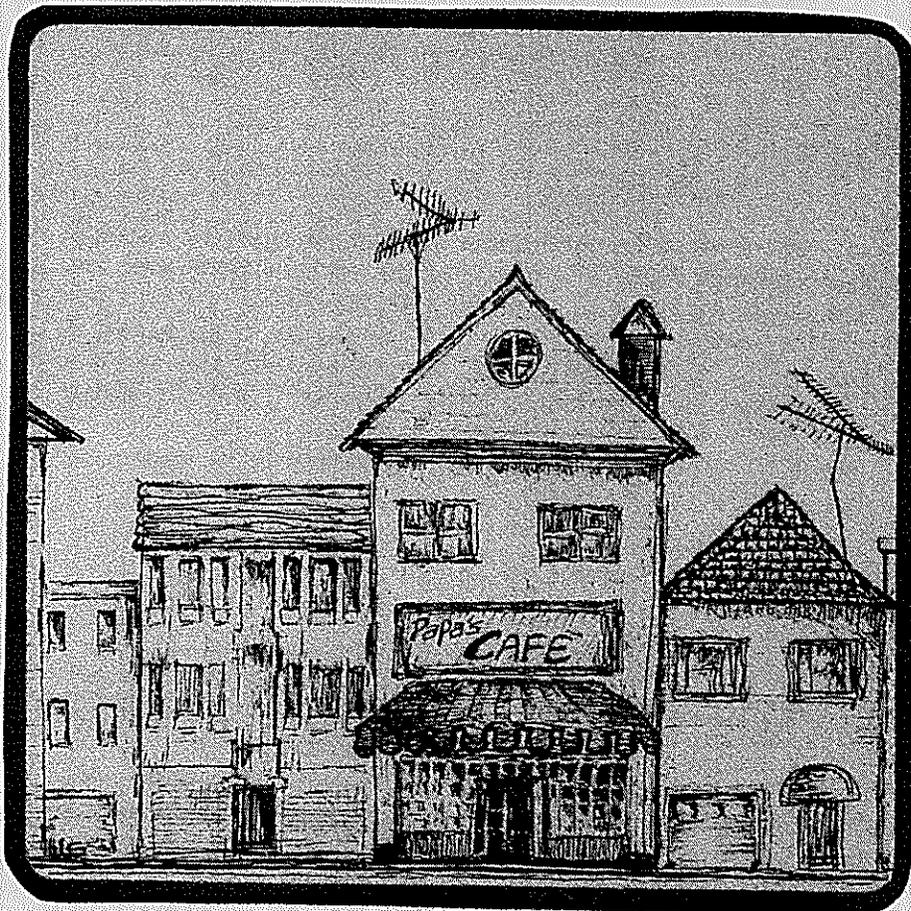




DALY CITY MUNICIPAL CODE TITLE 17 ZONING

ZONING REGULATIONS (Consolidated)



Title 17

ZONING

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Chapter 17.02

GENERAL PROVISIONS

Sections:

- 17.02.010 Adoption of zoning plan.
 17.02.020 Purpose.
 17.02.030 Compliance.

17.02.010 Adoption of zoning plan.

There is adopted a zoning plan for the city; said zoning plan being a section of the master plan of the city. (Ord. 635 § 1, 1965)

17.02.020 Purpose.

The purpose of this title is to provide for the systematic execution of the land use element of the plan, for the physical development of the city, and to promote the public health, safety, convenience and general welfare. (Ord. 635 § 2, 1965)

17.02.030 Compliance.

No structure shall be erected, or land shall be used except as is specifically permitted by the terms of this title. The erection, reconstruction, enlargement, alteration or moving of any structure which does not meet the minimum requirements of this title, shall constitute a violation of this title and shall be subject to all penalties and processes applicable under the terms of this title. (Ord. 635 § 6, 1965)

Chapter 17.04

DEFINITIONS

Sections:

- 17.04.010 Definitions.

17.04.010 Definitions.

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

1. "Alley" means any public thoroughfare which affords only a secondary means of access to abutting property.

2. "Apartment" means a room or suite of rooms occupied or designed to be occupied by one family for living and sleeping purposes. See "dwelling unit."

3. "Boardinghouse" means a dwelling other than a hotel where lodging and meals for three or more persons are provided for compensation.

4. "Building" means any structure having a roof supported by columns or walls and designated for the shelter or enclosure of persons, animals, chattels or property of any kind.

5. "Building, accessory" means a detached subordinate building, not exceeding one story, the use of which is incidental to that of the principal building on the same lot or to the use of the land. This is not to be construed as permitting any commercial or industrial use in any residential district nor as permitting living or sleeping quarters in any accessory building. An accessory building in a residential district shall be located on the rear one-half of the lot and at least six feet from a dwelling existing or under construction on the same lot. A covered patio or a similar structure which is open on at least two sides shall be exempt from the use permit requirement for an accessory building.

6. "Building height" means the vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the coping of a flat roof or the deck line of a

mansard roof or to the average height level between eaves and ridge for gable, hip or gambrel roofs. In no case shall the front of a building which faces a street exceed the required height limit. However, a building may be "stepped" to allow a total front building height in excess of this requirement, providing that no part of any upper building section shall intercept a plane having an angle of forty-five degrees from the horizontal toward the interior of the lot. Said plane shall originate at the intersection of the roof line of the lowest building section with the front of the building section.

7. "Building, principle" means a building in which the principle use of the property is conducted.

8. "Business office" means any office for the conduct of any one of the following uses: Advertising agency, collection agency, insurance, photographer, private detective, real estate, social worker. Similar uses may be added to this list by resolution of the planning commission.

9. "Business, retail" means the retail sale of any article, substance or commodity for profit or livelihood conducted within a building, but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.

10. "Business, wholesale" means the wholesale handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity or the processing or manufacturing of any product or substance.

11. "Cemetery" means land used or intended to be used for the burial or interment of dead persons and dedicated or otherwise legally designated for cemetery purposes. Cemetery includes columbaria, crematories, chapels, mausoleums and garden crypts and may include administrative offices when operated in conjunction with and within the boundary of such cemetery.

11.1. "Child day care facility" means a facility which provides nonmedical care to children under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the

activities of daily living or for the protection of the individual on less than a twenty-four-hour-a-day basis. Child day care facilities include day care centers and family day care homes.

12. Convalescent Home. See "Rest home."

12.1. "Day care center" means a child day care facility other than a family day care home and includes infant centers, preschools, nurseries and extended day care facilities.

12.2. "Day care home, family" means a home which regularly provides care, protection and supervision of twelve or fewer children in the provider's own home for period of less than twenty-four hours per day while the parents or guardians are away.

12.3. "Day care home, small family" means a family day care home which provides care to six or fewer children including children who reside at home.

12.4. "Day care home, large family" means a family day care home which provides care to seven to twelve children including children who reside at home.

13. "District" means a portion of the city within which certain uses of land and buildings are permitted and within which certain yards and other open spaces are required and certain height limits are established as set forth and specified in this title.

14. "Dwelling" means a building or portion thereof, but not including a house trailer or mobile home, used exclusively for residential occupancy including one-family, two-family, multiple-family dwelling units and dwelling groups. See dwelling unit.

15. "Dwelling, one-family" means a building designed exclusively for the use and occupancy by one family and necessary employees of such family and containing but one kitchen.

16. "Dwelling, two-family" means a building designed for the use and occupancy by not more than two families living independently of each other and necessary employees of such families and containing not more than two kitchens.

17. "Dwelling, multiple-family" means a building designated to house three or more families living independently of each other.

17.5 "Dwelling, secondary" means a room or suite of rooms constructed or adapted within or onto a one-family (i.e., principal) dwelling being an integral part thereof, and designed for the use and occupancy by a person or persons living independently from the one family dwelling occupants. A secondary dwelling shall be subordinate to the principal dwelling.

18. "Dwelling group" means a group of two or more detached or semidetached one-family or two-family dwellings occupying a lot under one ownership and having any yard or court area in common, but not including motels.

19. "Dwelling unit" means a room or suite of two or more habitable rooms which are occupied or designed to be occupied by one family with facilities for living, sleeping, cooking and eating and having one kitchen. See dwelling.

20. "Drive-in establishment" means an establishment where the occupants of motor vehicles may watch, purchase or receive goods or services.

21. "Family" means a person or group of persons related by blood, marriage or adoption living together as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity,

sorority or boardinghouse. A family shall be deemed to include necessary employees.

22. "Fence" means any structural device forming a physical barrier by means of wood, mesh, chain, brick, stake or other similar materials.

23. "Floor area ratio (F.A.R)" means the ratio of the maximum permissible floor area to the property of land area in square feet.

24. "Fortunetelling" means the telling of fortunes, forecasting of futures, or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult, psychic power, faculty, force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind reading, telepathy, or other craft art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic of any kind or nature.

25. "Garage, private" means a building or portion of a building in which only motor vehicles intended to be used by the tenants of a building or buildings on the premises are stored or kept.

25.1. "Gasoline service station" means a business where the principal use involves the retail sale of gasoline or other automotive engine fuel, motor oil and other lubricants. It may also include the sale of minor accessories or parts, (e.g., windshield wiper blades, tires, fan belts, replacement bulbs or similar accessories) and services (e.g., engine tune-up, smog certificate testing, repairing tires or similar services).

25.2. "Gasoline service station, full-service" means a gasoline service station where gasoline dispensing at one or more pumps on the premises is performed by an attendant.

25.3. "Gasoline service station, self-service" means a gasoline service station where customers must dispense gasoline themselves.

25.4. "Gasoline service station, accessory use" means a gasoline service station accompanied by uses not expressly authorized as a part of the use, including: food markets, snack shops, flower stores, washing or polishing with automatic equipment,

auto or truck rentals, auto towing or uses of similar character. The following uses are not allowed as accessory uses: automobile body repairs and paint and the storage of inoperative autos.

26. "Home occupation" means the conduct of a business, art or profession, the offering of a service, or the handcraft manufacture of products in a dwelling in accordance with the regulations prescribed in Chapter 17.36, Home Occupations.

27. "Hotel, motel, motor hotel or inn" means an establishment consisting of one building or group of buildings containing lodging accommodations designed for use by transients, travelers or temporary guests.

28. "Junkyard" means the use of more than two hundred square feet of the area of any lot for a period of more than three months for any scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

29. "Lot" means a distinct portion of land, as in the smallest division of a block, that is used or capable of being used under the provisions of this title.

30. "Lot coverage" means the area of the property occupied above grade by the principal building or buildings and accessory buildings. For purposes of determining the lot coverage, any lot area used as a private street shall be excluded from the lot area for purposes of computing the lot coverage.

31. "Lot frontage" means the boundary of a lot along a public street. For corner lots, the owner may designate either street boundary as the front lot line. Where conflict exists, the direction in which the front of the building faces shall be considered the front yard and shall be subject to applicable requirements.

32. "Lot, through" means a lot having frontage on two streets, but not including corner lots. Both street lines shall be considered front lot lines.

33. "Massage parlor" means any establishment having a fixed place of business where, for consideration, an individual, firm, association, partnership, corporation, joint venture or combination of individuals engages in, conducts, carries on or permits to

be engaged in, conducted or carried on, massages, baths or health treatments involving massages or baths as regular functions, including any business where a function of such business is to engage in or carry on massage not on a fixed location, but at a location designated by the customer, massage technician or other person.

34. "Nonconforming use" means the lawful use of land or a use within a building existing at the effective date of the ordinance codified in this section or amendments thereto which does not conform to the provisions of the district in which such use is located.

35. Nursing Home. See "Rest home."

36. Open Space, Required. The required open space is the arithmetical difference between the total lot area and the required lot coverage. It shall include any front, side or rear yard, court, driveway or open off-street parking area at grade level provided about a building which meet the requirements of the ordinance codified in this section. See lot coverage.

37. "Open space, usable" means a common or private outdoor area designated for outdoor living, recreation, domestic use or landscaping. Such area may be on the ground or on a roof, porch, deck, court, balcony or may include an open off-street parking area or driveway providing the driveway is not a means of vehicular access to an adjacent lot or building site.

38. "Pawnshop" means any establishment in which goods and materials pledged as security for loans on personal property are retail marketed. Establishments which trade only clothing and accessories are excluded from this definition and are categorized with other retail commercial uses.

39. "Person" means an individual, city, county, federal government, partnership, corporation, cooperative, association, trust or other legal entity.

40. "Professional office" means the office of persons qualified to practice dentistry, medicine, law, architecture, engineering, accounting and similar professions.

41. "Rest home" means a building in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons.

42. Roominghouse. See "Boardinghouse."

43. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story.

44. "Street" means a vehicular thoroughfare which affords principal means of access to abutting property, including avenue, place, way, circle, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined in this section.

45. "Structure" means anything which is built or constructed, such as an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

46. "Structural alteration" means any change in the supporting members of a building, such as bearing walls, foundations, lateral supports, columns, beams or other building elements which add to the structural stability of the buildings.

47. "Tanning salon" means an establishment having a fixed place of business where, for consideration, customers are provided access to any tanning device as defined in Section 22702 of the California Business and Professions Code.

48. "Tattoo establishment" means any establishment in which a tattoo is inscribed upon the human body, a tattoo being an indelible mark or figure fixed upon the body by insertion of pigment under the skin or by the production of scars.

49. "Trailer court" means land used or intended to be used, let or rented for occupancy by one or more occupied trailers or by two or more unoccupied trailers or moveable dwellings, rooms or sleeping quarters of any kind.

50. "Use" means the purpose for which land or a building thereon is designed, arranged, intended or for which it is or may be occupied or maintained.

51. "Use, principal" means the main use of land or buildings as distinguished from a subordinate or accessory use.

52. "Yard" means any open space which is unoccupied or unobstructed, except as may be permitted by this title, which surrounds a building site.

53. "Yard, front" means a yard extending across the full width of the lot lying between the street line and the nearest vertical support or wall of a building or an enclosed or covered porch. Where conflict exists, the direction in which the front of the building faces shall be considered the front yard and shall be subject to applicable requirements.

54. "Yard, rear" means a yard extending across the full width of the lot lying between the rear line of the lot and nearest vertical support or wall of a building or an enclosed or covered porch.

55. "Yard, side" means a yard extending from the side lot line to the nearest vertical support or wall of a building and extending from the front yard to the rear yard. (Ord. 1247 §§ 1, 2, 1997; Ord. 1195 §§ 1—5, 1994; Ord. 1158 § 1, 1992; Ord. 1141 §§ 1, 2, 1991; Ord. 1093 § 1, 1988; Ord. 1027 § 1, 1985; Ord. 991 § 1, 1983; Ord. 802 § 15 (part), 1975; Ord. 709 § 4; Ord. 669 § 3; Ord. 664 § 4; Ord. 635 § 7, 1975)

Chapter 17.06

ZONING DISTRICTS

Sections:

17.06.010 Districts designated.

17.06.020 Boundaries of districts.

17.06.010 Districts designated.

The city is divided into districts, such districts are designated as follows:

MHP mobilehome park district;
 R-1 single-family residential district;
 R-1/A single-family/duplex residential district;
 R-2 two-family residential district;
 R-2/A two-family/design residential district;
 R-3 multiple-family residential district;
 BRM BART multiple-family district;
 R-4 multiple-family residential and professional district;
 BC BART commercial district;
 C-O office commercial district;
 BOC BART office commercial district;
 C-1 light commercial district;
 C-2 heavy commercial district;
 M industrial district;
 P-D planned development district;
 I-D interim district;
 S-1 design review combining district;
 CEM cemetery district;
 -B BART station area combining district;
 Pre-PD preplanned development district. (Amended during 9/96 supplement; Ord. 1232 § 1, 1996; Ord. 1182 § 1, 1993; Ord. 709 § 5; Ord. 668 § 3, Ord. 664 § 3; Ord. 635 (part), 1965)

17.06.020 Boundaries of districts.

A. Boundary Lines. The boundaries of districts are shown on that certain map entitled "Zoning Map, Daly City, California," to which reference is made for full particulars. The areas shown within said districts are declared to be subject to the regulations set forth in this title.

B. Interpretation of Boundary Lines. Where any uncertainty exists as to the boundary of any district as shown on the zoning map incorporated in this title, following rules shall apply:

1. Boundary lines indicated as following streets, alleys or other public ways, but not including railroad or rapid transit rights of way, shall be construed as following the centerlines thereof. All such streets, alleys or other public ways shall hereby be classified in the same district as the abutting property;
2. Boundary lines indicated as approximately following lot lines shall be construed as following such lot lines;
3. Where any property is not under the specific requirements of a district as shown on the zoning map, such property is subject to the requirements of the R-1 single-family residential district;
4. In case any uncertainty may exist as to the location of a boundary of any district, the city council upon written application or on its own motion shall interpret the district boundary. (Ord. 635 § 4, 1965)

Chapter 17.07

MHP MOBILEHOME PARK DISTRICT

Sections:

- 17.07.010 Purpose.**
- 17.07.020 Definitions.**
- 17.07.030 Permitted uses.**
- 17.07.040 Accessory uses.**
- 17.07.050 Conditional uses.**
- 17.07.060 Height regulations.**
- 17.07.070 Lot area.**
- 17.07.080 Lot width.**
- 17.07.090 Lot coverage.**
- 17.07.100 Parking.**
- 17.07.110 Yard and open space requirements.**
- 17.07.120 Other required conditions.**

17.07.010 Purpose.

To provide a residential zoning district which exclusively allows mobilehomes. (Ord. 1182 § 2 (part), 1993)

17.07.020 Definitions.

For the purpose of this chapter certain terms are defined as follows:

“Mobilehome” means:

1. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 359 of the Vehicle Code;
2. A mobilehome, as defined in Section 18008 of the Health and Safety Code; or,
3. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

“Mobilehome” does not include:

1. A recreational vehicle, as defined in Section 799.24 of the Civil Code and Section 18010 of the Health and Safety Code;
2. A commercial coach; or,
3. Factory-built housing, as defined in Section 19971 of the Health and Safety Code.

“Mobilehome park” means an area of land where two or more mobilehome sites are rented, or held out of rent, to accommodate mobilehomes used for

human habitation, including areas of land zoned or otherwise approved for use as a mobilehome park pursuant to this code. It may also mean a park owned by the owners of the mobilehomes, a mobilehome park homeowner's association, or a stock cooperative which owns and operates the park.

"Mobilehome site" is an area within a mobilehome park shown as being occupied by or designated for occupancy by an individual mobilehome. (Ord. 1182 § 2 (part), 1993)

17.07.030 Permitted uses.

The following structures and uses are permitted in the MHP district:

- A. Mobilehomes;
- B. Recreation and service buildings;
- C. Carports, awnings, and screened enclosures used in conjunction with a mobilehome when in compliance with applicable building and zoning regulations. (Ord. 1182 § 2 (part), 1993)

17.07.040 Accessory uses.

The following uses are permitted in the MHP district when accessory to or commenced concurrently with or subsequent to permitted uses under Section 17.07.030:

- A. Other accessory uses and structures customarily appurtenant to a single-family residential permitted use when in compliance with Title 25 of the California Administrative Code. (Ord. 1182 § 2 (part), 1993)

17.07.050 Conditional uses.

The following structures and uses are permitted in the MHP district upon first receiving approval of a use permit, subject to the requirements of Chapter 17.44.

- A. Public or quasi-public, except corporation yards, storage or repair yards, or warehouses. (Ord. 1182 § 2 (part), 1993)

17.07.060 Height regulations.

No structure in the MHP district shall exceed two and one-half stories in height nor in any event

exceed thirty feet in height. (Ord. 1182 § 2 (part), 1993)

17.07.070 Lot area.

The minimum lot area for mobilehome parks shall be three acres and mobilehome parks shall contain not more than one mobilehome for every two thousand five hundred square feet but in no event shall any site be less than two hundred square feet. (Ord. 1182 § 2 (part), 1993)

17.07.080 Lot width.

The minimum lot width of mobilehomes shall be thirty feet. (Ord. 1182 § 2 (part), 1993)

17.07.090 Lot coverage.

Not more than seventy-five percent of the lot for mobilehomes shall be covered by buildings and mobilehomes. This lot coverage maximum includes all accessory structures including carports, storage buildings and awnings. (Ord. 1182 § 2 (part), 1993)

17.07.100 Parking.

There shall be two parking spaces per mobilehome site; tandem arrangement is permitted, and guest parking in the ratio of one space for each ten units shall be provided and dispersed throughout the park. Parking for the office and recreation center shall be provided at a ratio of one space for each 500 square feet of gross floor area. (Ord. 1182 § 2 (part), 1993)

17.07.110 Yard and open space requirements.

A. Front Yards. Front yards for mobilehomes shall have a minimum depth of five feet.

B. Side Yards. Side yards for mobilehomes shall have a minimum depth of three feet.

C. Rear Yards. Rear yards for mobilehomes shall have a minimum depth of three feet.

D. Open Space. All mobilehome parks shall provide one or more recreation areas or buildings having an aggregate area of not less than one hundred square feet for each mobilehome site. The area used for this calculation must be exclusive of utility

or service use, drying yards, wash areas, and other similar nonrecreation uses.

E. Setbacks and restrictions for accessory structures shall comply with the provisions of Title 25 of the California Administrative Code. (Ord. 1182 § 2 (part), 1993)

17.07.120 Other required conditions.

The following additional conditional conditions shall apply in the MHP district:

A. All areas not used for access, parking, traffic, circulation, structures or service facilities shall be permanently landscaped pursuant to the provisions of Chapter 17.41.

B. All areas used for access, parking or traffic circulation shall be paved.

C. There shall be a decorative wall of six feet in height installed to separate mobilehome parks from public rights-of-way.

D. All circulation areas must be maintained in a manner which is readily accessible to emergency vehicles.

E. The entire site shall be maintained in neat, clean and sanitary condition. (Ord. 1182 § 2 (part), 1993)

Chapter 17.08

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sections:

17.08.010 Table of uses.

17.08.010 Table of uses.

1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Maximum Lot Coverage	7. Minimum Front Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft.)
A. Single-family dwelling, home occupation in accordance with the regulations specified in Chapter 17.36, park, playground Secondary dwelling in accordance with the standards and requirements specified in Section 17.40.100, small family day care home	No	30	3000-2500 ^a	33-25 ^(a)	50%—55% ^b	15	10	3000-2500 ^c
B. Accessory building	Yes	15						
C. Large family day care homes in accordance with the regulations specified in Chapter 17.49	Yes ^d	30						
D. Day care center, accessory use, dwelling group, golf course (not including driving range or miniature golf)	Yes							
E. Public utility facilities and public service uses, including: pumping stations, fire stations, reservoirs, public utility buildings and uses, railroad or rapid transit facilities or other public buildings or use								
F. Community service uses, including: community center (publicly owned), library, schools (elementary, junior high, high, but not including trade, business or other similar schools)								
G. Church	Yes	50	10,000	100				
a. See Section 17.38.040 b. See Section 17.38.060 c. See Section 17.38.050 d. Administrative use permit required pursuant to Chapter 17.49								

(Ord. 991 § 2, 1983; Ord. 802 § 15 (part), 1975; Ord. 709 § 3; Ord. 669 § 4; Ord. 635 § 8, 1965)

Chapter 17.09

**R-1/A SINGLE-FAMILY/DUPLEX
RESIDENTIAL DISTRICT**

Sections:

- 17.09.010 Purpose.**
- 17.09.020 Permitted principal uses.**
- 17.09.030 Permitted accessory uses.**
- 17.09.040 Conditional uses.**
- 17.09.050 Area, height, yard and coverage requirements.**

17.09.010 Purpose.

It is the purpose of the R-1/A district to protect existing neighborhoods of primarily single-family homes. It is intended that the R-1/A district provide for single-family residences, duplexes through use permit procedures, schools, parks, playgrounds and other public facilities and services necessary for the functioning of low to medium low density residential neighborhoods. The range of density classes indicated for the R-1/A district is intended to permit the implementation of the density range in the general plan. (Ord. 886 § 1 (part), 1978: prior code § 8A.1)

17.09.020 Permitted principal uses.

The following are the principal uses permitted in the R-1/A district:

- A. Single-family dwelling;
- B. State authorized, certified or licensed family care home, foster home or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children; such homes shall provide care on a twenty-four-hour-a-day basis;
- C. State authorized, certified or licensed small family day care home serving six or fewer children;
- D. Secondary dwelling in accordance with the standards and requirements specified in Section 17.40.100. (Ord. 1141 § 4, 1991; Ord. 991 § 3, 1983; Ord. 886 § 1 (part), 1978: prior code § 8A.2)

17.09.030 Permitted accessory uses.

The following are the accessory uses permitted

in the R-1/A district: an accessory building or use customarily appurtenant to a permitted principal use and not exceeding in floor area more than ten percent of the total lot area. (Ord. 886 § 1 (part), 1978: prior code § 8A.3)

17.09.040 Conditional uses.

A large family day care home is a conditional use which may be permitted in the R-1/A district subject to the securing of an administrative use permit pursuant to Chapter 17.49.

