II. PERMITTED USES

1. The following uses are permitted as part of Planned Development Zone PD-60A:

Administrative, business and professional offices
Art Studio
Bakery (retail)
Bank and Savings and loan offices
Barber or Beauty shop
Book or stationary store
Business office
Candy store
Clothing or Department store
Coffee shop
Drugstore
Hardware store
Retail household appliance sales and services

Florist
Gift shop
Ice cream store
Laundry or cleaning stores
Instruction studio (dance or martial arts)
Jewelry store
Medical/Dental clinic
Pet food store
Professional office
Photographic studio
Prescription pharmacies
Residential apartments (Building R only)
Restaurant (excluding drive-through)
Shoe repair
Sporting goods
Tailor shop
Trade or business school
Toy Store
Travel agent
Variety store
Video rental

2. The following uses will be permitted with a Use Permit in the PD-60A zone:

Accessory buildings or use
Bar or Cocktail lounge
One health and fitness club
Outdoor sales
Pet shop
Businesses whose principal use is for the operation of amusement devices
Veterinary hospital or office

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

III. DEVELOPMENT STANDARDS

1. Parking

- A. The property owners shall comply with and enforce a Parking Management Plan approved by the City. The Parking Management Plan shall be an

appendix to and recorded as part of the Planned Development Standards for PD-60A. The Parking Management Plan shall include the following:

- a. Operable or inoperable vehicles shall be stored at the site for more than 24 hours.
- b. No vehicles or trailers shall be advertised for sale or rent on the site and no vehicle sales, leasing or rentals shall be conducted at the site.
- d. Measures to manage the parking during the peak hours. The plan may include such measures as valet parking, incentives to carpooling and disincentives to parking in the residential areas near the development.
- e. The precise plan shall show all required dimensions on back-up distance, fire access drives and parking stalls, including compact and handicap spaces. The plan shall indicate how the compact spaces shall be marked on the site.
- f. Applicant will post signs, impose conditions upon tenant, and make every effort to restrict deliveries to the development by large semi-trucks, refrigerated trucks, or trucks larger than a four wheel delivery van during peak traffic hours. Smaller delivery vehicles may make such deliveries.
- g. On-site commercial parking shall be provided at parking ratio of not less than 3.29 parking spaces per 1,000 square feet of leasable building area, with a total number of 663,806 commercial square feet square feet permitted in the center. Residential parking in Building R (179 apartments) shall be provided at a rate of one space for each studio unit, 1.5 spaces for each one- bedroom unit and two spaces for each unit of two bedrooms or more, with an overall ratio of at least 1.25 parking spaces per residential unit. Excess residential parking stalls in the underground garage associated with Building R shall be dedicated to employee parking.
- h. Secure bicycle parking shall be provided at strategic locations throughout the shopping center including the ground floor of any parking structure.
- i. The parking areas shall conform to plans approved as part of the precise plan for PD-60A and shall be maintained in accordance with City standards.

2. Signage

- A. New Signage for the project should enhance the building facades. Tenant blade signs should be located within the central portion of the site, along both sides of Main Street and blend into the overall character of an updated Main Street design. Signs added to tower buildings should be logo signs at the top, attached flush with the towers and lighted at night.
- B. Four directories with a total of 40 square feet per side may be located strategically within the site to provide maps and directions for patrons.
- C. The primary entry point from John Daly Boulevard should feature two signs located on both corners of Main Street. The two signs should feature solid identity elements at the base. One of those signs may be a pylon sign up to 60A feet in height. The pylon sign may contain the following maximum sign area per side: a) 100 square feet for the shopping center identifier, b) 625 square feet for tenant advertising, and c) 120 square feet for an electronic reader/message board. The design of such sign shall be subject to review and approval by a Design Review Committee and shall not exceed 845 square feet on any side.
- D. Signage shall include: a) an entry monument sign at one location with a total sign area of 60A feet for each face, b) up to four entry boundary marker signs, each sign face allowed 36 square feet maximum, with a maximum height of 16 feet, width of 7 feet and depth of 14 inches; and c) eight 36 square foot building logos.
- E. All project site signage shall conform to the Tenant Sign Criteria for PD-60A. All changes to the Tenant Sign Criteria shall be submitted to the Design Review Committee for approval, except that minor changes can be approved administratively by the Planning Division.
- F. The Tenant Sign Criteria shall be an appendix to and recorded as part of the Planned Development Standards for PD-60A.