The following are the conditional uses which may be permitted in the R-1/A district subject to the securing of a use permit pursuant to Chapter 17.44:

- A. Two-unit structures (duplexes);
- B. Day care center as defined in Section 17.04.010(12.1) and public or private schools, not including trade, business or professional schools;
- C. Public utility facility and public service use;
- D. Community center, library, church, golf course, country club;
- E. Radio and/or television transmission and/or receiving facilities in excess of forty feet in height from ground level or fifteen feet above the highest point of the existing roof line, whichever is least;
- F. Accessory building or use other than as defined by Section 17.09.030. (Ord. 1141 § 5, 1991: Ord. 886 § 1 (part), 1978: prior code § 8A.4)

17.09.050 Area, height, yard and coverage requirements.

Except for those standards outlined in this title, and except as otherwise specified as a condition of a use permit, all structures in the R-1/A district shall be subject to the following regulations:

- A. Minimum lot area, two thousand five hundred square feet;
- B. Minimum lot frontage, twenty-five feet;
- C. Maximum building height, thirty feet;
- D. Minimum front yard, fifteen feet;
- E. Minimum rear yard, ten feet;
- F. Minimum side yard, no requirement;
- G. Maximum lot coverage, fifty-five percent. (Ord. 886 § 1 (part), 1978: prior code § 8A.5)

Chapter 17.10

R-2 TWO-FAMILY RESIDENTIAL DISTRICT

Sections:

17.10.010 Table of uses.

17.10.010 Table of uses.

1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft)	5. Minimum Lot Width (feet)	6. Maximum Lot Coverage	7. Minimum Front Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwell- ing Unit (sq. ft)
A. All uses permitted in R-1 district and subject to the same regulations therein								
B. One two-family dwelling	No	36	3000-2500 ^a	33-25 ^a	60%	15	10	1500-1250 ^b
a. See Section 17.38.040 b. See Section 17.38.050								

(Ord. 635 § 9, 1965)

Chapter 17.11

**R-2/A TWO-FAMILY/DESIGN
RESIDENTIAL DISTRICT**

Sections:

- 17.11.010 Purpose.**
- 17.11.020 Permitted principal uses.**
- 17.11.030 Permitted accessory uses.**
- 17.11.040 Conditional uses.**
- 17.11.050 Area, height, yard and coverage requirements.**
- 17.11.060 Design standards.**

17.11.010 Purpose.

It is the purpose of the R-2/A district to protect existing neighborhoods of primarily single-family homes. It is intended that the R-2/A district provide for duplexes and single-family homes and ensure that the city has appropriate ability to mitigate visual and environmental impacts through building design standards. (Ord. 1228 § 1 (part), 1996)

17.11.020 Permitted principal uses.

The following are the principal uses permitted in the R-2/A district:

- A. Single-family dwelling, subject to the requirements of the R-1 district;
- B. Two-family dwelling which complies with the design standards of this chapter;
- C. Secondary dwelling in accordance with the standards and requirements specified in Section 17.40.100;
- D. State authorized, certified or licensed family care home, foster home or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children; such homes shall provide care on a twenty-four-hour-a-day basis;
- E. State authorized, certified or licensed family residential day care facilities serving six or fewer children. (Ord. 1228 § 1 (part), 1996)

17.11.030 Permitted accessory uses.

The following are accessory uses permitted in the R-2/A district: an accessory building or use customarily appurtenant to a permitted principal use and not exceeding in floor area more than ten percent of the total lot area and not exceeding one story. Sleeping quarters are not allowed in any accessory building. The accessory structure shall be located on the rear one-half of the lot and at least six feet from an existing dwelling or a dwelling under construction on the same lot. A covered patio or similar structure which is open on at least two sides shall be exempt from the use permit requirement for an accessory building. (Ord. 1228 § 1 (part), 1996)

17.11.040 Conditional uses.

The following are the conditional uses which may be permitted in the R-2/A district subject to the securing of a use permit pursuant to Chapter 17.44:

- A. Two-unit structures (duplexes) which do not comply with the design standards of this chapter;
- B. Child day care centers other than as defined by Section 17.11.020D, and public or private schools, not including trade, business or professional schools;
- C. Public utility facility and public service use;
- D. Community, library, church, golf course, country club;
- E. Radio and/or television transmission and/or receiving facilities in excess of forty feet in height from ground level or fifteen feet above the highest point of the existing roof line, whichever is least;
- F. Accessory building or use other than as defined by Section 17.11.030. (Ord. 1228 § 1 (part), 1996)

17.11.050 Area, height, yard and coverage requirements.

Except those standards outlined in this title, all structures shall be subject to the following regulations:

- A. Minimum lot area, two thousand five hundred square feet:
 - 1. See Sections 17.38.040;

- B. Minimum lot frontage, twenty-five feet:
 - 1. See Section 17.38.040;
- C. Maximum building height, thirty feet;
- D. Minimum front yard, fifteen feet;
- E. Minimum rear yard, ten feet;
- F. Minimum side yard, no requirement;
- G. Maximum lot coverage, sixty percent.
 - 1. See Section 17.38.040. (Ord. 1228 § 1 (part), 1996)

17.11.060 Design standards.

Two-family dwelling units shall be subject to the following standards:

- A. Three-story buildings shall be stepped back a minimum of four feet at the upper level.
- B. Front facade architectural materials shall continue onto visible side walls a minimum distance of ten feet.
- C. A single garage door shall be limited to a maximum of ten feet in width and be recessed from the front wall a minimum of one foot.
- D. Entrances to buildings shall have details including two-inch trim and a roof treatment or similar feature to enhance the design.
- E. Windows shall be trimmed with two-inch wood trim or be recessed a minimum of two inches.
- F. Landscaping shall be provided in all areas not required for the driveway or walkway.
- G. Sloped roofs shall be used on parcels where adjacent homes on the block have significant gable or hip roof elements.
- H. All projects shall comply with applicable design guidelines. (Ord. 1228 § 1 (part), 1996)

Chapter 17.12

R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sections:

17.12.010 Table of uses.

17.12.010 Table of uses.

1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft)	5. Minimum Lot Width (feet)	6. Maximum Lot Coverage	7. Minimum Front Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwell- ing Unit (sq. ft)
A. All uses permitted in R-1 and R-2 districts and subject to the same regulations therein, except where specifically subject to the requirements of this section								
B. Multiple-family dwelling, dwelling group	No							
C. Motel, professional office, rest home, boardinghouse	Yes	36	3000-2500 ^a	33-25 ^a	75%	15	10	500 ^b
a. See Section 17.38.040. b. Except that there shall be no more than four dwelling units for the first 2500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area.								

(Ord. 635 § 10, 1965)

Chapter 17.13**BRM BART MULTIPLE-FAMILY DISTRICT****Sections:****17.13.010 Table of uses.****17.13.010 Table of uses.****A. Permitted Uses.**

Small apartment buildings,

Courtyard apartments,

Townhouses,

Flats,

Duplexes;

B. Conditionally Permitted Uses. All uses permitted in the R-1 and R-2 districts are subject to the same regulations therein, except where specifically subject to the requirements of this section;

C. Maximum height—forty-five feet;

D. Minimum lot area—five thousand square feet;

E. Minimum lot width—fifty feet;

F. Minimum front yard—five feet minimum/ten feet maximum;

G. Minimum rear yard—fifteen feet;

H. Maximum lot coverage—sixty percent. (Ord. 1232 § 3, 1996)

Chapter 17.14

R-4 MULTIPLE-FAMILY RESIDENTIAL AND PROFESSIONAL DISTRICT

Sections:

17.14.010 Table of uses.

17.14.010 Table of uses.

1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (sq. ft.)	6. Maximum Lot Coverage	7. Minimum Front Yard (feet)	8. Minimum Side Yard (feet)	9. Minimum Rear Yard (feet)	10. Lot Area Per Dwelling Unit (sq. ft.)
A. All uses permitted in the R-1, R-2 and R-3 districts and subject to the same regulations therein, except where specifically subject to the requirements of this section									
B. Multiple-family dwelling	No	Floor Area Ratio: 3.5 to 1.0	10,000	100	70%	15	None*	10 ^b	300
C. Club, hospital, hotel, lodge, medical-dental clinic, motel, professional office, rest home	Yes								
a. Minimum side yard shall be twenty feet for buildings in excess of three stories. b. Minimum rear yard shall be twenty feet for buildings in excess of three stories.									

(Ord. 802 § 15 (part), 1975; Ord. 635 § 11, 1965)

Chapter 17.15

BC BART COMMERCIAL DISTRICT

Sections:

17.15.010 Table of uses.

17.15.010 Table of uses.

A. Uses Permitted. When a use is not specifically listed, it shall be assumed that when the use is similar to a permitted use, such use shall be permitted in the district, subject to the same requirements as the most similar listed use.

1. Permitted uses;

Bakery;
 Bank or financial institution;
 Barber or beauty shop;
 Book store;
 Camera store;
 Clothing store;
 Coffee store;
 Delicatessen;
 Dry cleaner;
 Florist;
 Food store;
 Gift store;
 Hardware store;
 Health club, gym;
 Home furnishings;
 Instruction studio (dance, exercise, music, etc);
 Laundromat;
 Multiple-family dwellings when allowed by the Colma BART Station Specific Plan;
 Office supplies/copy shop;
 Pet store;
 Professional offices (upper story only);
 Restaurant, but not a drive-thru restaurant;
 Shoe sales and repair;
 Small appliance sales and service (only in conjunction with sales);
 Sporting goods;
 Stationary store;
 Supermarket;
 Tailor;

Toy store;
 Travel agent;
 Variety store;
 Video rental.

2. Conditionally permitted uses — use permit required:

Bar and cocktail lounge;
 Small theater;
 Hotel.

B. Maximum height — thirty-five feet except that landmark tower elements may be a maximum of forty-five feet in height.

C. Minimum lot area — five thousand square feet.

D. Minimum lot width — fifty feet.

E. Minimum front yard — none unless required by specific plan.

F. Minimum rear yard — none unless required by specific plan.

G. Minimum side yard — none unless required by specific plan.

H. Lot coverage — minimum thirty-five percent and maximum of sixty percent. (Ord. 1202 § 2, 1994)

Chapter 17.16

C-O OFFICE COMMERCIAL DISTRICT

Sections:

17.16.010 Table of uses.

17.16.010 Table of uses.

1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Rear Yard (feet)
A. Administrative, business and professional offices Banks and savings and loan offices Bail bonding establishments Finance companies Telegraph offices Title companies Travel agencies Public uses	No	Floor Area Ratio: 3.5 to 1.0	2,500—3,000	25—33 ^a	10 ^b	None
B. Barbershops and beauty shops Churches and other religious institutions Private noncommercial clubs and lodges Private schools and colleges Rest homes Hospitals or sanitariums Medical and dental clinics Medical and dental laboratories Prescription pharmacies Restaurants (excluding drive-in) Dwellings as permitted in the R-3 district, subject to the same requirements	Yes					
a. See Section 17.38.040. b. Fifteen feet or the average of the block when adjacent to a residential district.						

(Ord. 802 § 15 (part), 1975; Ord. 664 § 5; Ord. 635 § 11A, 1965)

Chapter 17.17**BOC BART OFFICE COMMERCIAL
DISTRICT****Sections:****17.17.010 Table of uses.****17.17.010 Table of uses.****A. Uses Permitted.****1. Permitted Uses:**

Class A office space;

Financial institutions;

Research and development;

Administrative, business and professional
offices;Convenience retail, ground level, as allowed
in the specific plan.**2. Conditionally permitted uses — Use permit
required:**

Medical clinics.

**B. Maximum Height — six stories, not to ex-
ceed ninety feet.****C. Minimum lot area — five thousand square
feet.****D. Minimum lot width — fifty feet.****E. Minimum yards, front, rear, side — none
except as required by the specific plan.****F. Minimum lot coverage — seventy-five per-
cent. (Ord. 1202 § 3, 1994)**

Chapter 17.18

C-1 LIGHT COMMERCIAL DISTRICT

Sections:

17.18.010 Table of uses.

17.18.010 Table of uses.

1. Uses Permitted 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 subject to the same requirements of the most similarly listed use.	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Rear Yard (feet)
A. Art studio, bakery (retail), bank, barber or beauty shop, book or stationery store, business office, clothing or department store, drugstore, retail electrical and household appliance sales and services, florist, grocery store, hardware store, health studio, laundry or cleaning agency (retail), liquor store, manufacturing and assembly of electronic and scientific equipment which requires no use of chemicals, photographic studio, restaurant (excluding drive-in), shoe repair, tailor shop, trade or business school, uses permitted in R-4 district, except dwellings or any commercial developments in the coastal zone.	No	36	2,500—3,000	25—33 ^a	None ^b	None
B. Accessory building or use, animal kennel, bar or cocktail lounge, bowling alley, car wash, commercial parking lot, dwellings as permitted in the R-3 district subject to the same requirements, fortunetelling (and related services), manufacturing and assembly of electronic and scientific equipment when chemicals are used in the process, garden supply, full-service gasoline station, self-service gasoline station, conversion to self-service gasoline station, gasoline service station with accessory use, golf range or miniature golf, greenhouse, mortuary, motor vehicle repair or parts supply, new or used car sales, massage establishments, nursery, outdoor sales, pawnshop, tattoo establishment, pet shop, businesses whose principal use is for the operation of amusement devices, restaurant (drive-in), theater (including drive-in), trailer court, upholstery, veterinary hospital or office or any commercial developments in the coastal zone.	Yes					
<p>a. See Section 17.38.040.</p> <p>b. Fifteen feet or the average of the block when adjacent to a residential district.</p>						

(Ord. 1232 § 4, 1996; Ord. 1195 § 6, 1994; Ord. 1190 § 1, 1993; Ord. 1158 § 2, 1992; Ord. 1027 § 2, 1985; Ord. 973 § 1, 1982; Ord. 954 § 1, 1981; Ord. 802 § 15 (part), 1975; Ord. 635 § 12, 1965)

Chapter 17.20

C-2 HEAVY COMMERCIAL DISTRICT

Sections:

17.20.010 Table of uses.

17.20.010 Table of uses.

1. Uses Permitted 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 subject to the same requirements of the most similarly listed use.	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Rear Yard (feet)
A. Any use permitted in the C-1 district, except where specifically subject to the requirements of this section.	No	36	2,500—3,000 ^a	25—33 ^a	None ^b	None
B. All areas used for open storage of materials or equipment, with the exception of those uses listed in Section 17.16.010 shall be enclosed by a sight-obscuring fence at least six feet in height.						
C. Animal kennel, accessory building or use, bakery (wholesale), building materials yard, cabinet shop, contractor's yard, dwelling as permitted in the R-3 district subject to the same requirements, laboratory (research and testing), laundry or cleaning (wholesale), machine shop, massage establishment, newspaper or commercial print shop, businesses whose principal use is for the operation of amusement devices, pawnshop, tattoo establishment, public utility equipment yard, restaurant (drive-in), sheet metal shop, storage of equipment, theater (drive-in), veterinary hospital or office, wholesale sales and storage, full-service gasoline station, self-service gasoline station, conversion of full-service to self-service gasoline station and gasoline service station with accessory use.	Yes					
<p>a. See Section 17.38.040.</p> <p>b. Fifteen feet or the average of the block when adjacent to a residential district.</p>						

(Ord. 1195 § 7, 1994; Ord. 1158 § 3, 1992; Ord. 1027 § 2, 1985; Ord. 973 § 1, 1982; Ord. 954 § 1, 1981; Ord. 802 § 15 (part), 1975; Ord. 635 § 12, 1965)

Chapter 17.21

**SC SULLIVAN CORRIDOR SPECIFIC PLAN
DISTRICT**

Sections:

- 17.21.010 Purpose.**
- 17.21.020 District provisions.**
- 17.21.030 Specific plan designations and regulations.**
- 17.21.040 Applicability.**
- 17.21.050 Permitted and conditionally permitted uses.**
- 17.21.060 Sign requirements.**
- 17.21.070 Parking.**

17.21.010 Purpose.

The purpose of this district is to implement the Sullivan corridor specific plan, including special development standards and design guidelines. This district is established to achieve the following objectives for the Sullivan corridor specific plan area:

- A. To establish the Daly City Civic Center as a governmental and community focal point;
- B. To improve the economic development for the area surrounding the Daly City Civic Center;
- C. To allow for future commercial and residential uses around the Civic Center in a mixed-use environment with a largely residential scale and character;
- D. To strengthen Sullivan Avenue as a focal point corridor and as a linkage between the Civic Center and the Seton Medical Center areas;
- E. Provide the opportunity for the creation of a unique mixed-use neighborhood between Washington Street and Pierce Street;
- F. Provide a use and development scale transition between the Civic Center area and the adjacent residential community;
- G. To establish the type, location, intensity and character of development to occur in the area, while guiding urban design features to provide cohesion and identity for the plan area;

H. To assure that development conforms to the policies, requirements and standards of the Sullivan corridor specific plan;

I. To implement the policies of the Daly City general plan. (Ord. 1283 § 1 (part), 2001)

17.21.020 District provisions.

The provisions of this district shall implement the Sullivan corridor specific plan. The regulations and land use designations contained in the Sullivan corridor specific plan shall prevail. The specific plan provides further guidance in complying with the requirements of this chapter. The specific plan shall be used in conjunction with this chapter to design and evaluate development proposals subject to the district requirements. Furthermore, all development shall be in conformance with the Daly City general plan and the Sullivan corridor specific plan. (Ord. 1283 § 1 (part), 2001)

17.21.030 Specific plan designations and regulations.

C-R/O Retail and Office Commercial								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Side Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft)
A. General merchandise stores, drug stores and pharmacies, restaurants and coffee shops, delicatessens and sandwich shops, specialty ethnic food stores, florists, gift shops, barber shops and beauty shops, art stores and galleries.	No*	Floor Area Ratio: 5.0 to 1.0	2,500-3,000*	25-33*	3 ^b	None	None	500 ^c
B. Medical, dental and health services, banks and financial institutions, real estate and insurance offices, legal offices, printing and photocopying services, administrative, business and professional offices.	No*							
C. Automotive dealers and auto retail, hardware and building materials, hotels, motels and other lodging, drinking establishments, liquor stores, entertainment uses, any use with drive-through facilities, health and fitness center.	Yes*							
D. Any residential uses.	Yes*							
a. See Section 17.38.040 b. Buildings shall provide setbacks of at least three feet from street facing property lines except where retail frontage with entries from the adjacent sidewalks are provided. c. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area. * Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.								

C-O Office Commercial								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Side Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft)
A. Administrative, business and professional offices, banks and financial institutions, real estate and title company offices, travel agencies, photocopying services.	No*	Floor Area Ratio: 3.5 to 1.0	2,500-3,000 ^a	25-33 ^a	None	None	None	500 ^b
B. Barber shops and beauty shops, churches and religious institutions, private non-commercial clubs and lodges, private schools and colleges, medical or dental clinics and laboratories, prescription pharmacies (retail in nature), restaurants and bars, health and fitness center, medium and high residential uses.	Yes*							
a. See Section 17.38.040 b. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area. * Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.								

C-S Service Commercial								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Side Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft)
A. Existing uses are permitted and may be rebuilt with current uses and intensities if destroyed or damaged. Any change of use development intensity or site modifications shall be considered a conditional use.	No*	Floor Area Ratio: 3.0 to 1.0	2,500-3,000*	25-33*	None	None	None	500 ^b
B. Automobile sales and repair, car wash and detailing shops, gas and service stations, uses permitted in the C-R/O, C-O and C-N zone, veterinary hospital or office, bakery, medium and high residential uses.	Yes*							
a. See Section 17.38.040 b. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area. * Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.								

C-N Neighborhood Commercial								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Side Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft)
A. Grocery and food stores, specialty ethnic food stores, drug stores and pharmacies, restaurant and coffee shops, delicatessens and sandwich shops, florist and gift shops, barber shops and beauty shops, laundry or cleaners (retail), shoe repair or tailor shop, book or stationary store, photographic studio or art gallery, clothing/apparel, hardware.	No*	Floor Area Ratio: 1.0 to 1.0	2,500-3,000 ^a	25-33 ^a	None	None	None	500 ^b
B. Medical, dental and health services, banks and financial institutions, legal offices, printing and photocopying services, business services (i.e. tax services), real estate offices and insurance offices.	No*							
C. General merchandise stores, gas station and auto repair, hardware store and building supplies, photographic studio or art gallery, nursery or outdoor sales, photo processing.	Yes*							
a. See Section 17.38.040 b. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area. * Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.								

C-R/R Residential Retail Commercial								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Side Yard (feet)	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft.)
A. Delicatessens and sandwich shops, florist and gift shops, barber shops and beauty shops, laundry or cleaners (retail), shoe repair or tailor shop, book or stationery store, photo processing, art galleries and studios, specialty ethnic food stores, specialty craft galleries and studios, small scale/ neighborhood-oriented grocery and food stores.	No*	Floor Area Ratio: 1.0 to 1.0 ^e	2,500-3,000 ^a	25-33 ^a	15 ^c	10 ^d	20	500 ^b
B. Low-density residential.	No*							
C. Professional offices, business services, real estate offices and insurance offices, legal offices, printing and photocopying services.	No*							
D. Restaurants and coffee shops, general merchandise stores, drug stores and pharmacies, health studio or massage studio, martial arts studio, nursery or garden supply (limited size) upholstery shop, medical, dental and health services.	Yes*							
E. Light industrial: assembly and light manufacturing (limited size and clean type).	Yes*							
F. Medium-low density residential, live/work residential units.	Yes*							
<p>a. See Section 17.38.040</p> <p>b. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area.</p> <p>c. Upper floor and bay window encroachments up to a maximum depth of five feet will be allowed for a maximum distance of 2/3 of the facade along any given street frontage.</p> <p>d. Setbacks from side property lines shall be 10 feet for lots 100 feet in width or greater.</p> <p>e. Building heights west of Annie Street shall be limited to 36 feet.</p> <p>* Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.</p>								

R-L Residential Low Density								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Side Yard (feet)	8. Minimum Rear Yard (feet)	9. Density (Unit/Acre)
A. Attached and detached single-family dwellings, secondary dwellings (per city standards).	No*	30	2,500-3,000*	25-33*	15	None	10	14.5 D.U./AC.
B. Accessory building, nursery school, childcare center, public utility facilities, public community uses, church.	Yes*							

a. See Section 17.38.040
 * Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.

R-H Residential High Density								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Lot Coverage	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft.)
A. Attached and detached single-family dwellings, secondary dwellings (per city standards), multiple-family dwelling, group home/boarding house, large-family day care.	No*	36	2,500-3,000*	25-33*	15	75%	10	500 ^b
B. Accessory building, nursery schools, nursery school, public community facilities, church, motel, professional office, rest home.	Yes*							

a. See Section 17.38.040
 b. Except that there shall be no more than four dwelling units for the first 2,500 square feet of lot area; thereafter, one additional dwelling unit shall be permitted for each additional 500 square feet of lot area.
 * Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development.

G Public Facilities—Government								
1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft.)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Lot Coverage	8. Minimum Rear Yard (feet)	9. Lot Area Per Dwelling Unit (sq. ft.)
A. Development of government facilities or other support uses on lands on which federal, state or local government facilities are located, except open space as well as lands the city has purchased for government facilities or support uses.	No ^b	Floor Area Ratio: 3.5 to 1.0	2,500-3,000 ^a	25-33 ^a	10 ^c	None	None	N/A
a. See Section 17.38.040 b. Examples of permitted and conditional uses include uses specified and other similar uses as determined by the director of economic and community development. All development within this zone is subject to Chapter 17.26 (S-1 Design Review Combining District). c. Fifteen feet or the average of the block when adjacent to a residential district.								

P Open space—Public Recreation
1. Uses Permitted
This land use designation applies to all developed public open space, including state, regional and city parks which provide recreational opportunities to the community. Any new public recreation open space areas within the Sullivan corridor specific plan area require a use permit.

U Public Facilities—Public Utilities
1. Uses Permitted
This land use designation applies to all lands which are owned by public utility agencies, districts and private companies. Included in this land use designation for the Sullivan corridor are PG & E yards and sub-stations and Pacific Bell offices and service facilities. Any structural expansions or new development requires a use permit.

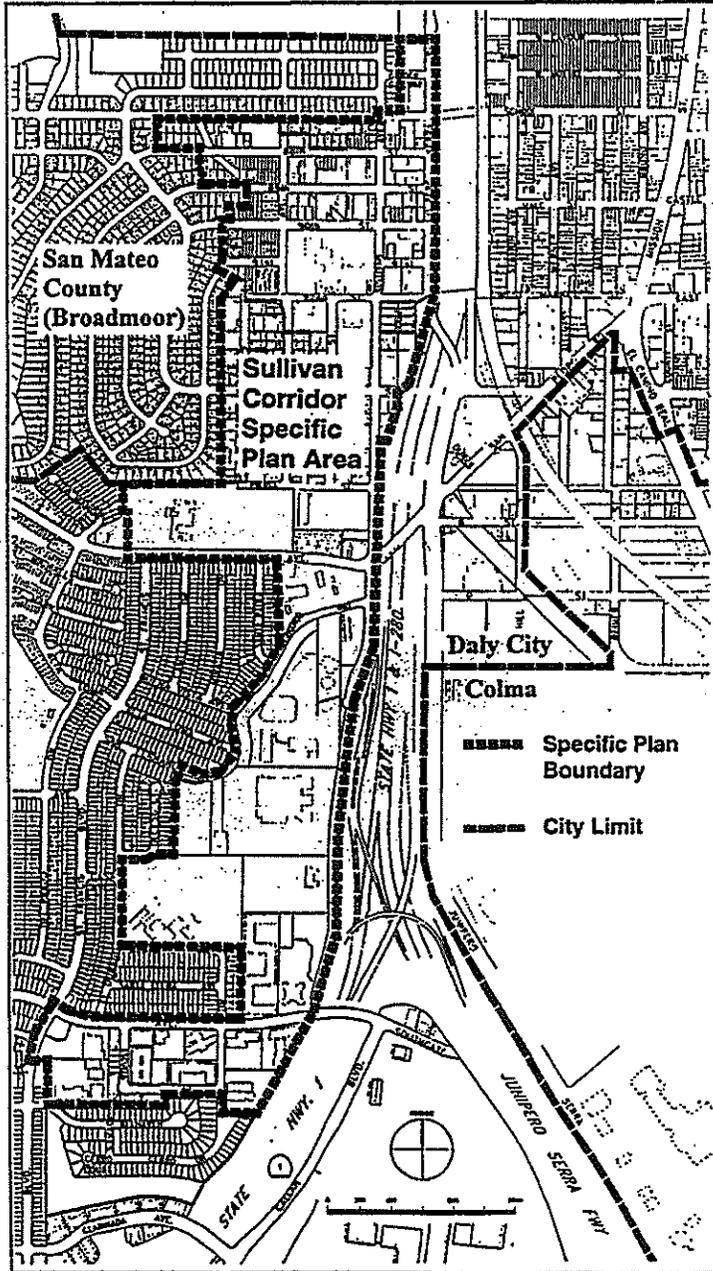
SCH Public Facilities—Schools
1. Uses Permitted
Schools including K—6, junior and senior high schools.

HOSP, CH Hospitals and Churches
1. Uses Permitted
Any structural expansions or new hospital or church facilities will require a use permit.

(Ord. 1283 § 1 (part), 2001)

17.21.040 Applicability.

The Sullivan corridor specific plan district boundary is illustrated below:



(Ord. 1283 § 1 (part), 2001)

17.21.050 Permitted and conditionally permitted uses.

Uses permitted or conditionally permitted uses are the same as those for the corresponding land use district specified in the Sullivan corridor specific plan. (Ord. 1283 § 1 (part), 2001)

17.21.060 Sign requirements.

Signs in this district shall comply with the urban design policies and guidelines in the Sullivan corridor specific plan. Where applicable sign design guidelines or policies do not exist, the standards of Chapter 17.32, Signs, of Title 17, the zoning ordinance, shall prevail. (Ord. 1283 § 1 (part), 2001)

17.21.070 Parking.

Parking standards in this district shall conform to Chapter 17.34, Parking, of Title 17, the zoning ordinance. (Ord. 1283 § 1 (part), 2001)

Chapter 17.22

M INDUSTRIAL DISTRICT

Sections:

17.22.010 Table of uses.

17.22.010 Table of uses.

1. Uses Permitted	2. Use Permit	3. Maximum Height (feet)	4. Minimum Lot Area (sq. ft)	5. Minimum Lot Width (feet)	6. Minimum Front Yard (feet)	7. Minimum Rear Yard (feet)
A. Uses permitted in C-2 district, except dwellings, fortunetelling (and related services), pawnshops, tattoo establishments and massage establishments.	No	36	2,500—3,000 ^a	25—33 ^a	None ^b	None
B. Light industrial (including assembly and manufacturing) or other similar uses. C. The open storage of materials or equipment, when adjacent to a residential district, shall be screened by a sight-obscuring fence at least six feet high.	Yes					
a. See Section 17.38.040. b. Fifteen feet or the average of the block when adjacent to a residential district.						

(Ord. 1195 § 8, 1994; Ord. 1158 § 4, 1992; Ord. 1027 § 2, 1985; Ord. 973 § 1, 1982; Ord. 954 § 1, 1981; Ord. 802 § 15 (part), 1975; Ord. 635 § 12, 1965)

Chapter 17.23

OS OPEN SPACE DISTRICT

Sections:

- 17.23.010** General provisions.
- 17.23.020** Lands to be included.
- 17.23.030** Permitted principal uses.
- 17.23.040** Permitted accessory uses.
- 17.23.050** Conditional uses.
- 17.23.060** Reclassification.
- 17.23.070** Application requirements.
- 17.23.080** Hearing and notice requirements.

17.23.010 General provisions.

The OS district is to provide for the preservation, conservation and use of open space lands which form a part of the open space system of the city. It is the further purpose of the OS district to limit the use of such lands to appropriate open space uses and related uses so long as the lands shall remain in the OS district and, in the event of an application for the reclassification of any such lands to other than open space zoning, to insure sufficient time prior to reclassification to enable the city or other responsible agency to negotiate for the purchase or other acceptable arrangement to continue the land in open space use. This section is not intended as authorizing the city to adopt or reclassify open space lands in any manner which will take or damage private property for public use without the payment of just compensation therefor. (Ord. 954 § 2 (part), 1981)

17.23.020 Lands to be included.

All lands designated as open space in the open space element of the Daly City general plan may be included in the OS district. Such lands may include but are not limited to the following:

A. Public parks, beaches, playgrounds and school grounds, improved bicycle and/or pedestrian trails, and visitor centers;

B. Private school grounds and church grounds of a predominantly open character;

C. Golf courses, country clubs and other commercial recreation facilities;

D. Privately and jointly owned open spaces reserved for open space use as part of a planned development;

E. Land which, because of steep slope, geotechnical hazard or similar reason, are unsuitable for development;

F. Any other publicly or privately owned open space which in the opinion of the Daly City planning commission, functions as a part of the open space system of the city and is included in the open space element of the Daly City general plan. (Ord. 1006 § 1, 1983; Ord. 954 § 2 (part), 1981)

17.23.030 Permitted principal uses.

Following are the principal uses permitted in the OS district:

A. Active and passive recreation, including any structures incidental to such use existing at the time of inclusion in the OS district;

B. Educational and cultural uses, including any structures incidental to such uses existing at the time of inclusion in the OS district;

C. Agriculture and horticulture, including any structures incidental to such uses existing at the time of inclusion in the OS district;

D. Open space as a reserve for fire protection, seismic or other geotechnical safety, water conservation, protection of view or similar appropriate purpose. (Ord. 954 § 2 (part), 1981)

17.23.040 Permitted accessory uses.

Following are the accessory uses permitted in the OS district:

A. Uses and buildings normally incidental and accessory to a principal use;

B. Parking lots and driveways necessary to service permitted principal uses. (Ord. 954 § 2 (part), 1981)

17.23.050 Conditional uses.

Following are the uses which may be permitted in an OS district subject to the approval of a use permit:

A. Any addition to an existing structure which will increase the coverage of the structure, or any new structure, except minor recreational or horticultural structures such as playground equipment, trellises and fences;

B. Any commercial use which may be conducted on open space land without substantially detracting from its value as open space and which are visitor-oriented. (Ord. 1006 § 2, 1983; Ord. 954 § 2 (part), 1981)

17.23.060 Reclassification.

The procedure for the reclassification of land set forth in Chapter 17.48 shall apply to property in the OS district subject to the following modification:

A. Following a public hearing the planning commission shall determine whether it is in the public interests of the city to retain the subject property in an open space zone as against permitting its reclassification. The decision on this question shall be made by resolution, and decision of the planning commission shall be transmitted to the city council, together with a report setting forth reasons for the decision.

B. Following receipt of the recommendation of the planning commission, the city council shall hold a public hearing. Following such hearing, the city council may decide by resolution to:

1. Seek means to retain the property in question in open space use; or,
2. Permit a reclassification of the subject property.

C. Should the city council's decision be the first alternative, all further proceedings for the reclassification of the property shall be halted for a minimum period of ninety days from the date of city council action, during which time the city council shall actively seek to negotiate arrangements, which may include purchase or other acceptable means, to retain the property in open space use.

If, at the end of such period, no satisfactory arrangement has been concluded, the matter shall be remanded to the planning commission for consideration of the reclassification applied for. The planning commission shall thereafter proceed in accordance with the provisions of Section 17.48.

D. Should the city council's decision be the second alternative as listed in Section 17.23.060B(2) above, the matter shall thereupon forthwith be returned to the planning commission which shall consider the reclassification applied for in accordance with the provisions of Chapter 17.48. (Ord. 954 § 2 (part), 1981)

17.23.070 Application requirements.

In addition to information for a use permit required by Chapter 17.44, each application shall include the following:

A. Additional site plan details, including but not limited to the following:

1. Existing topography and any proposed changes due to grading or filling operations,
2. Existing trees and other major vegetation and the proposed landscaping and irrigation plans,
3. Location and dimensions of all roads, driveways, parking and pedestrian and bicycle paths, and
4. Existing and proposed drainage pattern on the site and surrounding area;

B. Geotechnical report, prepared and signed by a licensed geologist, including but not limited to the following:

1. Site topography,
2. Soils and geologic composition,
3. Past and possible future landslide and/or erosion conditions, both natural and artificially induced,
4. Ground and surface water conditions,
5. Stability of the site, potential impact of the proposed project, and any mitigation measures or potential alternatives necessary to insure structural integrity of the site and structures for the economic life of the project, and
6. Certification that the development will have no adverse effect on the site or adjacent areas, will not endanger life or property, and will not require protective structures at any time during the economic life of the project;

C. Environmental evaluation pursuant to CEQA. (Ord. 1006 § 3, 1983)

17.23.080 Hearing and notice requirements.

Prior to issuing a permit for development in the coastal zone, the following procedures shall be followed:

A. A public hearing shall be held by the planning commission;

B. Notice of the public hearing shall be given as required by law and to all persons as required by law and, in addition, notice shall be given to all persons who have filed request for notice, and to the coastal commission;

C. The planning commission shall make a recommendation concerning the application for development to the city council for final determination;

D. In connection with an appeal under Chapters 17.23, 17.25 and 17.27 of this code, the same shall be made to the State Coastal Commission pursuant to the Public Resources Code, Section 30603(A), (B) and (C), and shall be as set forth in Article 17 of the Coastal Commission Regulations. (Ord. 1006 § 4, 1983)

Chapter 17.24**CEM DISTRICT****Sections:**

17.24.010 Permitted uses.

17.24.020 Improvement standards.

17.24.010 Permitted uses.

Land in a cemetery zone district shall be used only for the following specified purposes:

A. Creation, operation and maintenance of a cemetery and for cemetery purposes, including columbaria, crematories, chapels, mausoleums, garden crypts, indoor and outdoor sarcophagi, and administrative buildings;

B. In addition to and when used in conjunction with uses specified in subsection (A) of this section, such cemetery land may be used for dwellings for persons employed on the premises, storage and vault fabrication facilities, tool sheds, maintenance and garage buildings and other buildings and uses requisite to, necessary for, or incident to the establishment, maintenance, operation, improvement or conduct of the cemetery and the care, preservation and embellishment of cemetery property, including, but not limited to, any activity designed for the benefit, service, convenience, education or spiritual uplift of owners of property within the cemetery and/or other persons visiting the cemetery, provided a valid use permit has been applied for and granted pursuant to Chapter 17.44 of this code and for such time as the permit remains in full force and effect;

C. Agricultural purposes including crops, groves, greenhouses, cut flowers or nursery stock and structures incident to such agricultural use provided such use shall terminate or cease upon land specifically under cemetery use or improvement for same. Further, such use as permitted in this chapter shall be maintained in such manner as to in no way interfere with, disturb or harm any adjacent or nearby cemetery use. (Ord. 635 § 14B-1, 1965)

17.24.020 Improvement standards.

Property used for cemetery purposes shall be developed and maintained in accord with the following standards:

A. Every cemetery shall be an endowment perpetual care, lodge, or church cemetery licensed and operated in full accord with the laws of California;

B. Property shall be developed in accordance with the memorial-park type of cemetery with appropriate landscaping, including lawns, shrubs, trees and other embellishments appropriate to the memorial type of facility and may include forms of architecture, sculpture and art when used in conjunction with the memorial plan;

C. No tombstones shall be permitted; memorialization shall be by memorial tablets flush with the ground or not to exceed twenty-four inches in height. Statuary and other memorials which are acceptable in artistic form and in accord with the memorial plan may also be permitted if submitted to the city planner and found to be in accord with the intent of this subsection;

D. All interior driveways shall have a minimum twenty-five foot width, paved and developed with a curb or rolled protective edge;

E. Drainage and sewage disposal systems shall be installed in accordance with the requirements of the city engineer and of the North San Mateo County Sanitation District, or any successor thereto;

F. Each cemetery shall be fenced or enclosed with walls or other appropriate fences six feet in height. When property line of cemetery is adjacent to residentially developed property, such wall shall be a masonry or suitable alternate and sight-obscuring, except that where topography or other exceptional circumstances warrant, as determined by the planning commission, this condition may be modified or altered. Cemetery boundaries not adjacent to a residentially zoned and residentially developed property may be fenced with appropriate landscaping and shrubbery to provide a sight-obscuring boundary. Entryways to every cemetery shall be clearly defined by architecturally treated entry gates and gate structures and an artistic or architecturally treated wall shall extend in either direction from

such entry for a distance of not less than fifty feet; These fence requirements shall not apply to interior boundaries of cemeteries where the adjacent property not in use for cemetery is in common ownership with the cemetery and is free of an independent residential use or where adjacent property is in cemetery use and common agreement upon suitable boundary delineation has been reached;

G. Signs shall be limited to identification and name signs only. There shall be no advertising or promotional type of signs. (Ord. 709 § 6; Ord. 635 § 14B-2, 1965)

Chapter 17.25

OSR OPEN SPACE RESIDENTIAL DISTRICT

Sections:

- 17.25.010** General provisions.
- 17.25.020** Permitted principal uses.
- 17.25.030** Permitted accessory uses.
- 17.25.040** Conditional uses.
- 17.25.050** Application requirements.
- 17.25.060** Hearing and notice requirements.

17.25.010 General provisions.

The OSR district is to provide for very low density residential use as an alternative for privately owned lands designated on the Daly City general plan map as open space. (Ord. 954 § 3 (part), 1981)

17.25.020 Permitted principal uses.

Following are the principal uses permitted in the OSR district:

- A. Active and passive recreation including any structures incidental to such use existing at the time of inclusion in the OSR district;
- B. Educational and cultural uses including any structures incidental to such uses existing at the time of inclusion in the OSR district;
- C. Agriculture and horticulture including any structures incidental to such uses existing at the time of inclusion in the OSR district;
- D. Open space as a reserve for fire protection, seismic or other geotechnical safety, water conservation, protection of view or similar appropriate purpose. (Ord. 954 § 3 (part), 1981)

17.25.030 Permitted accessory uses.

Following are the accessory uses permitted in the OSR district:

- A. Uses and buildings normally incidental and accessory to a principal use;
- B. Parking lots and driveways necessary to service permitted principal uses. (Ord. 954 § 3 (part), 1981)

17.25.040 Conditional uses.

Following are the uses which may be permitted in an OSR district subject to the approval of a use permit:

A. Any addition to an existing structure which will increase the coverage of the structure, or any new structure, except minor recreational or horticultural structures such as playground equipment, trellises and fences;

B. Any commercial use which may be conducted on open space land without substantially detracting from its value as open space;

C. Residential uses at a density not to exceed two units per gross acre of land area. The density, arrangement, location, height and yard requirements shall be as specified in the use permit. (Ord. 954 § 3 (part), 1981)

17.25.050 Application requirements.

In addition to information for a use permit required by Chapter 17.44, each application shall include the following:

A. Additional site plan details, including but not limited to the following:

1. Existing topography and any proposed changes due to grading or filling operations,
2. Existing trees and other major vegetation and the proposed landscaping and irrigation plans,
3. Location and dimensions of all roads, driveways, parking and pedestrian and bicycle paths, and
4. Existing and proposed drainage pattern on the site and surrounding area;

B. Geotechnical report, prepared and signed by a licensed geologist, including but not limited to the following:

1. Site topography,
2. Soils and geologic composition,
3. Past and possible future landslide and/or erosion conditions, both natural and artificially induced,
4. Ground and surface water conditions,
5. Stability of the site, potential impact of the proposed project, and any mitigation measures or potential alternatives necessary to insure structural integrity of the site and structures for the economic life of the project, and

6. Certification that the development will have no adverse effect on the site or adjacent areas, will not endanger life or property, and will not require protective structures at any time during the economic life of the project;

C. Environmental evaluation pursuant to CEQA. (Ord. 1006 § 5, 1983)

17.25.060 Hearing and notice requirements.

Prior to issuing a permit for development in the coastal zone, the following procedures shall be followed:

A. A public hearing shall be held by the planning commission.

B. Notice of the public hearing shall be given as required by law and to all persons as required by law and, in addition, notice shall be given to all persons who have filed request for notice, and to the coastal commission.

C. The planning commission shall make a recommendation concerning the application for development to the city council for final determination.

D. In connection with any appeal under Chapters 17.23, 17.25. and 17.27, the same shall be made to the State Coastal Commission pursuant to the Public Resources Code, Section 30603(A), (B) and (C), and shall be as set forth in Article 17 of the Coastal Commission Regulations. (Ord. 1006 § 6, 1983)

Chapter 17.26

S-1 DESIGN REVIEW COMBINING DISTRICT

Sections:

- 17.26.010 Purpose.**
- 17.26.020 Combining district.**
- 17.26.030 Regulations.**
- 17.26.040 Design review criteria.**
- 17.26.050 Application for design review.**
- 17.26.060 Appeal—Planning commission.**
- 17.26.070 Appeal—City council.**

17.26.010 Purpose.

This district is intended to create, preserve and enhance areas of unusual civic significance requiring special design treatment and consideration of aesthetic and functional relationships to surrounding development. (Ord. 668 § 4 (part); Ord. 635 § 14A.1, 1965)

17.26.020 Combining district.

This district, if applied, shall be combined with any other district. The regulations of the S-1 district shall be supplementary to the regulations applying in the district with which it is combined. (Ord. 668 § 4 (part); Ord. 635 § 14A.1, 1965)

17.26.030 Regulations.

No building, structure, sign or other facility shall be constructed, altered or painted a new color in this district until plans for such work shall have been approved pursuant to the procedure contained in Section 17.26.050. (Ord. 668 § 4 (part); Ord. 635 § 14A.3, 1965)

17.26.040 Design review criteria.

In considering an application for design review the following criteria shall be applied:

A. That the proposed development shall serve to achieve a group of buildings or other facilities which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height,

arrangement, texture, material, color and appurtenances; the relation of these factors to other buildings and facilities in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area. Only elements which have some significant relationship to outside appearance shall be considered;

B. That the proposed development shall be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area. (Ord. 668 § 4 (part); Ord. 635 § 14A.4, 1965)

17.26.050 Application for design review.

A. Application for design review shall be made upon a form to be provided by, and shall be submitted to, the city planning division, and shall be accompanied by such information as may be required to allow applicable design review criteria to be applied to the development. This information shall include site and building plans, drawings and elevations, landscaping plans, exterior material and color samples, and operational data, as necessary. The application for design review shall be accompanied by a fee as fixed by resolution of the city council.

B. Preliminary plans: An application which does not include detailed information and plans on ultimate development, but which is sufficiently detailed and complete to permit a decision to be made under this procedure, shall be accepted as a preliminary application.

C. When approval is granted upon the basis of a preliminary application, a final application shall be submitted to the city planner prior to application for a building permit or business license, for determination that the final application coincides in all essential respects with the approved preliminary application. If the city planner finds that it does not so coincide, he shall require such modification in the final application as will cause it to so coincide. When he considers the final application to coincide with the approved preliminary application, the city planner shall so certify to the building inspector or the finance director, as the case may be.

D. The city planner shall determine if the proposed design conforms to all the criteria set forth in this chapter. When deemed necessary or advisable by the city planner, he may refer any application to the city planning commission for hearing and action in accordance with the provisions in this chapter.

E. Any application not referred to the city planning commission pursuant to subsection (D) of this section, and which has been approved by the city planner, shall be submitted to the city council within three days of such approval. The city council shall act on said application within twenty-one days of its receipt by the city council.

1. The approval of the city planner shall become a final decision pursuant to the provisions of subsection (F) of this section, if the city council fails to act within the twenty-one days, subject to the provisions of subsection (E)(3) of this section.

2. The council may disapprove said application in whole or in part, and the determination of the city council shall be the decision of the city planner pursuant to subsection (F) of this section.

3. The city council, by four-fifths vote of its members, may extend the twenty-one day period set forth in this section, for an additional period of time up to fourteen days, but only one such extension shall be allowed.

F. The decision of the city planner shall become final and effective seven days after date of mailing notice of decision to the applicant or any other party who has filed a written request for notice with the city planner. (Ord. 1146 § 27, 1991; Ord. 668 § 4 (part); Ord. 635 § 14A.5, 1965)

17.26.060 Appeal—Planning commission.

A. Any applicant or party who has filed a request for notice with the city planner shall have the right to appeal the decision of the city planner to the planning commission in writing prior to said decision becoming effective and final.

B. The commission shall hold a public hearing on any such appeal. Notice of such public hearing shall be given in the manner as provided for by Section 65.854 of the Government Code of the State of California.