3. Circulation

- A. All deliveries shall gain access to the project site by way of Lake Merced Boulevard and Park Plaza Drive.
 - a. Deliveries to the development by large semi-type trucks shall not take place during peak traffic hours. Smaller delivery vehicles may deliver at all hours.
 - b. The applicant shall implement a Congestion Management Plan, per the C/CAG Guidelines for Implementation of the Land Use

Component of the Congestion Management Program, which will include but not be limited to, provisions for such programs as carpooling, preferential parking and use of the Hire Daly City First Program and encouraging a hiring preference for local residents.

4. Landscaping

- A. All landscaping improvements shall conform to the approved landscaping plan and with Section 17.41 (Landscaping) of the Zoning Ordinance.
 - a. Landscaping shall be installed in accordance with approved plans and maintained in a neat, clean and healthful condition.
 - b. 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.
 - c. 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.

5. Architecture/Site Design

- A. Architectural design of all structures and facades, all materials and colors, and all landscaping shall comply with plans approved by a Design Review Committee.
 - a. Once approved, any major architectural modification shall be subject to approval by a Design Review Committee, except that minor changes may be approved administratively by the Planning Division.
 - b. All roof equipment shall be screened from view from the surrounding streets.
 - c. The Planning Division shall approve the design and location of all trash or storage enclosures and other proposed fencing or walls.
 - d. All restaurants shall be provided with a state-of-the-art, low-noise, air filtration system to remove odors from air emissions caused by cooking.
 - e. All ground mounted appurtenances, such as transformers or air conditioning units shall be undergrounded.

- f. The Tenant Criteria Manual shall be an appendix to and recorded as part of the Planned Development Standards for PD-60A.

6. Maintenance

- A. A maintenance plan for on-site litter control shall be submitted by the applicant and approved by the City. The litter control maintenance plan shall include provision for on-going maintenance required for the project use. The maintenance plan shall be recorded as part of the PD-60A planned development standards. The maintenance plan shall include the following standards:
 - b. The entire development area shall be maintained in a neat, safe, and healthful condition.
 - c. A garbage disposal plan approved by the Planning Division and the Streets Division shall specify that:
 - i. All trash shall be confined in approved receptacles and enclosures.
 - ii. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure areas. Any stacked or stored items shall not exceed the height of the enclosure.
 - iii. All trash and storage enclosures shall be properly maintained in accordance with approved plans.
 - iv. The applicant shall prepare an agreement to implement a weekly litter cleanup plan for all open areas, planters and public sidewalks adjacent to the development. All waste materials generated by the development, such as cardboard boxes, skids, garbage, litter, etc., must be stored in the enclosure for disposal. No waste material shall be visible at anytime. All enclosures shall be designed to conceal the contents. All enclosures should be kept clean and free of odor at all times.

7. Lighting

- A. All exterior lighting shall be in accordance with precise plans and shall be adequately maintained according to approved standards.

- B. Site lighting shall be directed downward to protect adjacent residential neighborhoods from glare.

8. Building Area Limitation

- A. There shall be no additional square footage allowed in PD-60A beyond what is permitted through approval of the precise plan. Minor additions or alterations to square footage for any given designated use (+/- 2%) may be approved by the Planning Division if such changes are to meet specific code requirements and do not affect the overall mass of the building.
- B. The Planned Development zone shall include not more than 663,806 commercial square feet square feet of retail and office uses, and 179 apartments in Building R. The general distribution of allowable square footage shall be in substantial accordance with the Precise Plan.

9. Hours of Operation

- A. The hours of retail store operation shall not be limited. However, if the store operation receives significant complaints due to noise or public nuisance, the issue of limiting store hours shall be brought before a Council Committee appointed by the Mayor for consideration.

10. Residential Open Space

- A. The property owner shall maintain not less than 150 square feet per dwelling unit as usable open space in Building R.

Section 4. Summary Publication: Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This Ordinance shall become effective thirty (30) days from and after its adoption.

Section 5. Environmental Determination: The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

Section 6. Severability: If any section, subsection or sentence of this Ordinance is found by a court of competent jurisdiction to be invalid or unlawful, the City Council finds and declares that the remainder of this Ordinance would be and is enforceable and would have been adopted notwithstanding the finding of invalidity as to any section, subsection or sentence.

Introduced this 10th day of September 2018.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 24th day of September 2018, by the following vote:

AYES, Councilmembers Buenaventura, Christensen,

Guingona, Manalo

NOES, Councilmembers None

Absent, Councilmembers: Sylvester

K. Annette Hipona

CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

JUSLYN C. MANALO

MAYOR OF THE CITY OF DALY CITY