C. In considering such an appeal, the commission, using the design review criteria set forth in the section, may approve or disapprove the proposed design, or require such changes as are in its judgment necessary to carry out the general purposes of this title. The determination of the commission shall become effective seven days after the date of mailing of decision unless appealed to the city council in accordance with the procedure set forth in Section 17.26.070. (Ord. 668 § 4 (part); Ord. 635 § 14A.6, 1965)

17.26.070 Appeal—City council.

Within seven days following the date of mailing the decision by the planning commission under Section 17.26.060, an appeal may be taken to the city council by the applicant or any other interested party. An appeal shall be made in writing and shall be filed with the city clerk. Upon receipt of such appeal, the city council, at its next regularly scheduled meeting, following receipt of such appeal, shall set the matter for hearing pursuant to Section 65.856 of the Government Code of the State of California. The city council may affirm, reverse, or modify the decision of the planning commission and may impose such conditions as the facts warrant. The decision of the council shall be final. (Ord. 668 § 4 (part); Ord. 635 § 14A.7. 1965)

Chapter 17.27

**-RP RESOURCE PROTECTION
COMBINING DISTRICT**

Sections:

- 17.27.010 General provisions.**
- 17.27.020 Lands to be included.**
- 17.27.030 Conditional uses.**
- 17.27.040 Application requirements.**
- 17.27.050 Development regulations.**
- 17.27.060 Hearing and notice requirements.**

17.27.010 General provisions.

The -RP combining district is to provide development regulations for designated open space areas and for a buffer zone surrounding designated open space areas to ensure that the character and intensity of allowable development is compatible with, and does not create or contribute to adverse impacts on sensitive resources or geotechnically hazardous areas. These regulations are in addition and supplemental to the regulations of the underlying zone or zones, and where the regulations of the -RP zone and the underlying zone are inconsistent, the regulations of the -RP zone shall prevail. Furthermore, all development shall be in accordance with the policies contained in the Daly City general plan and, if applicable, the Daly City coastal program. (Ord. 954 § 4 (part), 1981)

17.27.020 Lands to be included.

All lands designated as open space or adjacent to lands designated as open space in the open space element of the Daly City general plan may be included in the -RP district. (Ord. 954 § 4 (part), 1981)

17.27.030 Conditional uses.

Following are the conditional uses which may be permitted in an -RP district, subject to the approval of a use permit:

A. New structures, including buildings, fences, walls and swimming pools, specified as a permitted

principal use, a permitted accessory use or a conditional use in the underlying zone;

B. Additions to existing conforming structures which will result in an increase of ten percent or more in the internal floor area, the construction of an additional story, or cause further encroachment towards the edge of a bluff or other sensitive physical feature. (Ord. 954 § 4 (part), 1981)

17.27.040 Application requirements.

In addition to information for a use permit required by Chapter 17.44, each application shall include the following:

A. Additional site plan details, including but not limited to the following:

1. Existing topography and any proposed changes due to grading or filling operations;
2. Existing trees and other major vegetation and the proposed landscaping and irrigation plans;
3. Location and dimensions of all roads, driveways, parking and pedestrian and bicycle paths; and
4. Existing and proposed drainage pattern on the site and surrounding area;

B. Geotechnical report, prepared and signed by a licensed geologist, including but not limited to the following:

1. Site topography;
2. Soils and geologic composition;
3. Past and possible future landslide and/or erosion conditions, both natural and artificially induced;
4. Ground and surface water conditions;
5. Stability of the site, potential impact of the proposed project, and any mitigation measures or potential alternatives necessary to insure structural integrity of the site and structures for the economic life of the project; and

6. Certification that the development will have no adverse effect on the site or adjacent areas, will not endanger life or property, and will not require protective structures at any time during the economic life of the project;

C. Environmental evaluation pursuant to CEQA. (Ord. 954 § 4 (part), 1981)

17.27.050 Development regulations.

Following are regulations governing all construction within an -RP district:

A. As specified for the underlying zone or zones;

B. Conditions specified as part of the use permit approval;

C. If the development is on a blufftop:

1. No building or structure shall be placed closer than fifty feet from the edge of the bluff, the setback line to be determined by the city engineer;

2. No grading or filling operations shall be permitted except for required drainage or erosion control and, if required, the same shall meet the standards and requirements of the state and city in connection with grading and filling operations;

3. All structures hereafter constructed shall provide a permanent vista corridor with an unobstructed width of at least five feet or fifteen percent of the lot width of each lot, whichever is greater. If more than a single lot is included in a development, the vista corridors shall be combined into a single location;

D. No development shall be allowed on a bluff or other such surface with a slope of thirty degrees or greater and a vertical relief of ten feet or more, except an approved stairway, ramp or developed trail;

E. If the development is a shoreline accessway, the standards adopted by the city in its local coastal plan, or as amended, shall be applicable to an accessway. (Ord. 1006 § 7, 1983; Ord. 954 § 4 (part), 1981)

17.27.060 Hearing and notice requirements.

Prior to issuing a permit for development in the coastal zone, the following procedures shall be followed:

A. A public hearing shall be held by the planning commission;

B. Notice of the public hearing shall be given as required by law and to all persons as required by law and, in addition, notice shall be given to all persons who have filed request for notice and to the coastal commission;

C. The planning commission shall make a recommendation concerning the application for development to the city council for final determination;

D. In connection with any appeal under Chapters 17.23, 17.25 and 17.27, the same shall be made to the State Coastal Commission pursuant to the Public Resources Code, Section 30603 (A), (B) and (C) and shall be as set forth in Article 17, of the Coastal Commission Regulations. (Ord. 1006 § 8, 1983; Ord. 954 § 4 (part), 1981)

Chapter 17.28

P-D PLANNED DEVELOPMENT DISTRICT

Sections:

- | | |
|------------------|-----------------------------------|
| 17.28.010 | Purpose. |
| 17.28.020 | General provisions. |
| 17.28.030 | Procedure for application. |

17.28.010 Purpose.

This district is designed to accommodate various types of development such as neighborhood and district shopping centers, professional and administrative areas, single-family and multiple-family residential development, commercial service centers and industrial parks or any other use or combination of uses which can appropriately be made a part of a planned development. (Ord. 635 § 15.1, 1965)

17.28.020 General provisions.

A. Uses in a planned development district shall be permitted according to the general category of uses submitted with the precise plan. A use proposed which is not similar in character to an identified use by general category may be permitted in a planned development district upon first securing a use permit.

B. No planned development district shall include less than one contiguous acre except in the redevelopment plan area where no minimum site area is required.

C. No ordinance establishing a planned development district shall be adopted until the written consent of every property owner within the proposed district is on file with the city.

D. Should a subdivision be proposed for the planned development district or unit thereof, the development shall comply with the regulations of Title 16 in addition to the requirements in this chapter.

E. Standards for public improvements shall conform to the appropriate city ordinance or standard.

F. Exceptions to city ordinances may be permitted when it can be shown that such exceptions are

designed and necessary to maintain the unity or livability of the planned development. Exceptions shall be submitted with the precise plan.

G. Signs for residential development shall be subject to the single-family residential district requirements. Signs for uses other than residential shall be subject to the light commercial district requirements.

H. Height, bulk, setback, yard, parking and loading spaces and other requirements as may affect the land and improvements thereon shall be established for each planned development district by the precise plan.

I. Development standards based upon the precise plan for an established development district constitute the zoning restrictions for the property. Amendments to the precise plan and development standards are permitted subject to the following:

1. Changes that require a revision to a numerical limit specified in a planned development standard are considered substantial changes and shall be made in accordance with the procedure for amendment established in Chapter 17.48;

2. Changes that reflect minor differences between the precise planned construction plans, including modifications in the location of off-street parking, changes in the phasing of development, the distribution of private open space, the design of private street systems, and building design (if an architectural review committee has not been established), may be approved by the city planner, if in the opinion of the planner, the change is not substantial;

3. Changes that involve major modifications in the precise plan but do not entail numerical changes in the planned development standards, shall only be approved subsequent to council review and acceptance;

4. Changes in land use are permitted pursuant to subsection (A) of this section. (Ord. 1154 § 1, 1992; Ord. 1082 § 1, 1988; Ord. 635 § 15.2, 1965)

17.28.030 Procedure for application.

Procedure to establish a planned development district involves three separate but interrelated steps. Each step requires progressively more detailed information. However, should a developer so desire, the first step or sketch plan may be omitted.

A. Sketch plan.

1. The applicant shall submit to the planning commission copies of the sketch plan, as required by the city planner, for consideration in principle prior to the design (if an architectural review committee has not been established), may be approved by the city planner, if in the opinion of the planner, the change is not substantial; submission of the preliminary plan. Consideration in principle shall be limited to the general acceptability of the land uses proposed, their interrelationship and the general vehicular circulation pattern. Consideration shall not be construed to endorse precise location of uses or traffic ways.

2. The sketch plan shall include the following information; maps shall be at least eighteen by twenty-four inches in size and drawn to a scale of not less than one inch equals two hundred feet unless otherwise approved by the planning commission and shall be clearly and legibly drawn. Maps shall further show the names and addresses of the developer and person or firm who prepared the map, date, north point, scale and boundary line of the proposed development:

a. General indication of areas proposed for residential, commercial, industrial or other primary land uses;

b. General vehicular circulation pattern such as freeways, expressways, arterials and collectors;

c. Relation of the proposed land use or uses to the surrounding area and to the general plan for the city where applicable.

B. Preliminary Plan.

1. The applicant shall submit to the planning commission copies of the preliminary plan, as required by the city planner, for preliminary consideration of the proposed development. The planning commission shall, on conclusion of their examination of the preliminary plan, submit a recommenda-

tion to the city council for approval, conditional approval or denial of the proposed plan.

2. The preliminary plan shall include the following maps and supporting information; maps shall follow the form required for the sketch plan:

- a. Land use plan map:
 - i. Proposed vehicular circulation pattern indicating both public and private streets,
 - ii. Proposed land uses by general type,
 - iii. School sites proposed by type,
 - iv. Park or other open space proposed;
- b. Survey of property map showing existing structures, streets, easements, utilities and property boundary of proposed planned development;
- c. Topography and grading plan when either is deemed necessary by the city engineer;
- d. Sufficient information to indicate economic justification for the proposed commercial locations if property is not within a previously established commercial district;
- e. Total acreage of the proposed development and the percentage of land allocation to the proposed land uses by general type.

C. Precise Plan.

1. The applicant shall submit to the planning commission copies of the precise plan, as required by the city planner, which shall be in conformance with the preliminary plan, together with a zoning application (see Section 17.48.020 through 17.48.070) for the planned development district.

2. The precise plan shall include the following maps and supporting information; maps shall follow the form required for the sketch plan:

- a. Land use plan map:
 - i. Proposed vehicular circulation pattern indicating both public and private streets,
 - ii. The location of proposed land uses by specific type,
 - iii. The location of public and private areas such as parks, playgrounds and open space,
 - iv. The location of school sites proposed by specific type,
 - v. The approximate location of proposed buildings except dwellings,

vi. The approximate location of off-street parking areas;

b. An example site plan for each specific residential type proposed other than one-family detached dwellings;

c. Sufficient data shall be submitted to identify the general category of uses proposed under each specific land use type except residential;

d. Perspective drawings to indicate approximate height relationships and architectural unity when required by the planning commission or city council;

e. Area analysis:

i. Yard, lot area coverage, lot area per dwelling unit and height standards proposed for all land uses by specific type,

ii. Approximate number or ratio of off-street parking spaces proposed for all land uses by specific type,

iii. Approximate floor area proposed for commercial and industrial buildings,

iv. Number of dwelling units proposed and estimated population by specific residential type,

v. Proposed density of dwelling units per gross acre by specific residential type;

f. Legal description of property proposed for development;

g. A development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of the project can be expected to begin, the anticipated rate of development and completion date. If, in the opinion of the city council, the owner or owners of property in the planned development district are failing or have failed to meet the development schedule, the city council may initiate proceedings in the same manner as an amendment to this title, to remove the planned development district from the zoning map;

h. A copy of any proposed association articles of incorporation or association bylaws or any proposed restrictive covenants;

i. The method whereby landscaped or recreation areas, streets and other proposed facilities or open areas which are to be held in common ownership

will be established, developed and maintained. (Ord. 635 § 15.3, 1965)

Chapter 17.29

-B BART STATION AREA COMBINING DISTRICT

Sections:

- 17.29.010 Purpose.**
- 17.29.020 Combining district.**
- 17.29.030 Relationship to the BART Station Area Specific Plan.**
- 17.29.040 Applicability.**
- 17.29.050 Permitted and conditionally permitted uses.**
- 17.29.060 Application requirements.**
- 17.29.070 Sign requirements.**
- 17.29.080 Parking.**

17.29.010 Purpose.

The purpose of this combining district is to implement the BART Station Area Specific Plan, including special development standards and design guidelines. The district is established in order to achieve the following objectives for the BART Station Area:

A. To encourage the development of a densely developed, mixed-use, pedestrian-oriented neighborhood that supports the area's intended transportation/transit role, and complements the character of the adjacent neighborhoods and business districts, as described in the BART Station Area Specific Plan;

B. To establish the type, location, intensity and character of development to occur in the area, while allowing for creative and imaginative design concepts, as described in the BART Station Area Specific Plan;

C. To assure that development conforms with the policies, requirements and standards of the BART Station Area Specific Plan;

D. To implement the policies of the Daly City General Plan. (Ord. 1202 § 4 (part), 1994)

17.29.020 Combining district.

This district, if applied, shall combine with any

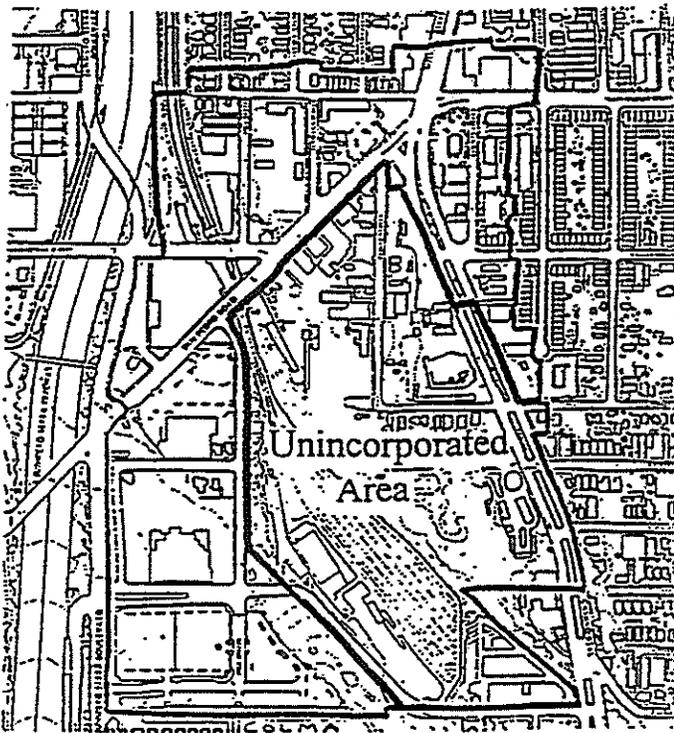
other district. These regulations are in addition and supplemental to the regulations of the underlying districts, and where the regulations of the -B district and the underlying district are inconsistent, the regulations of the -B district shall prevail. Furthermore, all development shall be in accordance with the policies contained in the Daly City General Plan and the BART Station Area Specific Plan. (Ord. 1202 § 4 (part), 1994)

17.29.030 Relationship to the BART Station Area Specific Plan.

The provisions of this chapter implement the BART Station Area Specific Plan. The specific plan provides further guidance in complying with the requirements of this chapter. The specific plan shall be used in conjunction with this chapter to design and evaluate development proposals. (Ord. 1202 § 4 (part), 1994)

17.29.040 Applicability.

The BART Station Area Combining District boundary is illustrated below:



(Ord. 1202 § 4 (part), 1994)

17.29.050 Permitted and conditionally permitted uses.

Uses permitted or conditionally permitted within this district are the same as those for the underlying land-use district, except as modified by the BART Station Area Specific Plan. (Ord. 1202 § 4 (part), 1994)

17.29.060 Application requirements.

A design review permit is required for all new construction and exterior remodeling in this district, pursuant to the requirements specified in Chapter 17.45 of this title. (Ord. 1202 § 4 (part), 1994)

17.29.070 Sign requirements.

Signs in this district shall comply with the design guidelines for the BART Station Area Specific plan. (Ord. 1202 § 4 (part), 1994)

17.29.080 Parking.

The demand for parking in this area may be reduced because of the availability of BART. New projects which comply with the standards of the BART Station Area Specific Plan will qualify for the reduced parking listed in the Specific Plan. (Ord. 1202 § 4 (part), 1994)

Chapter 17.30

I-D INTERIM DISTRICT

Sections:

17.30.010 Annexed territory.

17.30.020 Uses permitted.

17.30.010 Annexed territory.

All territory hereafter annexed to the city shall be automatically zoned to an interim district until such time as said territory is zoned to another district in accordance with the procedure established for amendments to this title. (Ord. 635 § 6.1, 1965)

17.30.020 Uses permitted.

Any building, structure or land use lawfully existing on the date the territory is annexed to the city shall be a permitted use; providing that such building, structure or land use shall not be enlarged, extended or structurally altered until a use permit has first been secured. New development may be permitted providing a use permit has first been obtained. (Ord. 635 § 16.2, 1965)

Chapter 17.31

PRE-PD PREPLANNED
DEVELOPMENT DISTRICT

Sections:

17.31.010 Purpose and intent.

17.31.020 Uses permitted.

17.31.010 Purpose and intent.

A. To ensure that the city has appropriate review and ability to mitigate environmental impacts through site planning, building design, parking requirements, circulation patterns, grading and landscaping. The pre-PD district allows the city the opportunity to establish a planned development process for future development of certain sensitive properties. The specific purposes for establishing a pre-planned development zoning designation are to:

1. Ensure orderly and thorough planning and review procedures that will result in quality urban design;

2. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods;

3. Encourage variety and avoid monotony in a large development by allowing greater freedom in selecting the means to provide access, light, open space and amenities;

4. Establish a procedure for the development of parcels of land in order to reduce or eliminate rigidity and inadequacies that may result from the application of zoning standards and procedures designed primarily for small parcels.

B. A property is designated pre-PD until such time as a plan for the development of the property is submitted to the city. When submitted, the plan shall automatically be required to conform to Chapter 17.28, P-D Planned Development District of this title and all provisions therein. (Ord. 1204 § 1 (part), 1994)

17.31.020 Uses permitted.

Any building, structure or land use lawfully existing on the effective date of the ordinance codified in this chapter is a permitted use; providing that such building, structure or land use shall not be enlarged, extended or structurally altered until a use permit has first been secured. New development is permitted only upon approval of a planned development application pursuant to Chapter 17.28 of this title. (Ord. 1204 § 1 (part), 1994)

Chapter 17.32**SIGNS*****Sections:**

17.32.010	Uniform Sign Code—Adopted.
17.32.020	Section 103.3—Deleted.
17.32.030	Section 202—Amended.
17.32.040	Section 203—Amended.
17.32.050	Section 205—Amended.
17.32.060	Section 206—Amended.
17.32.070	Section 207—Amended.
17.32.080	Section 208.2—Added.
17.32.090	Section 210—Amended.
17.32.100	Section 211.1—Added.
17.32.110	Section 212—Amended.
17.32.120	Section 214—Amended.
17.32.130	Section 217—Amended.
17.32.140	Section 403.6—Deleted.
17.32.150	Exempt signs.
17.32.160	General regulations.
17.32.170	Permitted signs in all districts.
17.32.180	Temporary signs.
17.32.190	(Reserved).
17.32.200	Permitted signs in commercial and industrial districts.
17.32.210	Off-premises signs.
17.32.220	Variances.
17.32.230	Procedures for appeals.
17.32.240	Enforcement violation—Penalty.

* Prior ordinance history: 635, 802, 809, 858, 880, 1098 and 1202.

17.32.010 Uniform Sign Code—Adopted.

There is adopted by the city, for the purpose of providing minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located entirely within a building, that certain code designated as the Uniform Sign Code, 1994 Edition, published by the International Conference of Building Officials, a copy of which is on file in the office of

the city clerk for public record and inspection, subject, however, to the amendments, additions and deletions set forth in this chapter, and from the date on which this ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city. (Ord. 1249 § 3 (part), 1997)

17.32.020 Section 103.3—Deleted.

Section 103.3 of the Uniform Sign Code, 1994 Edition, is deleted. (Ord. 1249 § 3 (part), 1997)

17.32.030 Section 202—Amended.

Section 202 of the Uniform Sign Code, 1994 Edition, is amended by adding the following definitions thereto:

A BOARD: A portable sign capable of standing without support.

AREA OF SIGN: The entire area within a single, continuous perimeter composed of squares or rectangles which enclose the extreme limits of the advertising message, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed; excluding the necessary supports or uprights upon which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that only one face of a double-faced sign shall be considered in determining the sign area, provided both faces are parallel and the distance between faces does not exceed two feet.

Further, where a sign consists only of individual letters, numbers, or symbols and is painted on or attached flat against the wall of a building and where such individual components are without integrated background definition and are not within a circumscribed frame area, the total area of the sign shall be the sum of the areas of the

squares or rectangles surrounding each individual sign component.

(Ord. 1249 § 3 (part), 1997)

17.32.040 Section 203—Amended.

Section 203 of the Uniform Sign Code, 1994 Edition is amended by adding the following definition thereto:

BILLBOARD: Any sign, other than a directional sign, which directs attention to a business, commodity, product, service, or activity, sold, offered or made available elsewhere than upon the premises whereon the sign is located.

(Ord. 1249 § 3 (part), 1997)

17.32.050 Section 205—Amended.

Section 205 of the Uniform Sign Code, 1994 Edition is amended by adding the following definition thereto:

DIRECTIONAL SIGN: Any sign which is designed, erected and maintained for the purpose of directing persons to a place, structure or activity not located on the same premises as the sign.

(Ord. 1249 § 3 (part), 1997)

17.32.060 Section 206—Amended.

Section 206 of the Uniform Sign Code, 1994 Edition is amended by adding the following definition thereto:

ERECT: To build, construct, attach, hang, place, suspend, or affix, including the painting or otherwise applying of wall signs.

(Ord. 1249 § 3 (part), 1997)

17.32.070 Section 207—Amended.

Section 207 of the Uniform Sign Code, 1994 Edition is amended by adding the following definitions thereto:

FACE: The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

FACE OF BUILDING: The exposed side of any exterior wall of a building, excluding structural-projections.

FACE SIGN: Any sign painted or mounted on a wall or of solid construction located as to be approximately parallel with the face of a building, including a "V" type sign which does not extend more than 18" from the face of a building or structure.

FREESTANDING: Any sign in a fixed location which is self-supporting on the ground, or on one or more poles or upright members which are in no part attached to any building, excluding "A"-board signs.

(Ord. 1249 § 3 (part), 1997)

17.32.080 Section 208.2—Added.

A new section is added to the Uniform Sign Code, 1994 Edition, to be numbered Section 208.2, to provide for the addition of the following definition:

Sec. 208.2.-I

ILLUMINATED SIGN: Any sign which has characters, letters, figures, designs or outline illumination by electric lights or luminous tubes on, within or attached to the sign or by a light source removed therefrom.

(Ord. 1249 § 3 (part), 1997)

17.32.090 Section 210—Amended.

Section 210 of the Uniform Sign Code, 1994 Edition, is amended by adding the following definition thereto:

MARQUEE SIGN: Any sign attached to or supported by a marquee.

(Ord. 1249 § 3 (part), 1997)

17.32.100 Section 211.1—Added.

A new section is added to the Uniform Sign Code, 1994 Edition, to be numbered Section 211.1, to provide for the addition of the following definitions:

Sec. 211.1-O

OFF-PREMISES SIGN: A sign, such as a billboard, which advertises goods or services which are available elsewhere than upon the premises whereon the sign is located, excluding direction signs.

ON-PREMISES SIGN: A sign that carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

OUTDOOR ADVERTISING SIGN: (See BILLBOARD)

(Ord. 1249 § 3 (part), 1997)

17.32.110 Section 212—Amended.

Section 212 of the Uniform Sign Code, 1994 Edition, is amended by adding the following definition thereto:

PRIMARY LOT FRONTAGE: That single dimension of a parcel abutting a public right-of-way and providing-for the most important approach to the parcel or occupancy thereon.

(Ord. 1249 § 3 (part), 1997)

17.32.120 Section 214—Amended.

Section 214 of the Uniform Sign Code, 1994 Edition, is amended by adding the following definition thereto:

SECONDARY LOT FRONTAGE: Any dimension of a parcel abutting a public right-of-way other than, "primary lot frontage."

(Ord. 1249 § 3 (part), 1997)

17.32.130 Section 217—Amended.

Section 217 of the Uniform Sign Code, 1994 Edition, is amended by adding the following to the definition of Wall sign.

WALL SIGN: (See FACE SIGN).

(Ord. 1249 § 3 (part), 1997)

17.32.140 Section 403.6—Deleted.

Section 403.6 of the Uniform Sign Code, 1994 Edition, is deleted. (Ord. 1249 § 3 (part), 1997)

17.32.150 Exempt signs.

The following signs shall be exempt from regulation under this chapter:

A. Advertising media located entirely within a completely enclosed building and which is not intended to be viewed primarily from the exterior of the building;

B. Traffic highway markers and railroad crossing or danger signals;

C. Any sign posted pursuant to and in discharge of any governmental function by public officials in performance of their duties, including traffic and street name signs as well as notices, emblems or other forms of identification and signs required by law;

D. Signs used by public utilities for the safety, welfare or convenience of the public;

E. Flags of any nation or political subdivision, of any fraternal, religious or other organization of a civic character;

F. Holiday greetings, decorations and displays, excluding advertising signs disguised as seasonal decorations;

G. Temporary display posters in connection with civic, political, noncommercial, health, welfare and safety programs posted in or on private residences

or within commercial display windows. (Ord. 1249 § 3 (part), 1997)

17.32.160 General regulations.

The prohibitions contained in this section shall apply to all signs and all zoning districts, regardless of designation, of the city:

A. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated or lighting device be so placed or directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

Public service signs such as the time-temperature type, are exempted from this prohibition.

B. No signs shall have any mechanical or moving parts; rotating signs, with the exception of public-service signs, are specifically prohibited.

C. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. The devices, as well as strings of lights, shall not be utilized for the purposes of advertising or attracting attention when not part of a sign. No sign, A-board, advertising structure or merchandise display shall be placed upon or attached to the ground on any portion of the public street, sidewalk or right-of-way except as permitted by this chapter.

D. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty-five percent of the area of the window. Window signs must be located on the inside of the windows or painted on the windows.

E. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 17.32.180.

F. No outdoor advertising structure, sign or other advertising structure shall be erected, constructed, relocated or maintained, regardless of the zone or district in which it is located if such struc-

ture or sign is designed to have or has the advertising thereon maintained primarily to be viewed from a main traveled roadway of a landscaped freeway or of a scenic highway or the ingress or egress ramps thereto; however, this shall not apply to any sign or advertising structure which is painted or maintained on a building on which the advertising is limited to:

1. The name of the building whereon the sign is located;

2. The name of the person, firm or corporation occupying the building, and type of business conducted by such person, firm or corporation;

3. The name of the product manufactured on the premises;

4. Advertising which is strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs advertising services rendered or goods sold on the premises, but no such advertising or signs shall exceed twenty square feet in area. This exception shall not be construed as permitting signs indicating the trade name, merchandise or service of any person or corporation who pays a consideration for the privilege of placing, maintaining or using any portion of the sign or painting advertising to the owner or occupant on which it is located.

G. No roof signs are permitted, except when integral with the architecture of the building, such as mansard roof or building fascia, and subject to the following conditions:

1. No higher than the ground sign permitted;

2. May not extend above the roof peak.

H. Projecting signs are permitted only for commercial activities having a building frontage of twenty feet or more, provided:

1. A sign may not extend about the sill of the lowest window of any residentially occupied floor or floors;

2. A sign shall not exceed the maximum height of the zoned district in which located;

3. The maximum clearance from the face of wall to sign shall not be greater than one foot;

4. The sign shall be prohibited where a ground sign is located on the same parcel;

5. The sign shall neither extend over the public right-of-way, nor to less than three feet from face of curb.

I. Signs on Public Property. No person, except a duly authorized public officer or employee, shall post, mount, affix or fasten any sign, card, banner, handbill, poster, advertisement or notice of any kind, or cause the same to be done, on any publicly-owned curb, sidewalk, streetlight, pole, bench, fence, hydrant, bridge, wall, tree, sidewalk, traffic control device, parking meter, street, alley, place or property, except as specifically permitted by this chapter. (Ord. 1249 § 3 (part), 1997)

17.32.170 Permitted signs in all districts.

A. The following signs are permitted in any zoned district without a sign permit:

1. Real estate signs advertising the sale, lease or rental of the premises upon which the sign is located shall be limited to one sign per property or business and shall not exceed four square feet in a residential zone or twelve square feet in any other zoning district. Real estate signs shall be placed on the offered property and shall be removed within thirty days after the sale, rental or lease of the subject property. A-frames used for real estate purposes shall be allowed in addition to the limitations set forth in this subsection. Such signs shall be allowed off the site, provided they are removed by sundown each day and are limited to the minimum number necessary for directional purposes. A-frames may identify the owner or agent's name, address and telephone number but shall not otherwise be used to identify or advertise real estate offices or businesses;

2. Signs denoting the name and address of the occupants of the premises; the sign not to exceed one square foot in area;

3. Signs denoting the architect, engineer or contractor placed on premises where construction, repair or renovation is in progress; the signs not to exceed thirty-two square feet in area, except sixteen square feet in R-1 and R-2 districts;

4. Bulletin boards not over twelve square feet in area for public, charitable or religious institutions

when the same are located entirely on the premises of such institutions;

5. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials;

6. Occupational signs denoting only the name and profession of an occupant in a commercial or public institutional building, not to exceed two square feet in area.

B. The following signs are permitted in any zoned district but require a sign permit, as provided in this chapter:

1. Subdivision real estate directional signs in accord with the following standards:

a. One portal or entry sign not to exceed three hundred square feet and limited to two faces,

b. Interior directional signs not to exceed seventy square feet per individual face and limited to four faces,

c. Number of signs shall be limited: one sign per primary traffic direction change and two advertising signs not to exceed one hundred fifty square feet each per "on-site" model home area,

d. Signs shall be permitted only in advance of (not more than sixty days) and during such time as developer maintains a sales office on site,

e. Advertising signs other than at model home sites, which are within five hundred feet and visible from occupied residences shall be removed within three months after residences are occupied;

2. Signs for apartment complexes in accord with the following standards:

a. One low-scale permanent name identification sign not to exceed thirty-two square feet,

b. One building sign to advertise name of property and "No Renting" not to exceed fifty square feet. (Ord. 1249 § 3 (part), 1997)

17.32.180 Temporary signs.

Temporary signs may be permitted, provided a sign permit is obtained from the department of economic and community development.

A. General Provisions. Application for a sign permit shall indicate size and purpose. The office of

the city planner shall issue a permit in accord with the following standards, restrictions and provisions:

1. Commercial, Promotional or Sales Signs:

a. Are permitted for a period not to exceed the immediate seven days prior to the event, promotion or sales and continued through to include the event, promotion or sale but not to exceed a total of thirty days;

b. Shall not be placed without consent of owner, trustee, tenant or other person responsible for property for each and every location, and applicant so attests on the application;

c. Each sign or poster or display shall not exceed twelve square feet;

d. Promotional off-site signs shall not be permitted more than one time in any twelve-month period for the same business or commercial enterprise;

e. A returnable faithful performance deposit in the form of one hundred dollars cash shall be deposited with the department of finance for each permit.

2. Eleemosynary Signs, Displays and Announcements. No permit shall be required for the erection of any sign by any bona fide religious, charitable, educational or eleemosynary organization, unless the organization shall fail, upon demand of the department of economic and community development, to verify its status as such type of organization. In the event of the failure of the organization to so verify its status, then the other applicable provisions of this section shall apply.

3. Searchlights, defined as "an apparatus containing a source of light and a reflector that projects the light produced in a concentrated, far-reaching beam"; it is, in most cases, mounted on a swivel so that the beam can be directed.

a. A searchlight is permitted only during the course of the event, promotion or sale which it is intended to publicize;

b. A searchlight may remain in operation for the duration of the particular event, promotion or sale except that no individual searchlight permit shall be valid for a period in excess of seven days;

c. Under no circumstances shall a searchlight remain in operation later than the hour of ten p.m.;

d. A searchlight shall not be placed without consent of the owner, trustee, tenant or other person responsible for the property at each and every proposed location and applicant so attests on the application;

e. A searchlight shall not be permitted more than once in any six-month period for the same business, commercial enterprise, religious, charitable, educational or eleemosynary organization;

f. A returnable faithful performance deposit in the sum of one hundred dollars cash shall be deposited with the department of finance for each permit. An exception to this requirement shall be made in the case of bona fide religious, charitable, educational or eleemosynary organizations;

g. Removal of a searchlight and the return or forfeiture of the required cash deposit shall be governed by the provisions of subsection (B) of this section.

B. Removal, Return or Forfeiture of Cash Deposit.

1. All temporary signs permitted under the provisions of this section shall be removed not later than five days following the termination of permit. Upon satisfactory showing to the city planner of such removal, the city planner shall authorize the department of finance to return in full the cash deposit for each permit so obtained;

2. If all signs are not removed pursuant to subsection (B)(1) of this section, the department of economic and community development shall notify the applicant by certified, first class mail, and such signs shall be removed not later than fifteen days following the termination of permit. Upon removal of signs within such fifteen-day period, the city planner shall authorize the department of finance to return one-half of the cash deposit, whether or not the mailed notice was received by applicant;

3. If all signs are not removed pursuant to subsections (B)(1) or (B)(2) of this section, the department of economic and community development shall notify the applicant, by certified, first class mail, of violation of the city's zoning ordinance and direct such signs to be removed or be held subject to the provisions of Chapter 17.50 of this title and

the total cash deposited shall be forfeited. (Ord. 1249 § 3 (part), 1997)

17.32.190 (Reserved). (Ord. 1249 § 3 (part), 1997)

17.32.200 Permitted signs in commercial and industrial districts.

A. Permit and Fee. Any sign designated in this section may not be installed until a sign permit application has been submitted to, reviewed and approved by the planning and zoning division. A nonrefundable filing fee, to be established by the city council by resolution, shall accompany an application for a sign permit. In order to approve an application, the planning and zoning division must determine that all requirements of this chapter are met. The planning and zoning division shall approve with modifications or disapprove any application for a sign permit.

B. Other standards for any sign within areas affected by a redevelopment project area, the requirements in this section shall be superseded by standards set forth within the guidelines of the approved plan for such project area and subsequently by standards, specifications and all other applicable requirements set forth within an adopted final plan of the redevelopment agency for such project area and any subsequent amendments thereto.

C. Criteria. The office of planning shall consider, but not be limited to, the following criteria in performing the review of sign applications:

1. Is the sign consistent with the purpose and intent of this chapter and the Uniform Sign Code?

2. Is the size of the sign proportionate to the building and site it serves; is the height, size and shape of the sign in proper relation to the height, size and shape of the building and the site, and the distance from which the passing public primarily views the signs?

3. Is the appearance of the sign in harmony with the premises on which it is to be located and with other properties in the vicinity? Is the sign architecturally a part of the building rather than a feature independent of or in conflict with the design of the

building? Is the shape, letter type, material, type of color and type of illumination compatible to the use, enhancing to the premises and to other properties in the vicinity?

4. Signs for projects located in areas included in a specific plan, or for which design guidelines for signs have been adopted, shall conform to those requirements.

D. Adjustments of Specifications. The office of planning, when reviewing sign applications in cases where the applicant requests one or more deviations from the requirements set forth in this chapter, may allow adjustments within the items listed below, provided it enters on the application, findings consistent with the purpose of this chapter:

1. Additional area for any of the following reasons:

a. To allow a sign to be in proper scale with its building or use,

b. To overcome a disadvantage because of an exceptional setback,

c. To achieve an effect which is essentially architectural, sculptural or graphic art,

d. To allow a sign compatible with other conforming signs in the vicinity;

2. Additional height: to compensate for distance or difference in elevation from primary viewing angles to overcome obstructions to visibility (wires, poles, trees, conforming signs or other property);

3. Additional number: to compensate for inadequate visibility or to facilitate good design balance;

4. Variation in type: to provide compatibility with architecture of structures on the site and improve the overall appearance of the site.

E. C-O Office Commercial Districts. In the C-O office commercial district, the following signs may be erected or maintained for each business entity subject to the requirements in this subsection:

1. Single-faced wall sign(s) which shall not protrude above or beyond a wall and shall not exceed in length seventy-five percent of the building frontage for each commercial entity;

2. Directional signs for off-street parking and loading facilities with the area for each sign not exceeding four square feet;

3. One ground sign located in a landscaped area not to exceed a height of six feet.

The total aggregate sign area for each business entity shall not exceed one-quarter square foot per lineal foot of primary frontage with a permitted minimum of twenty-five square feet and a maximum allowable of seventy-five square feet.

F. All Other Commercial, Industrial or Other Zoned Districts. In all other districts zoned commercial, industrial or any other comparable classification, the following signs may be erected or maintained subject to the requirements in this subsection:

1. Single-faced wall sign(s) which shall not protrude above or beyond a wall and shall not exceed in length seventy-five percent of the building frontage;

2. One pedestrian-oriented sign suspended from an overhanging architectural feature, the sign not to exceed ten square feet and placed at a minimum height of eight feet above the sidewalk;

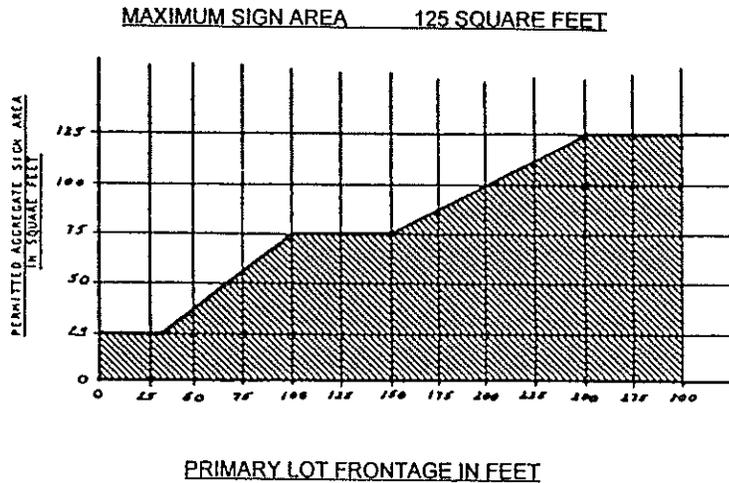
3. A ground sign, which is low-mounted and located within a landscaped area, as an alternate to other types of signs; said sign may not exceed a height of six feet and may be placed in the required setback or yard areas;

4. Ground signs mounted on a pole are permitted only if the property has a minimum primary lot frontage of fifty feet; no portion of subject sign may encroach upon the public right-of-way; the height of the sign shall not exceed twenty-two feet, the maximum face area shall not exceed seventy-five square feet;

5. The total face area of the aforementioned signs shall not exceed the permitted area as shown on Figure 1, which is made a part of this section by reference; the maximum face area permitted for each business entity is one hundred twenty-five square feet; if parcels of land have secondary frontage, signs may be located on the frontage; provided, that the total sign area thereon shall not exceed one-half the maximum sign area allowed by Figure 1, for the secondary frontage.

Figure 1 - Sign Area Permitted per Section 17.32.200
(except C-O Zoned District)

Primary lot frontage	Permitted sign area	Permitted minimum	Maximum
0-25'	1 sq.ft./1 ft.	25 sq. ft.	25 sq. ft.
26-100'	¼ sq. ft./1 ft.	25 sq. ft.	75 sq. ft.
100'	½ sq. ft./1 ft.	75 sq. ft.	125 sq. ft.



Note: If a parcel of land has secondary frontage, signs may be located on said frontage provided that the total sign area thereon shall not exceed one-half the maximum sign area allowed by Figure No. 1 for said secondary frontage.

G. Shopping Centers. For shopping centers, an owner or owners may file for a use permit under the procedures stipulated in the zoning ordinance to establish specific requirements for ground sign and for the exterior signs on individual business. In lieu of a "master" use permit, all exterior signs of a shopping center must conform to the requirements of this section. (Ord. 1249 § 3 (part), 1997)

17.32.210 Off-premises signs.

Off-premises signs, such as billboards and outdoor advertising structures, shall be permitted only within commercially or industrially zoned areas (exclusive of office-commercial zoned districts) and shall be completely excluded from areas in or adjacent to residentially zoned areas and shall be subject to the following conditions:

A. All off-premises signs shall require a use permit.

B. Off-premises signs may be mounted on the blank or side walls of structures not constituting frontage and not covering exits or windows or otherwise interfering with the architectural exterior treatment of structures. Signs shall be structurally developed so as to be aesthetically acceptable. Whenever possible, off-premises signs shall be of a low-level type situated in a landscaped or planted area and developed with aesthetic consideration to surrounding or adjacent properties, regardless of zone or use.

C. Off-premises signs shall not exceed a ratio of one sign face or structure per three hundred linear feet of a block along each side of a commercially or industrially zoned street frontage.

D. Off-premises signs shall not be permitted which are primarily viewed from the landscaped federal interstate highway, a landscaped freeway, or from any designated scenic highway.

E. Off-premises signs shall not constitute a nuisance either by their location or by their visible condition to surrounding or adjacent properties regardless of zone and use.

F. Off-premises signs shall not be permitted to be mounted on a roof nor to extend above a roof line of a building on which said sign is mounted. (Ord. 1249 § 3 (part), 1997)

17.32.220 Variances.

In order to reduce practical difficulties and unnecessary hardships, inconsistent with the intent of this chapter, the planning commission may grant variances pursuant to procedures in the zoning ordinance with respect to the regulations prescribed relating in this chapter to the height, area, location or number of signs in accordance with the procedures described in this section, when the following circumstances are found to apply:

A. That the grant of any variance shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and

B. Because of special circumstances applicable to the subject property, including size, shape, topography, street frontage, location or surrounding land use; the size or height of the building on which the sign is to be located; the classification of the street or highway on which the sign is located or designed primarily to be viewed from, the strict application of zoning regulations is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. (Ord. 1249 § 3 (part), 1997)

17.32.230 Procedures for appeals.

A. Determination of the city planner shall become a final decision except that in all cases, any applicant or party who has filed a request for notice with the city planner shall have the right to appeal the decision of the city planner to the planning commission, in writing, within fifteen days follow-

ing the rendering of any decision by the city planner.

B. The commission shall hold a public hearing on any such appeal. Notice of such public hearing shall be given in the manner as provided for by Section 65.854 of the Government Code of the state of California.

C. In considering such an appeal, the commission, using the regulations, criteria and design standards as set forth in this chapter, except as to variances, may approve, modify or reverse the decision of the city planner insofar as such action may, in its judgment, be necessary to carry out the general purposes of this chapter. The determination of the commission shall become effective seven days after the date of mailing of decision unless appealed to the city council in accordance with the procedures set forth in subsection (D) of this section.

D. Within seven days following the date of mailing the decision by the planning commission under subsection (C) of this section, an appeal may be taken to the city council by the applicant or any other interested party. An appeal shall be made, in writing, and shall be filed with the city clerk within the seven-day period. Upon receipt of such appeal, the city council, at its next regularly scheduled meeting, following receipt of such appeal, shall set the matter for hearing pursuant to Section 65.856 of the Government Code of the state of California. The city council may affirm, reverse or modify the decision of the planning commission and may impose such conditions as the facts warrant. The decision of the council shall be final. (Ord. 1249 § 3 (part), 1997)

17.32.240 Enforcement violation—Penalty.

A. All departments and public employees of Daly City who are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter and shall issue no permit or license for uses, structures or purposes in conflict with the provisions of this chapter and any such permit or license issued in conflict with the provisions of this chapter shall be null and void.

B. It shall be the duty of the office of planning to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any sign or sign structure. Any sign or sign structure erected, altered, moved or maintained contrary to the provisions of this chapter and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be declared to be unlawful and a public nuisance, and the city attorney, upon order of the city council, immediately shall commence action or proceedings for the abatement and removal in the manner provided by law and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such sign or structure, and restrain and enjoin any person, firm or corporation from erecting, building, maintaining or using any such sign or sign structure or using any premises contrary to the provisions of this chapter. (Ord. 1249 § 3 (part), 1997)

Chapter 17.34

OFF-STREET PARKING AND LOADING

Sections:

- 17.34.010 Regulations generally.
- 17.34.020 Schedule of parking requirements.
- 17.34.030 Off-street parking design standards.
- 17.34.040 Off-street loading.

17.34.010 Regulations generally.

A. The standards contained in this chapter shall apply to all new structures, new property developments or new additions to existing structures for which a building permit is issued after the effective date of the ordinance codified in this chapter. These standards may be modified if a development is located in an area covered by a specific plan, if the development conforms to the standards specified therein. Design guidelines approved by the city council may modify design standards for parking.

B. Any of the following provisions notwithstanding, the redevelopment agency may, at its discretion, establish parking standards which deviate from the specific requirements of this section.

C. There shall be provided in all districts at the time of construction of any new building, or any enlargement of or addition to any existing building, off-street parking spaces in accord with the standards and requirements of this section. Where the computation of an off-street parking requirement results in a fraction, said fraction shall be rounded to the next higher whole number.

D. All required parking areas shall be readily available to the employees, customers and/or residents of the facility in question. No fee shall be charged for the use of those spaces required by the applicable provisions of this section. A fee may, however, be charged for the utilization of any spaces provided over and above the required number.

E. In the case of mixed use developments, the city planner may grant an administrative variance to the cumulative off-street parking requirement which

would normally apply if the individual activities within a single complex were considered separately. In no event shall an administrative variance be issued which reduces the overall off-street parking standard by more than twenty percent. To qualify for a reduction, a mixed use complex shall be under one management. The following types of mixed use developments shall be eligible for consideration:

1. Commercial office/multiple-family residential;
2. Commercial office/retail and/or service commercial (applies to shopping centers only);
3. Hotel or motel/retail or service commercial;
4. Bowling alley/retail or service commercial;
5. Industrial/retail or service commercial.

The city planner shall consider the types of activities proposed and the ratio of floor areas involved, the section of the city within which the project would be located, and any other pertinent factors in determining what, if any, reduction in the off-street parking requirement may be warranted.

F. In the following types of developments, up to twenty percent of the required off-street parking spaces may be designated for "small cars only":

1. Commercial offices;
2. Multiple-family residential.

(Section 17.34.030 details specific standards for "small car" parking spaces.)

G. Except for single-family homes and duplexes, each required off-street parking space shall be provided with access to or from an aisle or driveway. Tandem parking in single-family homes is acceptable. In addition, only two of the required off-street parking spaces in a duplex need to have individual access to or from an aisle or driveway.

H. Any building permit application for a structure requiring off-street parking or an application for a separate parking facility shall provide a plot plan drawn to scale demonstrating compliance with all applicable provisions of this section.

I. Any mandated building setback areas shall not be used to fulfill an off-street parking requirement, with the following exceptions:

1. One-family dwellings constructed prior to September 11, 1978 and one-family dwellings with a secondary unit where the principal unit was con-

structed prior to September 11, 1978 may provide not more than one-half of the required parking in a mandated building setback area if the following requirements are met:

a. The space, if on a corner lot, does not interfere with motorist sight distances.

b. The space is of sufficient size so that parked vehicles do not block the sidewalk.

c. Providing the space outside the setback is physically or economically infeasible.

d. The property has an existing legal curb cut accommodating the required parking.

e. An automatic garage door opener is installed and maintained in working condition.

f. The garage and driveway are maintained in a usable condition and are not used for storage of material, equipment or inoperable vehicles if such storage necessitates parking a resident's vehicle on the street. Whenever the garage or driveway is available, residents are required to use them.

g. A parking space in a side-by-side or double-wide configuration has not or is not being eliminated.

J. All off-street parking areas shall be surfaced with plant-mix asphalt, concrete, or other surfacing as approved by the city engineer, and the city planner.

K. Off-street parking, when used to complement a legally conforming land use, may be allowed in any residential zoned district upon first securing a use permit. This shall not be construed as permitting the storage or sale of vehicles in any residential zoned district.

L. Off-street parking spaces required by this chapter shall at all times be maintained in a usable condition. Said off-street parking spaces shall not be utilized for storage of materials or equipment if such storage necessitates the parking of the property owner's/tenant's vehicles outside the required parking area. (Ord. 1232 § 5, 1996; Ord. 1202 § 6, 1994; Ord. 1159 § 1, 1992; Ord. 885 § 2 (part), 1978; Ord. 635 § 17.1, 1965)

17.34.020 Schedule of parking requirements.

- A. Single-Family Residential - two spaces per unit;
- B. Duplex (two-family residential) - two spaces per unit totaling four spaces per structure;
- C. Multiple-Family Residential - one space for each studio unit. One and one-half spaces for each one bedroom unit. Two spaces for each two bedroom or larger unit. Apartment complexes designed and intended for the exclusive occupancy of low income elderly persons (e.g., subsidized apartment complexes), shall provided at least one-fourth the normally required amount of off-street parking. Housing complexes designed and intended for the exclusive occupancy of low income persons or families other than the elderly shall provide at least three-fourths the normally required number of spaces;
- D. Mobilehome Parks - one space for each mobile home, said space to be located on the individual trailer site, plus one space per site for guest parking, the latter to be grouped in common area;
- E. Boardinghouses - one space per rentable room plus one space for every two hundred square feet of kitchen area and administrative office space;
- F. Hotels and Motels - one space per room plus one space for each three hundred feet of lobby area and administrative office space;
- G. Nursing Homes, Convalescent Hospitals and Similar Uses - one space for every four hundred square feet of gross floor area;
- H. Clubs, Lodges and Other Assembly Buildings, Including Churches and Theaters - one space for every six permanent seats in the main auditorium. If there are to be no permanent seats, then the off-street parking requirement shall be one space for every two hundred square feet of gross building floor area;
- I. Banks and Business or Professional Offices - one space for each three hundred square feet of gross floor area up to twenty-one thousand feet; thereafter, one space for each two hundred square feet of gross floor area;

J. Fast Food Restaurant or Drive-in - one space per seventy-five square feet of gross floor area;

K. Other Restaurants - one space per one hundred twenty-five square feet of gross floor area;

L. Mortuary - one space for each three hundred fifty square feet of gross floor area;

M. Bowling Alley - two and one-half spaces for each bowling lane;

N. Service Station - five spaces;

O. Service station with accessory use - two spaces plus one space per two hundred square feet of gross floor area. Where a car wash is to serve as the accessory use, seven spaces are required;

P. Self-service gasoline station - two spaces;

Q. New and/or Used Car Sales - one space per two thousand square feet of total site area;

R. Auto Service and Repair - one space per seven hundred fifty square feet of gross floor area;

S. Bulky Merchandise Retail Stores (e.g., furniture) - one space per seven hundred fifty square feet of gross floor area;

T. All Other Retail or Service Commercial - one space for each three hundred square feet of gross floor area up to twenty-one thousand square feet; thereafter, one space for each two hundred square feet of gross floor area;

U. Manufacturing, Public Utility, Warehousing - one space per fifteen hundred square feet of gross site or building area, whichever is greater, unless a more appropriate standard for a specific use is determined through use permit procedures;

V. Day Care Centers, including Preschools, Nursery Schools and Private Elementary Schools - one space for each employee, plus one space for every ten children;

W. For Uses Not Listed - the city planner shall establish a parking standard based upon the requirements for similar uses. If the city planner is unable to establish a parking requirement in this manner, the parking standard shall be determined by the planning commission. (Ord. 1027 § 4, 1985; Ord. 903 § 1, 2, 1979; Ord. 885 § 2 (part), 1978; Ord. 635 § 17.2, 1965)

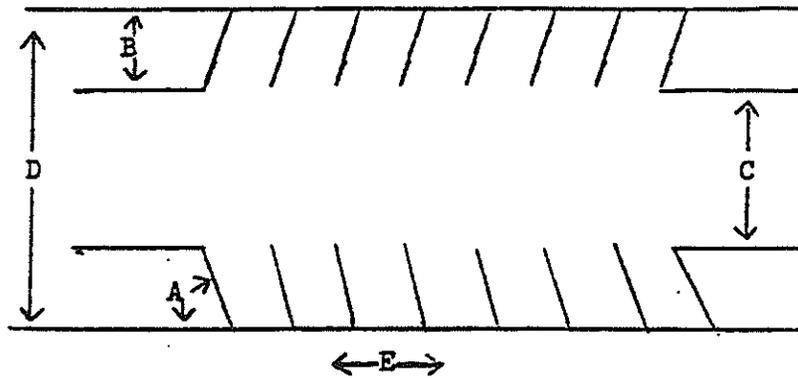
17.34.030 Off-street parking design standards.

A. Required full size off-street parking spaces shall be of usable shape and shall not be less than eight and one-half feet wide and nineteen feet long.

1. Permitted small car spaces shall be not less than sixteen feet long and eight and one-half feet wide;
2. Small car spaces shall be clearly marked, "SMALL CAR ONLY";
3. Where walls are adjacent to both sides of a parking space, the minimum width of said space shall be ten feet;
4. End parking spaces, when parallel to a wall or barrier, shall maintain a minimum width of twelve feet.

Variations from this standard shall be subject to the approval of the city planner.

B. The following diagram and table illustrate minimum parking dimensions:



Angle A	Stall B		Aisle C		Overall Width D		Layout Dimensions D	
	(Sm. Car)	(Reg.)	(Sm. Car)	(Reg.)	(Sm. Car)	(Reg.)	(Sm. Car)	(Reg.)
30	14'	17'	12'	12'	40'	46'	17'	0"
45	17'	20'	13'	14'	47'	54'	12'	0"
60	18'	21'	18'	20'	54'	62'	9'	11"
90	16'	19'	24'	26'	56'	64'	8'	6"

Parallel Parking: Ten-foot minimum aisles, one aisle required per traffic direction. Eight foot six inches by twenty-four feet minimum size parking space (regular). Small car minimum size space eight foot six inches by twenty foot.

C. Entrances and exits shall be clearly marked.

D. The number of curb cuts for access shall be kept to a minimum and shall be located as far as is reasonably possible away from street intersections. In no event shall a curb cut extend into a curb return area a distance greater than ten percent of the total curb return length. The following curb cut and driveway standards shall apply:

1. Residential Parking — single-family homes, duplex and two-family homes shall have a maximum curb cut width of eight feet for single car wide driveways. A curb cut leading to garages arranged in a side-by-side configuration shall have a maximum width of fourteen feet. The width of the driveway shall not exceed the width of the garage entrance by more than six inches on either side of said entrance. All other residential uses shall have a minimum eight feet for each traffic lane, maximum width of twelve feet for each traffic lane. Contiguous paving may not be placed next to the driveway so that it could be used for parking.

2. Commercial Parking — minimum twelve feet for each traffic lane, maximum eighteen feet for each traffic lane.

E. Bumper guards and wheel stops shall be provided where needed.

F. All new retail and/or service commercial developments required to provide in excess of ten off-street parking spaces shall furnish at least one conveniently located and distinctly marked "Handicapped Parking" space. Any residential development which provided units designed for handicapped persons shall provide one handicapped parking space for each such unit. All "Handicapped Parking" spaces shall be at least twelve feet in width.

G. The following standards shall only apply to "outdoor" off-street parking:

1. All outdoor parking areas shall be illuminated. Light standards shall be no more than twenty feet high and shall be oriented to reflect away from any adjoining residential properties;

2. Outdoor parking areas on or adjacent to residentially zoned or utilized property shall be setback from adjoining lot lines by a landscaped buffer not less than three feet wide;

3. Any parking lot having eleven spaces or more shall provide landscaping on at least two percent of the interior lot area which shall be in addition to the minimum paved area required. Said landscaping shall be irrigated and continuously maintained;

4. Site plans for all outdoor, off-street parking areas shall be reviewed and approved by the city planner and the city engineer. Said plans shall illustrate drainage patterns, landscaping and irrigation, parking space and aisle dimensions, lot lighting and pavement materials. (Ord. 1232 § 6, 1996; Ord. 903 § 3, 1979; Ord. 885 § 2 (part), 1978; Ord. 635 § 17.3, 1965)

the receipt or distribution of materials or merchandise in which the gross floor area of the use exceeds ten thousand square feet, shall provide and maintain one off-street loading space. (Ord. 635 § 18, 1965)

17.34.040 Off-street loading.

Every hotel, laundry or dry cleaning establishment, retail or wholesale store, manufacturing or storage facility or any other use similarly requiring

Chapter 17.35

PROPERTY DEVELOPMENT AND MAINTENANCE STANDARDS

Sections:

- 17.35.010** Purpose.
- 17.35.020** Applicability.
- 17.35.030** Design guidelines.
- 17.35.040** General property development requirements.
- 17.35.050** Appeal rights.

17.35.010 Purpose.

These standards shall assure that new or modified uses and development will produce an urban environment of stable, desirable character that is harmonious with the existing and future development, and is consistent with the general plan. (Ord. 1242 § 1 (part), 1997)

17.35.020 Applicability.

Any permit that authorizes new construction or exterior alteration to an existing structure that is visible to the public shall comply with the provisions of applicable design guidelines. Interior alterations and changes in site plans shall be subject to the storage provisions contained herein. (Ord. 1242 § 1 (part), 1997)

17.35.030 Design guidelines.

A. Where a discretionary permit is required for new construction or for exterior alterations to an existing structure, the deciding body shall evaluate the proposed construction for compliance with adopted design guidelines.

B. Where a discretionary permit is not required for construction, all plans submitted for building permits shall be reviewed by the planning division for compliance with applicable design guidelines. Applications determined not to be in compliance with this chapter, applicable design guidelines, or conditions approved by the city planning commission or city council shall be disapproved or recom-

mended for cancellation by the building division. (Ord. 1242 § 1 (part), 1997)

17.35.040 General property development requirements.

A. All plans submitted for building permits shall be reviewed for the following:

1. Flat plywood shall not be used as an exterior siding material. All exterior surfaces shall be finished with paint or other weather protective coating.

2. Metal grills and gates are allowed if they are ornate and of a unique design, in keeping with the architectural components of the development and neighborhood.

3. Dry Goods Storage. All residential units must be constructed with adequate storage for the number of occupants or for commercial structures, for the type of occupancy allowed by the construction type.

4. Trash Receptacle and Recycling Container Storage. All new buildings or buildings where the occupancy is changed or in buildings where an expansion of business area or living space is applied for, shall provide adequate space to accommodate a trash bin and recycling containers. The storage areas shall be weather-proof, vermin-proof and easily accessible to facilitate solid waste collection. (Ord. 1242 § 1 (part), 1997)

17.35.050 Appeal rights.

Denial of any building permit application pursuant to this chapter may be appealed by the applicant to the design review committee appointed by the city council pursuant to Chapter 17.45. All appeals must be made in writing to the planning division within thirty days after the date of the denial. The design review committee shall elect a time and place for hearing the appeal and give due notice thereof to the affected person(s) and shall render a written decision. The decision of the design review committee shall be final; subject, however, to reconsideration by the city council if requested by the city council. (Ord. 1242 § 1 (part), 1997)



Chapter 17.36

HOME OCCUPATIONS

Sections:

17.36.010	Purpose.
17.36.020	Definition.
17.36.030	Required conditions.
17.36.040	Excluded occupations.
17.36.050	Issuance.
17.36.060	Revocation.
17.36.070	Duration.
17.36.080	Procedures for appeal.

17.36.010 Purpose.

The regulations for a home occupation in this chapter are intended to ensure compatibility between home occupations and other permitted uses in the residential district. The regulations also protect the residential character of neighborhoods in which home occupations are located. (Ord. 1234 § 1 (part), 1996; Ord. 1140 § 1, 1991; Ord. 635 § 19A.1, 1965)

17.36.020 Definition.

A "home occupation" is a business, art or profession, the offering of a service, or the handicraft manufacture of products within a residential dwelling. A "home occupation" constitutes a secondary use of a residential dwelling and can be for profit or philanthropic. A "home occupation" is to be located and conducted such that the average neighbor, under normal circumstances, would not be aware of its existence. (Ord. 1234 § 1 (part), 1996; Ord. 1140 § 2, 1991; Ord. 635 § 19A.2, 1965)

17.36.030 Required conditions.

Home occupations shall comply with the following regulations:

A. A home occupation shall be clearly secondary to the use of the structure for dwelling purposes.

B. No one other than residents of the dwelling shall conduct the work of a home occupation or report to work at the dwelling.

C. A home occupation shall occupy no more than one room. The room shall be no greater than one-fourth the total square footage of any one floor of the dwelling. A home occupation shall not occupy garage space, an accessory building or open space.

D. No garage space, accessory building or open space shall be used to store equipment, materials or supplies associated with a home occupation. Equipment, materials and supplies shall be stored in the room used for the home occupation.

At no time shall the temporary interior storage of equipment, materials and supplies used in the operation of the home occupation exceed one hundred cubic feet. The storage area shall be approximately eight feet high, three feet deep and four feet wide.

E. Sales and exchange of merchandise shall not be permitted at the dwelling.

F. The existence of a home occupation shall not be evident from outside the dwelling nor shall a home occupation create a nuisance detectable to the normal senses beyond the property lines or beyond the walls of the dwelling unit, if the unit is a part of a two-family or multi-family structure, nor shall a home occupation create health and safety hazards. Therefore, the following are not permitted:

1. Alterations to the outside of the dwelling;
2. Entrance to a home occupation directly from outside the dwelling;
3. Signs and displays;
4. More than one additional vehicle per hour at the dwelling;
5. The use of more than one vehicle to conduct a home occupation;
6. Commercial limousines, taxis, and "on call" service vehicles and passenger carriers are not permitted to be used in conjunction with a home occupation;
7. Customer or goods pickup and/or deliveries;
8. The production of noise, amplified sound or music, smoke, odors, vibrations, liquid or solid waste, television, radio or electrical interference;
9. The generation of television, radio or electrical interference detectable beyond the walls of the dwelling;

10. The storage of compressed gases, flammable, combustible or hazardous materials, as defined in the Uniform Fire Code;

11. Mechanical or electrical equipment maintained or installed that exceeds fifteen amperes at one hundred ten volts or equivalent.

G. Home occupations that provide services such as alterations, dressmaking, tax preparation and individual instructions shall be limited to one student or customer at a time. Music instruction shall be limited to nonamplified instruments;

H. The planning division may restrict the hours of operation for a home occupation to minimize the impact on neighboring residences.

I. It is a prima facie violation of the home occupation regulations for any resident to park or store vehicles prohibited by the home occupation regulations on a residential property or any public street within a residential district. The violation is valid whether or not a home occupation license has been obtained by the responsible person or vehicle owner. (Ord. 1279 §§ 11, 12, 2000: Ord. 1234 § 1 (part), 1996: Ord. 1140 § 3, 1991: Ord. 880 § 1, 1978: Ord. 635 § 19A.3, 1965)

17.36.040 Excluded occupations.

The following occupations and those of similar character shall not be considered secondary to the use of a residential dwelling and shall not be allowed: automobile repairing, detailing, auto parts sales, vehicle alarm and audio sales and installation, spray finishing operations, welding or cutting operations, vehicle tow services, auto selling and brokering, limousine services, delivery services, dating services and/or escort services, mail order businesses (except for telephone only), food preparation, beauty salons, barber shops, photography studios, health care clinics, including dental, medical, chiropractic and psychological offices, fortunetelling and related arts and practices, massage studio, kennels or other boarding for pets, firearm sales, contractor's office where employees report or assemble prior to going to the job site, roofing businesses and appliance and computer businesses where the repair is performed at the home (Ord. 1234 § 1 (part), 1996: Ord. 1140 § 4, 1991)

17.36.050 Issuance.

Application for a home occupation permit shall be made to the planning division on a form provided by the division. No home occupation shall be permitted unless a home occupation permit and business license, as required by this chapter, have been obtained. Both the home occupation permit and the business license shall be renewed annually. A nonrefundable filing fee, as established by the city council by resolution, shall accompany the application. The planning division shall issue a permit upon determining that the proposed home occupation meets all the requirements of this chapter. (Ord. 1140 § 5, 1991)

17.36.060 Revocation.

Any misrepresentation in the application or change in conditions or use not in accord with the provisions specified in the approved home occupation permit may result in immediate revocation of the home occupation permit. (Ord. 1234 § 2 (part), 1996: Ord. 1140 § 6, 1991)

17.36.070 Duration.

The home occupation permit shall expire and the home occupation shall be discontinued one year following the date the home occupation permit was approved. The home occupation may continue to operate if the permit is renewed prior to expiration. Home occupations that already exist shall require new home occupation permits no later than one year after the effective date of the ordinance codified in this section. (Ord. 1234 § 2 (part), 1996: Ord. 1140 § 7, 1991)

17.36.080 Procedures for appeal.

Any applicant who has filed a request for a home occupation permit with the planning division or has a home occupation permit revoked shall have the right to appeal the decision of the planning division to the city council. Said appeal shall be in writing and filed with the city clerk within fifteen days following the rendering of any decision by the planning division. (Ord. 1140 § 8, 1991)

Chapter 17.37

**CONDOMINIUMS AND CONDOMINIUM
CONVERSIONS**

Sections:

- 17.37.010** Definitions.
- 17.37.020** Applicability.
- 17.37.030** Use permit and subdivision map required.
- 17.37.040** Permit fees.
- 17.37.050** Use permit—Application.
- 17.37.060** Findings—Use permit approval.
- 17.37.070** Findings—Subdivision approval.
- 17.37.080** Development standards.
- 17.37.090** Notice of intention to convert.
- 17.37.100** Relocation assistance program for tenants.
- 17.37.110** Requirements for condominiums, stock cooperatives, community apartments or communal ownership.
- 17.37.120** Additional requirements for conversions.
- 17.37.130** Conversion schedule.
- 17.37.140** Variance.
- 17.37.150** Public hearing by planning commission.

17.37.010 Definitions.

As used in this chapter, the following definitions shall be used unless otherwise required by context:

A. "Association" means the homeowners' association for the operation and maintenance of the project, whether incorporated or unincorporated.

B. "CC&Rs" mean covenants, conditions and restrictions filed or to be filed in connection with the use of the condominium, open space and/or homeowners' association.

C. "City" means the city of Daly City.

D. "Common areas" means the entire project excepting all units therein granted or reserved.

E. "Community apartments/cooperative apartments" means a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located thereon.

F. "Condominium" means an estate in real property consisting of undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property.

G. "Conversion" means the change from single ownership of existing multiple units to individually owned units and common area, stock cooperatives, community apartments or communal ownership.

H. "Project" means the entire parcel of real property divided, or to be divided, into condominiums, including all structures thereon.

I. "Subdivision" means a subdivision as defined in Section 66424 of the Government Code, or as subsequently amended.

J. "To divide" means to divide the ownership thereof by conveying one or more condominiums therein but less than the whole thereof.

K. "Unit" means the elements of a condominium which are not owned in common with the owners of other condominiums in the project. (Ord. 900 § 1 (part), 1980: prior code § 26-100)

17.37.020 Applicability.

The provisions of this chapter shall apply to property divided, or to be divided, into two or more units or to be converted into condominiums or community apartments, and shall be subject to the requirements of Section 1350 et seq., of the California Civil Code, and Section 66410 et seq., of the California Government Code (Subdivision Map Act), Title 16 of this code. (Ord. 900 § 1 (part), 1980: prior code § 26-101)

17.37.030 Use permit and subdivision map required.

A. A use permit pursuant to Chapter 17.44 and a subdivision map pursuant to city and state codes shall be required for the use and development of any lot or parcel of real property for condominiums, conversions, stock cooperatives, community apartments of communal ownership, irrespective of the area or size of such lot or parcel.

B. A use permit application and subdivision map shall be filed concurrently. (Ord. 900 § 1 (part), 1980: prior code § 26-102)

17.37.040 Permit fees.

Every applicant making application for a permit or report of any kind mentioned in this chapter shall, at the time of making application, pay to the city a nonrefundable fee, to be established by the city council by resolution. (Ord. 943 § 1, 1981: Ord. 900 § 1 (part), 1980: prior code § 26-113)

17.37.050 Use permit—Application.

In addition to the requirements of Chapter 17.44, each application for the approval of a use permit for condominiums, conversions, or communal ownership shall include the following information and documents:

A. A plan with at least the following details shown to scale:

1. Location, height, the gross floor area, proposed structure,
2. Location, use and type of surfacing of all open storage areas,
3. Location and type of surfacing of all drive-ways, pedestrian ways, vehicle parking areas and curb cuts,
4. Location, height and type of material for walls, fences and hedges,
5. Location of all landscaped areas, type of landscaping and a statement specifying the method by which the landscaping area shall be maintained,
6. Location of all recreation facilities and a statement specifying the method of maintenance thereof,

7. Location of off-street parking facilities to be used in connection with each condominium unit,

8. Floor plan for each type of unit,

9. Floor plans for each level, including garage levels;

B. Three copies of plans and elevations of all structures showing architectural features, types and materials of construction;

C. Complete set of "as-built" drawings noting any proposed open-space or off-street parking modifications;

D. Property report describing the condition and useful life of the roof, foundation, paving, structural elements, floor, walls, plumbing, electrical, mechanical noise and energy insulation, sprinklers, alarms, elevators and sound transmission of each unit;

E. Proposed sale price range of each unit and the terms of any proposed bonus or discount;

F. Statement of the developer's anticipations regarding the financing of the units upon sale, whether the project will involve prearranged financing, whether such financing will be federally insured and the proposed down-payments;

G. Reports from the city's building, fire and planning departments on the project's compliance with current city code and ordinance standards;

H. A copy of a maintenance plan which clearly specifies methods and standards for performance of common responsibilities and maintenance for all common areas and equipment and fees to be assessed for such purposes. The maintenance plan shall include a sinking fund for major repairs and extraordinary expenses, (landscaping, maintenance and capital improvements);

I. Three copies of covenants, conditions and restrictions (CC&Rs) that will apply to the proposed development, which CC&Rs shall be reviewed by the planning division and subject to the approval of the city attorney and shall include, but not be limited to, the following provisions:

1. Provisions in a manner reasonably satisfactory to the city for the maintenance of common areas of any such project by the city in the event of default in the maintenance of such common areas by individual owners of the units and/or homeowners'

association and for reimbursement to the city for any costs incurred thereby,

2. In residential condominium projects, the covenants, conditions and restrictions shall include provisions restricting use of each residential unit to a use as a single-family residence,

3. Provisions establishing a plan for assignment of off-street parking spaces and enforcement of parking regulations and the non-changing of same without the approval of the city council of city,

4. Provisions for the payment of charges for collection of garbage where the project, prior to conversion, had common areas for garbage collection;

J. Three copies of any and all by-laws, articles of incorporation and any and all rules and regulations for the use of the condominiums or common areas;

K. One copy of any and all documents filed or to be filed with the real estate commissioner;

L. At the time of filing for a conversion, subdivider shall provide the city with the names and current addresses of tenants occupying each unit over the preceding twelve months;

M. Where applicable, the following shall also be required:

1. Structural pest control report,

2. A copy of the notice of intention to convert or to change to communal ownership sent to each tenant pursuant to Section 17.37.090,

3. A copy of the report describing all relocation and moving assistance the subdivider will take to ensure the successful relocation of each tenant in the event that conversion takes place pursuant to Section 26-107 17.37.100,

4. Certification or verification that all tenants have or will receive the report describing the subdivider's relocation assistance program for tenants, pursuant to Section 17.37.100,

5. Certification or verification that all tenants received the notice of intention to convert or change to communal ownership and the written information accompanying the notice pursuant to Section 17.37.090 and that all prospective and/or new ten-

ants will receive the notice and information promptly,

6. Rental history detailing current or lowest rental rates, rental rates for the preceding two years and the names of all current tenants and subsequent new tenants. (Ord. 900 § 1 (part), 1980: prior code § 26-103)

17.37.060 Findings—Use permit approval.

Prior to the approval of a use permit for condominiums or condominium conversions, the planning commission shall make the findings required by Section 17.44.050, and the following findings:

A. That the condominium project, conversion, stock cooperative or communal ownership will not have a detrimental effect on sound community planning, the economic, ecological, cultural and aesthetic qualities of the community, and on public health, safety and general welfare;

B. That the overall impact on schools, parks, utilities, neighborhood streets, traffic, parking and other community facilities and resources will not be detrimental;

C. That tenants over the twelve months preceding the filing of any application required for a conversion shall not have been encouraged to vacate in order to bring about the conversion. (Ord. 900 § 1 (part), 1980: prior code § 26-104)

17.37.070 Findings—Subdivision approval.

Prior to approval or conditional approval of a subdivision for condominiums, conversions, stock cooperatives, community apartments or communal ownership, the planning commission shall make the findings required by Sections 66427.1 and, as applicable, Section 66474 of the State Subdivision Map Act and any other findings required by the laws of the state. (Ord. 943 § 2, 1981: Ord. 900 § 1 (part), 1980: prior code § 20-105)

17.37.080 Development standards.

The development standards shall be as provided for in the base zoning district. (Ord. 900 § 1 (part), 1980: prior code § 26-109)

17.37.090 Notice of intention to convert.

At least sixty days prior to filing a use permit or tentative subdivision map for a conversion, the subdivider shall notify all tenants, individually and in writing, of the building to be converted, the notice to contain the following information:

A. That the subdivider intends to convert the building;

B. That the subdivider intends to file an application for a use permit and tentative subdivision map with the city and specifying the approximate date of the filing;

C. That no current tenant's rent will be increased for six months prior to the date of issuance of this notice until tenant purchase of the unit or tenant relocation in other accommodations takes place; provided, however, that this requirement shall be effective for an additional period not to exceed twelve months from date of sending notice of intention to convert;

D. That the tenants, as of the date of the application filing, have an exclusive preemptive right to purchase a unit upon the same or more favorable terms and conditions than initially offered to the public, with such right being irrevocable for ninety days after recordation of final map or approval for sale by the State Commissioner of Real Estate, whichever comes later;

E. That tenants will be given seven days' prior written notice by the subdivider of the date, place and time of any meeting held on the use permit and tentative subdivision map by the planning commission and/or city council and subdivider shall file verification of the sending of the notice prior to or at the hearing on the application. (Ord. 900 § 1 (part), 1980: prior code § 26-106)

17.37.100 Relocation assistance program for tenants.

Prior to filing a use permit or subdivision map for a conversion, the subdivider shall cause to be prepared a report describing all relocation and moving assistance and information to be provided to each tenant and all steps the subdivider will take to ensure the successful relocation of each tenant in the

event that conversion takes place. The report, to be given to all the tenants, shall specifically state what assistance will be provided to the elderly, handicapped and other tenants who may encounter difficulty finding new quarters. The subdivider shall also consider procedures that would allow hard to relocate tenants to remain as tenants, or that would give such tenants additional time for permanent relocation after termination of tenancy due to the conversion. This provision shall apply only to tenants as of date of notice of intention to convert, pursuant to Section 17.37.090. (Ord. 900 § 1 (part), 1980: prior code § 26-107)

17.37.110 Requirements for condominiums, stock cooperatives, community apartments or communal ownership.

In addition to the requirements set forth in Sections 17.37.020, 17.37.090, 17.37.100 and 17.37.120, all condominiums, stock cooperatives, community apartments or communal ownership shall conform to the following requirements:

- A. There shall not be less than twenty units in each plan;
- B. The parcels must be contiguous to each other and all parcels must lie within the corporate limits of the city;
- C. Each condominium unit shall have separate utility meters for gas and electricity;
- D. The structure shall conform to all interior and exterior sound transmission standards of the Uniform Building Code, state laws and/or regulations and city ordinances. In such cases where present standards cannot reasonably be met and if a variance is granted, the planning commission and/or city council must require the applicant to notify potential buyers of the noise deficiency currently existing within the units. (Ord. 943 § 4, 1981)

17.37.120 Additional requirements for conversions.

In addition to the requirements set forth in Sections 17.37.020, 17.37.090, 17.37.100 and 17.37.110 of this chapter, all conversions to condominiums,

stock cooperatives, community apartments or communal ownership shall conform to the following requirements:

- A. The city may require structural or mechanical changes reasonably necessary to adequately protect the public health, safety and welfare;
- B. The project converted shall:
 - 1. If refurbished or restored, meet all building and other code requirements applicable at the time of filing for the conversion; and
 - 2. Meet all current off-street parking standards for new construction except that an exception may be granted on finding of the following:
 - a. That no public streets are within the area of the subdivision,
 - b. That there will be no impact upon existing traffic, neighboring streets or parking areas by virtue of the conversion,
 - c. That the parking in existence met the applicable laws at the time of construction;
 - 3. A report shall be filed with the application in content and form satisfactory to the city planner showing the extent to which the proposed conversion will not comply fully with the building and zoning codes and this chapter at the time of filing the application therein, and requesting exceptions from the requirements of the code provisions and/or this chapter and the reasons therefor. Applicant must demonstrate specific hardship in connection with the proposed project;
- C. In projects where the streets and parking places are on private property prior to conversion, the city may require that the streets and parking areas be dedicated to city for such use and may impose such other conditions as it deems necessary;
- D. If a governmental agency or charitable not for profit entity is leasing one or more units, then and in that event, the developer must provide the following:
 - 1. In the event there is an existing lease, the lease shall be extended for a period of ten years commencing at the expiration date of the existing lease;

2. If there is a month-to-month tenancy, there shall be an extension of ten years of said tenancy from the date of approval of the conversion;

3. The terms and conditions for said additional lease period shall be the same terms and conditions in existence as to any existing lease;

4. The base rent shall remain the same as the base rent at the time of the termination of the existing lease or at the time of the approval of all entitlements hereunder, in the event there is no lease;

5. The developer shall be entitled to an increase in the base rent during said extended period by no more than the percentage increase of the May to May San Francisco Bay Area CPI over the preceding period. Said increase shall not occur more than once in every twenty-four consecutive month period after the commencement of said extended period. (Ord. 943 §§ 3, 5, 1981: Ord. 900 § 1 (part), 1980: prior code § 26-108)

17.37.130 Conversion schedule.

A. In all condominiums, stock cooperatives, community apartments or communal ownership where there is not less than one hundred nor more than five hundred units, the developer, except as to current tenants, shall not market more than the number of units per year as determined as follows:

1. Pursuant to the formula set forth in subsection (B), subdivision (1) (a), (b) and (c) hereof;

2. In the event that the turnover rate is less than thirty-three and one-third percent as set forth in the formula in subsection (B), subdivisions 1(a), (b) and (c) herein, then and in that event the developer shall be entitled to market not more than thirty-three and one-third percent each year.

B. In the event the developer has under his control or ownership five hundred or more contiguous units, then such developer shall not be allowed to apply for any increment of less than five hundred units.

1. The developer, except as to current tenants, shall not market more than a number of units per year determined by the following formula:

a. Developer shall supply city with the turnover rate of the units in its project for the past two calendar years preceding the filing of the application;

b. The total number of units to be converted shall be multiplied by the percentage of the average of the turnover rate for the past two calendar years;

c. The number of units so determined may be marketed each succeeding year by the developer.

C. Developer may market more than the base amount per year per increment if the following criteria is met:

1. That two additional per increment units may be marketed for every unit that is occupied by persons fifty years and older who become owners of such units;

2. That two additional units per increment may be marketed for every unit that is occupied by families with children sixteen years of age and younger who become owners of such units;

3. That two additional units per increment may be marketed for every unit that is occupied by handicapped persons who become owners of such units. (Ord. 943 § 6, 1981: Ord. 900 § 1 (part), 1980: prior code § 26-111)

17.37.140 Variance.

A. Where exceptional conditions, practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this chapter may result from the strict application of certain provisions hereof, a variance may be granted as provided by this section.

B. Application for a variance shall be made on a prescribed form. (Ord. 943 § 6, 1981*: Ord. 900 § 1 (part), 1980: prior code § 26-111)

* Editor's note: Ord. 943 contained two Sections "6."

17.37.150 Public hearing by planning commission.

A. A public hearing by the planning commission shall be held not less than thirty nor more than ninety days after filing of the application and any request for variance in connection therewith, and

notice of such hearing shall be given in the same manner as provided by Section 17.44.030.

B. The planning commission may designate such conditions in connection with the variance permit as it deems necessary to secure the purposes of this chapter and may require guarantees and evidences that such conditions are being or will be complied with.

C. Upon completion of the public hearing, the planning commission shall make a written report to the city council, setting forth the recommendations and findings of the planning commission and shall notify applicant in writing of its report.

D. Upon receipt of the planning commission's report, the city council may, in its discretion, affirm or deny the recommendation of the planning commission. The city council may designate and establish such conditions as it deems necessary in connection with the proposed variance, whether such conditions are different from, less than or in addition to those suggested by the planning commission.

E. Despite any provision in this chapter to the contrary, failure of the city council to act upon any application for a variance shall not, under any circumstance, constitute an approval of such application.

F. Any variance permit granted in accordance with the terms of this chapter may be revoked if the terms and conditions imposed by the planning commission or city council are violated. (Ord. 943 § 7, 1981; Ord. 900 § 1 (part), 1980; prior code § 26-112)

Chapter 17.38

LOT SIZE AND OPEN SPACE

Sections:

17.38.010	Building setback lines.
17.38.020	Usable open space.
17.38.030	Dwelling units to face on open area.
17.38.040	Lot area minimum.
17.38.050	Annexed land lot area minimum.
17.38.060	Lot area per dwelling unit.
17.38.070	Maximum lot coverage.
17.38.080	Lot coverage exceptions.
17.38.090	Front, side and rear yard exceptions.

17.38.010 Building setback lines.

Building setback lines may be established along any existing or dedicated street or alley and shown on the zoning map by following the procedure for amendment to the ordinance codified in this title. Where a property adjoins a street or alley with an established building setback line, minimum yard requirements shall be measured from and shall be in addition to the building setback line. Unless otherwise noted, the building setback lines run parallel to the street right-of-way. For the purpose of this section, the following building setback lines are established:

A. Sullivan Avenue, a ten-foot building setback line, on the east side of Sullivan Avenue from 87th Street to 92nd Street and on the west side of Sullivan Avenue from 92nd Street south to a point approximately seven hundred fifty feet south of the centerline of San Fernando Way.

1. Any building in existence at the time the setback line is established shall not be displaced or disrupted by the building setback line. Such a line is intended to insure that any future development and/or remodeling shall be consistent with the building setback line, except that any remodeling which is less than fifty percent of the value of the total structure and which is a replacement of an existing

portion of the structure is exempt from the building setback line.

2. Such building setback line is not intended to diminish the value of any existing property outside the building setback line, nor to prevent the highest and best use, consistent with the ordinances of city and the law of the state, as to the existing property outside the building setback line. (Ord. 1028 § 1, 1985; Ord. 635 § 20.4, 1965)

17.38.020 Usable open space.

A. The purpose of this chapter is to provide adequate usable open space for any lot which is subject to the R-3 district requirements.

B. Usable open space shall be provided on the basis of one hundred and fifty square feet for each dwelling unit.

C. Usable open space shall have a finished-grade not in excess of ten percent.

D. Rooftops, decks and balconies when designed for the outdoor use of the tenant shall be safely constructed, suitably surfaced and structurally supported to carry applicable loads. A rooftop, deck or balcony, to meet the requirement of this chapter, shall be at least five feet in its least dimension. Such architectural features need not be adjacent or accessible to all dwelling units to meet the usable open space requirement.

E. In no case, shall the total lot coverage of the building be greater than the R-3 district requirement. (Ord. 635 § 20.5, 1965)

17.38.030 Dwelling units to face an open area.

In each dwelling unit where subject to the R-3 or R-4 district requirements, the required windows of at least one room (minimum area of at least one hundred square feet) shall directly face on at least one of the following types of open area:

A. Public street or alley at least twenty-five feet in width, a side yard at least twenty-five feet in width or a required rear yard;

B. An inner court, space between buildings or other similar open area providing such open area

shall have at least twenty-five feet in every horizontal dimension;

C. Where a required window faces an outer court which is less than twenty-five feet in every dimension, the depth of the court shall not be greater than its width. (Ord. 635 § 20.6, 1965)

17.38.040 Lot area minimum.

The minimum lot area shall be three thousand square feet with a minimum frontage of thirty-three feet for all lots or subdivisions recorded subsequent to January 11, 1949. For lots or subdivisions recorded prior to January 11, 1949, the minimum lot area shall be two thousand five hundred square feet with a minimum frontage of twenty-five feet. Where a recorded lot existed prior to January 11, 1949, which exceeds the minimum lot area of two thousand five hundred square feet and the minimum frontage of twenty-five feet, it may be resubdivided so as to establish a greater number of lots each having a lesser area, but which must provide a minimum lot area of two thousand five hundred square feet and a minimum frontage of twenty-five feet. Any lot of record existing as a separate parcel thirty days before the effective date of the ordinance codified in this chapter which has lesser dimensions and area than required by this chapter may be occupied by a dwelling if all other requirements of this chapter are met. (Ord. 635 § 20.7, 1965)

17.38.050 Annexed land lot area minimum.

For all lots or subdivisions recorded prior to January 11, 1949 and which are annexed to the city during the period from January 1, 1972 to September 15, 1972, the minimum lot area required shall be three thousand square feet, with a minimum frontage of thirty-three feet. (Ord. 740 § 1B, 1972; Ord. 635 § 20.7.1)

17.38.060 Lot area per dwelling unit.

The minimum lot area per dwelling unit shall be three thousand square feet in the R-1 district and one thousand five hundred square feet in the R-2 district when the lot was recorded subsequent to January 11, 1949, as provided in Section 17.38.040.

Lot area per dwelling unit shall be two thousand five hundred square feet in the R-1 district and one thousand two hundred fifty square feet in the R-2 district when the lot was recorded prior to January 11, 1949, as provided in Section 17.38.040. (Ord. 635 § 20.8, 1965)

17.38.070 Maximum lot coverage.

The maximum lot coverage shall be the gross area beneath the vertical projection of all area of the principal and accessory structures. The maximum lot coverage for the R-1 district shall be fifty percent for all lots recorded subsequent to January 11, 1949. For lots recorded prior to January 11, 1949, and the resubdivision of such lots as provided in Section 17.38.040, the maximum coverage shall be fifty-five percent. (Ord. 635 § 20.9, 1965)

17.38.080 Lot coverage exceptions.

In determining the percentage of lot coverage, the following features shall be exempt from such coverage requirements and may project into the required open space:

A. Architectural features such as cornices, eaves or similar projections which do not increase the bulk of the building may project not more than five feet into the required open space;

B. Fire escapes and balconies may project not more than five feet into the required open space;

C. An uncovered stair or landing place may project not more than six feet into the required open space;

D. Uncovered decks, where necessitated by terrain, may project into the required open space not more than twenty-five percent of the total dwelling unit length;

E. Other portions of the structure which are cantilevered may project not more than four feet into the required open space; however, cantilevered sections shall not exceed the required lot coverage by more than five percent of the total lot area. Cantilevered sections shall be at least six feet six inches above grade or ground level;

F. An inner or outer court, space between buildings or other similar open space, which does not

otherwise meet the required open space, may be considered as required open space provided such area meets all the following:

1. The open space is unobstructed to the sky, except for lot coverage projections as may be permitted by this title,

2. Such open and unobstructed area shall extend from the floor level of the lowest habitable story in the building,

3. The minimum dimension of the open space must be at least twenty-five feet in every horizontal dimension, exclusive of permitted projections,

4. In no case shall the total required open space be reduced by more than fifty percent by any provision of this section. (Ord. 635 § 20.10, 1965)

17.38.090 Front, side and rear yard exceptions.

A. An uncovered stair or landing place may project not more than six feet into a required front yard.

B. Architectural features such as cornices, eaves or similar projections may project not more than five feet into a required front, side or rear yard.

C. Fire escapes, balconies and decks may project not more than five feet into a required front, side or rear yard.

D. Other portions of the structure which are cantilevered may project not more than four feet into a required front, side or rear yard.

E. The front yard requirement in blocks with partial development shall be subject to the following requirements; in determining the average front yard, the maximum building setback considered shall be no greater than fifteen feet even though the actual setback of such building may be a greater distance:

1. Where adjacent property is improved, the minimum required front yard shall be the average of the adjoining principal buildings, but not greater than fifteen feet;

2. Where adjacent property is unimproved or improved on one side only and where four or more lots in the block have been improved with buildings, but not including accessory buildings, the minimum required front yard shall be the average front yard

of all the improved lots in the block, but not greater than fifteen feet. (Ord. 635 § 20.11, 1965)

Chapter 17.39

WIRELESS COMMUNICATIONS FACILITIES

Sections:

17.39.010	Purpose.
17.39.020	Findings.
17.39.030	Submittal requirements.
17.39.040	General standards.
17.39.050	Location of wireless communications facilities.
17.39.060	Permits required.
17.39.070	Visual.
17.39.080	Landscaping—Vegetation.
17.39.090	Public safety.
17.39.100	Noise and traffic.
17.39.110	Standard agreements.
17.39.120	Electromagnetic frequency radiation.
17.39.130	Facade-mounted telecommunications facilities.
17.39.140	Roof-mounted telecommunications facilities.
17.39.150	Ground-mounted telecommunications Facilities.
17.39.160	Freestanding monopoles.
17.39.170	Co-location of telecommunications facilities.
17.39.180	Base transceiver stations (BTS).
17.39.190	Definitions.

17.39.010 Purpose.

The purpose and intent of the telecommunications ordinance codified in this chapter is to provide a uniform and comprehensive set of standards for the orderly development of telecommunications facilities consistent with applicable federal standards. The standards contained in this chapter are designed to minimize the adverse visual impacts and operational effects of these facilities using appropriate design, siting and screening techniques while providing for the personal communications needs of residents, local business and government of the city and the region. (Ord. 1245 § 1 (part), 1997)

17.39.020 Findings.

A. Placement of wireless telecommunications facilities, such as antennas, satellite dishes, support structures, base transceiver stations and other devices used for the transmission or reception of electromagnetic waves can have an adverse visual impact on the community. Placement of such facilities can interfere with views of the streetscape, natural vegetation and scenery. Such facilities can conflict with adjacent architecture and with the design and scale of structures in the neighborhood. The cumulative effect of numerous facilities and support structures can create visual blight by concentrating too many facilities upon one site, area or neighborhood.

B. In order to protect the public health, safety and welfare, it is necessary to insure that the siting of a telecommunications facility is compatible in scale and design with its locale and is sited so as to minimize adverse visual impacts on natural resources, neighborhoods, vistas, view corridors, architecture and structures.

C. Location of telecommunications facilities on publicly-owned sites is preferred because they already appear to be institutional or infrastructure uses. Telecommunications facilities may be more visually compatible with such facilities and may appear less noticeable than on other sites. Similarly, facilities on structures which already have similar installations (co-location sites) appear less noticeable, up to the point where too many structures create visual clutter. Installations on commercial or industrial structures are generally more compatible with and less noticeable than installations on residential structures due to the design, scale and location of such structures.

D. Therefore, in order to protect the public health, safety and welfare, it is necessary to adopt the following regulations which will avoid or minimize these impacts and will insure the proper design, location and scale of wireless telecommunications facilities. (Ord. 1245 § 1 (part), 1997)

17.39.030 Submittal requirements.

For all telecommunications facilities, the applicant

shall provide the information listed below. Application for a telecommunications facility shall be made upon a form to be provided by and shall be submitted to the city planning division of the department of economic and community development. The director of economic and community development may waive submittal requirements or require additional information based on project specific factors:

A. A site plan drawn to a measurable scale showing the metes and bounds and existing features of the site including existing structures, roads, trees, and other significant natural features;

B. A map showing how the proposed facility fits into the individual service provider's network of existing and proposed antenna sites;

C. A map identifying all of the applicant's existing telecommunications facilities within city limits. The map shall include an illustration of the estimated coverage area (search area) for all existing and proposed antenna sites for the applicant and/or service provider;

D. A letter explaining the site selection process including information about other sites that were considered and reasons for their rejection. In addition, carders must demonstrate that facilities have been designed to attain the minimum height required from a technological standpoint for the proposed site;

E. Visual impact demonstrations using photo-simulations, story poles, elevations or other visual or graphic illustrations to determine potential visual impact including proper coloration and blending of the facility with the proposed site (number of copies, if applicable, to be determined by the director);

F. A landscape plan that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed plantings by type, size and location;

G. A letter to the director stating that the system, including the antennas and associated base transceiver stations, conforms to the radio-frequency radiation emission standards adopted by the FCC;

H. Written information on a maintenance program for the facility;

I. Sufficient information to permit the city to make any required determination under the California Environmental Quality Act (CEQA);

J. The application information required by Title 17 of the Daly City Municipal Code for the particular permit sought by the application (use permit, administrative use permit or design review application);

K. Noise/acoustical information for the base transceiver stations and associated equipment such as air conditioning units;

L. Filing fees and fees for processing and monitoring the permit application as are established by resolution of the city council. The permit fees shall include the pro-rata cost, to be shared equitably by other service providers, of the cost of preparing and adopting appropriate ordinances and regulations related to the placement of telecommunications facilities. (Ord. 1245 § 1 (part), 1997)

17.39.040 General standards.

A. In any instance where a telecommunications facility requires an administrative use permit under this chapter, the director shall have the discretion to require a use permit or a design review permit for such facility.

B. Modifications to existing wireless communications facilities shall be subject to the review and approval of the director. The director shall have the discretion to require the service provider to obtain an administrative use permit, use permit or design review permit if the director determines that the modifications are significant.

C. The applicant shall provide written notification to the director upon cessation of operations on the site exceeding a ninety-day period. The applicant shall remove all obsolete or unused facilities from the site within one hundred eighty days of termination of its lease with the property owner or cessation of operations.

D. If a consecutive period of one hundred eighty days has lapsed since cessation of operations, a new permit shall be required if the site is to be used again for the same purpose as permitted under the original permit.

E. Use permits and administrative use permits for all telecommunications facilities shall expire five years after permit approval. Use permits for telecommunications facilities that exist on the effective date of the ordinance codified in this chapter shall expire five years from that date. Use permits for such facilities may be renewed for additional five-year periods if the city finds that the facility does not have a significant adverse visual impact or that replacement of the facility with a facility or facilities having less adverse visual impact is not economically or technically feasible.

F. The applicant shall provide signage as required, including phone numbers of the utility provider, for use in case of an emergency. The signs shall be visibly posted at the communications equipment/structure.

G. If the director finds evidence that conditions of approval of a permit for a telecommunications facility have not been fulfilled, the director may refer the permit to the planning commission and city council for review. Upon such review, the city council may modify or revoke the permit if the conditions have not been met.

H. Prior to issuance of any permits for new telecommunications facilities, or prior to renewing a use permit or administrative use permit for an existing telecommunications facility, the applicant shall provide an irrevocable letter of credit or other reasonable form of security satisfactory to the city attorney for the removal of the facility in the event that its use is abandoned or its use permit or administrative use permit expires or is terminated.

I. No more than three antenna groupings from three different telecommunications carriers shall be placed on any single monopole, unless technological advances in the design of the antennas make them minimally obtrusive. A maximum of three support structures per site shall be allowed provided the visual impacts can be mitigated to a level of insignificance. A variance from the provisions of this chapter may be obtained. In that case, the applicant must demonstrate that the location of an additional support structure at the site is essential for the provision of service in the applicant's service area, that

good faith efforts were made to secure other locations, why these efforts were unsuccessful, and that location at another site is not technically feasible. (Ord. 1245 § 1 (part), 1997)

17.39.050 Location of wireless communications facilities.

A. Location preference for wireless communications facilities should be given to publicly owned structures, co-location sites, and industrial or commercial sites. New wireless communications facilities should avoid sites located within or near residential areas unless the application includes information sufficient to demonstrate: the location and type of preferred sites which exist within the proposed or technically feasible coverage area; that good faith efforts and measures were taken by the carrier to secure the preferred location sites; specific reasons why such efforts and measures were unsuccessful;

and why the location of the proposed facility site is essential to meet the service demands of the applicant.

B. Preference shall also be given to locations for wireless communications facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to, buildings, water tanks, telephone and utility poles, signage and sign standards, traffic signals, light standards, and roadway overpasses. (Ord. 1245 § 1 (part), 1997)

17.39.060 Permits required.

A. No telecommunications facility may be installed or erected except upon approval of a use permit, administrative use permit and/or design review permit as set out in Title 17.

B. Table 39.1 identifies the type of permit required in each zoning classification:

Table 39.1 Required Permit Matrix

Zoning District	Type of Telecommunications Facility				
	Facade-Mount	Roof-Mount	Ground-Mount	Freestanding Monopole	Stealth Facility
Commercial/ Industrial Zone	Administrative Use Permit	Administrative Use Permit	Use Permit	Use Permit	Administrative Use Permit
Publicly-owned	Administrative Use Permit	Administrative Use Permit	Administrative Use Permit	Administrative Use Permit	Administrative Use Permit
Residential	Use Permit	Use Permit	Use Permit	Use Permit	Use Permit

C. As used in this section, the following definitions apply:

1. Commercial/industrial zone shall mean the C-1, C-2, C-O, I-D and M zoning districts.
2. Publicly-owned shall mean publicly-owned land or structures located in all zoning districts.
3. Residential zone shall mean the R-1, R-2, R-3, R-4, I-D, Pre-PD, P-D zoning districts.

D. The director may require the applicant to submit additional documentation prepared at the

applicant's cost which the director deems necessary to evaluate the proposed site or facility, including but not limited to, identifying locations where a facility can be installed without prohibiting the applicant's ability to provide its telecommunications service, information concerning the applicant's network of telecommunications facilities, site selection criteria and radio frequency emission coverage.

E. In granting or denying any permit required by this chapter, the city shall make written findings

as set out in Title 17 of the Municipal Code for the particular permit sought. In granting or denying such a permit, the city shall consider the maximum extent to which the particular telecommunications facility at issue can comply with the standards of this chapter without prohibiting the provision of personal wireless services. The findings shall be based upon substantial evidence in light of the whole record. Where an administrative use permit is issued by the director, he or she shall make the findings set out in Section 17.49.070 of the Municipal Code.

F. The city may impose such conditions as it deems appropriate or necessary to further the purposes of this chapter, including, but not limited to, requiring the redesign or relocation of the facility. Alternatively, the city may direct the applicant to redesign or relocate the facility and resubmit a revised proposal for further consideration. (Ord. 1245 § 1 (part), 1997)

17.39.070 Visual.

A. All proposed telecommunications facilities shall be located so as to minimize their visual impact to the maximum extent feasible.

B. To the extent feasible, all facade-mounted telecommunications facilities shall be sited and designed to appear as an integral part of the structure.

C. Facade-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly-created architectural feature so as to be completely screened from view. To the extent feasible, facade-mounted antennas should not be located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight, unless stealthing techniques reasonably eliminate visual impacts.

D. Whenever possible, base transceiver stations, equipment cabinets, back-up generators, and other equipment associated with building-mounted antennas should be installed within the existing building envelope or underground. If this is not feasible, the equipment shall be screened, fenced, landscaped or

otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable).

E. Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations. Where appropriate, construction of a rooftop parapet wall or other appropriate screening to hide the facility may be required.

F. No advertising signage or identifying logos shall be displayed on any telecommunications facility, except for small identification plates used for emergency notification or hazardous or toxic materials warning.

G. The applicants are encouraged to consider providing architectural treatments and to use "stealth techniques" to reduce potential visual impacts for all telecommunication facilities, and especially for those proposed in areas easily visible from a major traffic corridor or commercial center or in residential areas. Stealth techniques can be required as conditions of approval when determined to be necessary to mitigate adverse visual impacts.

H. The colors and materials of telecommunications facilities shall be chosen to minimize the visual impact of the facilities. All telecommunications facilities shall be painted a nonreflective matte finish color to blend with the sky and/or predominant surroundings. The exact color shall be determined based upon a photo-simulation submitted by the applicant.

I. Landscaping, wherever appropriate, shall be used as screening to reduce the visual impacts of telecommunications facilities. Any proposed landscaping shall be visually compatible with existing vegetation in the vicinity.

J. Any vegetation that is disturbed during construction shall be restored to its original condition.

Planting used for restoration shall be similar to the existing vegetation in the area.

K. The use of lighting shall not be allowed on telecommunication facilities unless required as a public safety measure.

L. All proposed base transceiver stations shall be the minimum size and number feasible for the operation of the telecommunications network. (Ord. 1245 § 1 (part), 1997)

17.39.080 Landscaping—Vegetation.

A. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated accessways shall be protected from damage both during and after construction. Submission of a tree protection plan may be required to ensure compliance with this requirement.

B. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.

C. Where appropriate, the applicant shall enter into a landscape performance and maintenance agreement with the city to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial guarantees in an amount equal to one hundred fifty percent of the estimated cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for a minimum period of one year.

D. The emphasis of the landscape plan shall be to visually screen the proposed facility and stabilize soils on sloping sites.

E. Introduced vegetation shall be native, drought tolerant species compatible with the predominant natural setting of the project area. (Ord. 1245 § 1 (part), 1997)

17.39.090 Public safety.

A. In addition to providing visual screening, each telecommunications facility may require fencing, anti-climbing devices, electronic devices or other techniques to prevent unauthorized access and vandalism; however, the use of fencing shall not add

to the visual impact of the facility and the design of the fencing shall be subject to planning division review and approval.

B. All security fencing or walls shall be designed to be graffiti-resistant. The applicant shall be responsible for graffiti-free maintenance of all telecommunication facilities.

C. In the event of a disaster or emergency, the installations shall not interfere with any city emergency service telecommunications facilities transmission.

D. Each telecommunications carrier may be required to provide additional information to the public by means of community meetings and/or distribution of relevant literature. (Ord. 1245 § 1 (part), 1997)

17.39.100 Noise and traffic.

Normal maintenance activities shall only occur between the hours of seven a.m. and five p.m. Monday through Saturday, excluding emergency repairs, unless the carrier requests and receives approval through a use permit or an administrative use permit for a different maintenance period. Backup generators shall only be operated during power outages or for testing and maintenance between the hours of seven a.m. and five p.m., Monday through Saturday. (Ord. 1245 § 1 (part), 1997)

17.39.110 Standard agreements.

If technological improvements or developments occur which allow the use of materially smaller or less visually obtrusive equipment, the applicant shall be required to replace or upgrade the approved facility upon renewal of a permit application to minimize adverse effects related to land use compatibility, visual resources, public safety or other environmental factors. (Ord. 1245 § 1 (part), 1997)

17.39.120 Electromagnetic frequency radiation.

Wireless communications facilities operating alone and in conjunction with other telecommunications facilities shall not generate electromagnetic frequency (EMF) radiation in excess of the stan-

dards for permissible human exposure to EMF as adopted by the Federal Communications Commission (FCC). (Ord. 1245 § 1 (part), 1997)

17.39.130 Facade-mounted telecommunications facilities.

A. Facade mounted telecommunications facilities shall be allowed in all zoning districts subject to approval of a permit and must comply with the development standards included herein. Facade-mounted facilities proposed for sites zoned and used for residential purposes shall require a use permit.

B. Facade-mounted antennas shall be camouflaged by incorporating the antennas as part of the dominant design element of the building.

C. Facade-mounted antennas shall be painted and textured to match the existing structure, unless used as a design element consistently throughout the building which is found to add visual interest to the building. When used as a design element, dummy elements may be required to be installed in order to retain the architectural integrity of the building.

D. Antennas and the associated mountings shall generally not project beyond a maximum of eighteen inches from the face of the building. (Ord. 1245 § 1 (part), 1997)

17.39.140 Roof-mounted telecommunications facilities.

A. Roof-mounted telecommunications facilities shall be allowed in all zoning districts subject to approval of a permit but must comply with the development standards included in this chapter. Roof-mounted facilities proposed for sites zoned and used for residential purposes shall require a use permit.

B. Freestanding roof-mounted antennas shall not be allowed on residential buildings. However, roof-mounted antennas that incorporate appropriate stealth techniques are allowed on buildings with residential uses.

C. Freestanding roof-mounted antennas shall not be allowed when they are placed in direct line of sight of significant view corridors or where they significantly affect scenic vistas. However, such

facilities shall be allowed with incorporation of appropriate stealth techniques.

D. The height of freestanding roof-mounted antennas including the support structure, shall not exceed the maximum height allowed for buildings in the zoning district in which the antenna is to be constructed, plus nine feet, pursuant to Section 17.40.040(A) of the Municipal Code. Antennas that require additional height shall be subject to a use permit and may be required to provide additional screening as determined appropriate by the planning commission and city council.

E. All roof-mounted antennas shall be located in an area of the roof where the visual impact is minimized.

F. All roof-mounted facilities shall be painted a nonreflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be determined by the planning division on a case-by-case basis.

G. The equipment cabinets, if located on the rooftop of buildings, shall be so located as to be minimally visible from public rights-of-way. (Ord. 1245 § 1 (part), 1997)

17.39.150 Ground-mounted telecommunication facilities.

A. Ground-mounted antennas may be allowed in all zoning districts subject to a use permit.

B. Ground-mounted telecommunications facilities shall generally not be allowed within three thousand feet of an existing telecommunications facility, unless the director can make a determination that the cumulative visual impacts are not significant.

C. Ground-mounted antennas shall be no taller than fifteen feet, including the height of the antennas.

D. All proposed ground-mounted telecommunications facilities shall require a visual analysis which includes photo simulations demonstrating the appearance of the site prior to and after installation.

E. Whenever possible, proposed telecommunications facilities shall be located within easy reach of existing access roads.

F. Ground-mounted facilities shall be painted using nonreflective matte finished shades of green and brown; however, the final choice of colors shall be determined on a case by case basis.

G. Landscaping shall be used to minimize any visual impacts. All proposed vegetation shall be compatible with existing vegetation in the area and shall be drought tolerant.

H. All associated base transceiver stations (BTS) for ground-mounted facilities shall be limited to a maximum height of five feet above grade, unless other techniques are adopted to ensure minimal visual impact. BTS that are taller may be partially buried underground or use existing contours and level differences to maintain the five-foot height limit. (Ord. 1245 § 1 (part), 1997)

17.39.160 Freestanding monopoles.

A. All monopoles shall require a use permit issued by the planning commission and city council.

B. Freestanding monopoles shall be located and designed to minimize visual impacts. Freestanding monopoles in high visibility locations as determined by the director (as in some commercial areas), shall incorporate stealth techniques to camouflage them as a piece of art/sculpture, a clocktower, flag pole or other interesting, appropriate and compatible visual form.

C. Monopoles may not be located within the required front yard setback of any property, unless appropriate architectural elements for a stealth facility are incorporated in the design of the monopole.

D. The applicant shall specifically state the reasons for not co-locating on any of the existing monopoles and lattice towers within a three thousand-foot radius. As part of the application package, the applicant may also be asked to provide a letter from the telecommunications carder owning or operating the existing facility stating reasons for not permitting co-location.

E. Freestanding monopoles shall generally not be allowed within one thousand feet of each other, except when the visual impacts are not significant.

F. All monopoles shall be designed at the minimum functional height required.

G. As a condition of approval for all freestanding monopoles, all telecommunications carriers proposing a monopole shall provide a written commitment to the director that they shall allow other wireless carriers to co-locate antennas on the monopoles where technically and economically feasible.

H. Minor modifications to the communications equipment design, location, elevations, and other elements of the above standards may be allowed, subject to the approval of the director, if such modifications are in keeping with the architectural statement and layout design of the original approval. (Ord. 1245 § 1 (part), 1997)

17.39.170 Co-location of telecommunications facilities.

A. Facilities should make available unutilized space for co-location of other antennas and equipment, including space for competing service providers.

B. All second and third tier co-location antenna projects shall require an administrative use permit, provided that the main support structure, antenna, pole or project site has received approval through a use permit process and the structure does not exceed sixty-five feet in height.

C. Co-location of facilities on existing monopoles that increase the height of the monopole by fifteen feet or less, where the BTS and facilities are adequately screened and the facility does not impact existing parking facilities on site, shall require an administrative use permit.

D. All telecommunications carriers shall provide a letter to the director stating their willingness to allow other carriers to co-locate on their facilities wherever technically and economically feasible.

E. In order to avoid an "antenna farm" appearance, no more than three antenna groupings from three different telecommunications carriers shall be placed on any single monopole, unless technological advances in the design of the antennas make them minimally obtrusive. A maximum of three support

structures per site shall be allowed unless the visual impacts can be mitigated to a level of insignificance. (Ord. 1245 § 1 (part), 1997)

17.39.180 Base transceiver stations (BTS).

A. The base transceiver stations (BTS) shall be placed in areas so they are least visible from public rights-of-way and have minimal visual impacts. Wherever possible, the BTS shall be located away from open spaces and required yard setbacks and shall be placed within the building envelope area. Any visible portion of the BTS shall be treated to be architecturally compatible with the surrounding structures and screened using appropriate techniques.

B. Proposed base transceiver stations (BTS) may require screening from public view. Screening techniques may include landscape treatment and/or architectural treatment to make it compatible with existing buildings, or partially burying the cabinets.

C. The BTS sizes and the proposed number of cabinets shall be the absolute minimum required to function. Any future additions to the number of BTS shall be subject to review and approval by the director.

D. If the contents of the BTS contains toxic or hazardous materials, a sign shall be placed on or around the exterior of the BTS warning the public. The size and placement of the sign shall be subject to review and approval by the director.

E. Additional acoustical baffling equipment or techniques may be required if the BTS exceeds acceptable noise levels. (Ord. 1245 § 1 (part), 1997)

17.39.190 Definitions.

As used in this chapter, the following terms are defined:

1. "Analog" means a signal that is continuous and varies in voltage to reflect variations to a certain extent, such as loudness.

2. "ANSI" means American National Standards Institute, a private organization that develops widely accepted standards for various modern day equipment.

3. "ANSI/IEEE" means the current version of the ANSI standard governing human exposure to

RFR. The full title of the C95.1-1992 of the ANSI RFR standard is "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 Khz to 300 Ghz." FCC recently adopted NCRP Report No. 86 (1986) to govern RFR exposure.

4. "Antenna" means a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic waves.

5. "Base transceiver station (BTS)" means the electronic equipment housed in cabinets that together with antennas comprises a PCS facility or "site." The cabinets include an air conditioning unit, heating unit, electrical supply, telephone hook-up and back-up power supply.

6. "Cellular service" means a wireless transmission technology that uses a grid of antennas or cell sites to send and receive signals from mobile telephones.

7. "Co-location" means a telecommunications facility comprising a single telecommunications tower, monopole or building supporting antennas owned or used by more than one telecommunications carrier.

8. "CPUC" means California Public Utility Commission.

9. Digital. "Digital signal" means a nominally discontinuous electrical signal that changes from one state to another in discrete steps. "Digital compression" allows large amounts of information to be squeezed into a single conduit, allowing video images to be transported in the same amount of space that previously could carry only voice.

10. "Director" means the director of economic and community development of the city of Daly City or his or her authorized replacement.

11. "Facade-mounted antenna" means an antenna that is directly attached or affixed to any facade of a building. Also known as building-mounted antennae.

12. "EMF" means electro-magnetic field.

13. "ERP" means effective radiated power, the amount of power emitted by an antenna.

14. "ESMR" means enhanced specialized mobile radio.

15. "FCC" means Federal Communications Commission, the federal government agency that licenses all radio services.

16. "Freestanding monopole" means a stand-alone structure that is not camouflaged.

17. "Freestanding" means a stand-alone structure that is attached to the roof of a building and not to the facade of the building.

18. "Ground-mounted antenna" means an antenna with its support structure placed directly on the ground, the total height of which does not exceed fifteen feet including the height of the antennas.

19. "Hertz" means a unit of frequency or cycles per second, abbreviated as Hz.

20. "IEEE" means Institute of Electrical and Electronic Engineers.

21. Ionizing radiation means electromagnetic energy above visible light. Includes ultraviolet, nuclear or radioactive emissions, x-rays and gamma rays. These energies have sufficient energy to remove electrons from individual atoms. Wireless telecommunication facilities do not emit ionizing radiation.

22. "Ghz" means gigahertz or 1,000,000,000 cycles per second (1,000 MHZ = 1 Ghz).

23. "Lattice tower" means an open steel frame structure used to support telecommunications equipment.

24. "MHZ" means megahertz or 1,000,000 cycles per second.

25. "Microwave" means that portion of the radio spectrum between 950 MHZ and 30,000 MHZ.

26. "Monopole" means a structure composed of a single spire used to support communications equipment.

27. "NCRP" means National Council on Radiation Protection and Measurements, a quasi-governmental entity created to examine RFR exposure level guidelines.

28. "NIER" means non-ionizing electromagnetic radiation. Low energy and low frequency electromagnetic energy. Includes visible light, television

paggers, AM/FM radio, and personal communications services (PCS) systems.

29. "Omni-directional antenna" means an antenna that is equally effective in all directions, the size of which varies with the frequency for which it is designed.

30. "Panel antenna" means an antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular, long devices approximately six square feet or less in size. Also known as directional antennas.

31. "PCS" means personal communications services, a common carrier radio service licensed by FCC to operate in the 1,850-1,990 MHZ frequency band.

32. "RFR" means radio frequency radiation.

33. "Roof-mounted" means an antenna directly attached or affixed to the roof of an existing building, water tank, tower or structure other than a telecommunications tower.

34. "SMR" means specialized mobile radio. Equivalent to private versions of cellular radio systems.

35. "Stealth facility" means any communications facility which is designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted and treated as architectural elements to blend with the existing building. Also known as concealed telecommunications facilities.

36. "Telecommunications" means any transmission, emission or reception of signals, images and sound or information of any nature by wire, radio, visual or electro-magnetic system that work on a "line-of-sight" principle.

37. "Telecommunication facility" means a land use facility supporting antennas that sends and/or receives radio frequency signals. Telecommunications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; telecommunication towers or similar structures built to support such equipment; equipment

cabinets (base transceiver stations), and other accessory development.

38. "Telecommunication tower" means a monopole, lattice tower, freestanding tower or other structures designed to support antennas.

39. "Whip antenna" means an antenna that transmit signals in three hundred sixty degrees. Whip antennas are typically cylindrical in shape. They are also known as omni-directional, stick or pipe antennas.

40. "WTS" means wireless telecommunication system.

41. "WTB" means wireless telecommunications. (Ord. 1245 § 1 (part), 1997)

Chapter 17.40

MISCELLANEOUS USE REGULATIONS

Sections:

- 17.40.010 Removal or importation of natural materials.
- 17.40.020 Fences.
- 17.40.030 Zoning of public areas.
- 17.40.040 Building height exceptions.
- 17.40.050 Recyclable materials.
- 17.40.060 Locational standards for massage parlors, tanning salons and similar uses.
- 17.40.100 Secondary unit standards and requirements.
- 17.40.110 Certificate of registration requirements.
- 17.40.120 Certificate of registration—Determination.
- 17.40.130 Appeal rights.
- 17.40.140 Conditional use permit within project area.

17.40.010 Removal or importation of natural materials.

The removal or importation of minerals, earth, rock, sand and other natural materials in excess of five hundred cubic yards may be permitted, providing a use permit shall be obtained. The following activities shall be permitted without a use permit:

A. Excavation for a foundation, basement, swimming pool or other structure when plans are approved by the building department;

B. Excavation of property in preparation for a permitted use except where a bank is left standing with a grade steeper than one and one-half feet of horizontal distance for every foot of vertical distance, an engineering report shall be submitted if required by the city engineer;

C. Excavation in any subdivision when such is done according to approved subdivision plans, except where a bank is left standing with a grade steeper than one and one-half to one, an engineering report shall be submitted if required by the city engineer. (Ord. 635 § 20.1, 1965)

17.40.020 Fences.

In all districts no fence shall hereinafter be constructed to exceed six feet in height unless required by law, except that such fence shall not exceed three feet in height in any required front yard or within thirty-five feet of the street corner on any corner lot. The required fence height shall be measured from the ground level at property line of the highest abutting property immediately adjacent to either side of the fence. (Ord. 635 § 20.2, 1965)

17.40.030 Zoning of public areas.

No area used as a park, recreation area, school site or other public or community service use shall be privately used until:

- A. The public use is abandoned; and
- B. The property is appropriately zoned in accordance with the provisions of this title. (Ord. 635 § 20.3, 1965)

17.40.040 Building height exceptions.

A. Equipment penthouses or other roof structures, such as a skylight or stairways shaft cover, but not including roof signs, may be built in excess of the height limit, but shall not exceed nine feet in height above the height otherwise allowed.

B. In an R-3 district, roofs and similar architectural features may be built in excess of the height limit, but not to exceed four feet in height above the height otherwise allowed. In no case shall the ceiling of any habitable area exceed the height requirement of the district.

C. Radio transmission towers, chimneys, water tanks, gas storage holders, church steeples and similar structures may be permitted in excess of any height limit provided a use permit is first obtained in each case. (Ord. 635 § 20.12, 1965)

17.40.050 Recyclable materials.

A. Purpose and Intent. The city council does hereby find and declare:

1. Cities and counties must divert fifty percent of all solid waste by January 1, 2000, through source reduction, recycling, and composting activities;

2. Diverting fifty percent of all solid waste requires the participation of the residential, commercial, industrial and public sectors; and

3. The lack of adequate areas for collecting and loading recyclable materials that are compatible with surrounding land uses is a significant impediment to diverting solid waste and constitutes an urgent need for state and local agencies to address access to solid waste for source reduction, recycling, and composting activities.

B. Definitions. For the purpose of this section certain terms are defined as follows:

1. "Development project" means any of the following:

a. A project for which a building permit is required for a commercial, industrial or institutional building, or residential building having four or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving four or more living units;

b. Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste; and

c. The definition of development project only includes subdivisions or tracts of single-family detached homes if within such subdivisions or tracts there is an area where solid waste is collected and loaded in a location which serves four more living units. In such instances, recycling areas as specified in this section are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

2. "Improvement" means an addition to the value of a facility, the prolonging of its useful life, or adaptation of it to new uses. Improvements should be distinguished from repairs. Repairs keep facilities in good operating condition, do not materially add to the value of the facility, and do not substantially extend the life of the facility.

3. "Public facility" means buildings, structures, and outdoor recreation areas and other similar structures and facilities owned by a local agency.

4. "Recycling area (areas for recycling)" means space allocated for collecting and loading of recyclable materials and other solid waste collection. Such areas shall have the ability to accommodate receptacles for recyclable materials. Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

C. General Requirements.

1. Any new development project for which an application for a building permit is submitted on or after September 1, 1993, shall include adequate, accessible and convenient areas for collecting and loading recyclable materials;

2. Any improvements for areas of a public facility used for collecting and loading solid waste shall include adequate, accessible, and convenient areas for collecting and loading recyclable materials;

3. Any existing development project for which an application for a building permit is submitted on or after September 1, 1993 for a single alteration which is subsequently performed that adds twenty percent of square footage or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials;

4. Any project for which an application for a building permit is submitted on or after September 1, 1993, for modifications such that the price of modification exceeds fifty percent of the then current assessed value of the subject parcel shall include adequate, accessible and convenient areas for collecting and loading recyclable materials;

5. Any existing development project for which an application for a building permit is submitted on or after September 1, 1993 for multiple alterations which are conducted within a twelve-month period which collectively add twenty percent of square footage or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials;

6. Any existing development project for which multiple applications for building permits are submitted within a twelve-month period beginning on

or after September 1, 1993 for multiple alterations which are subsequently performed that collectively add twenty percent square footage or more to the existing floor area of the development project shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials;

7. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1993, an application for a building permit for a single alteration which is subsequently performed that adds twenty percent of square footage more to the existing floor areas of that portion of the development project which said tenant leases shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases;

8. Any existing development project occupied by multiple tenants, one of which submits on or after September 1, 1993, an application for a building permit for multiple alterations which are conducted within a twelve-month period which collectively add twenty percent square footage or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases;

9. Any existing development project occupied by multiple tenants, one of which submits within a twelve-month period beginning on or after September 1, 1993 multiple applications for building permits for multiple alterations which are subsequently performed that collectively add twenty percent square footage or more to the existing floor area of that portion of the development project which said tenant leases shall provide adequate, accessible and convenient areas for collecting and loading recyclable materials. Such recycling areas shall, at a minimum be sufficient in capacity, number, and distribu-

tion to serve that portion of the development project which said tenant leases; and

10. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

D. Guidelines For All Development Projects.

1. Where local standards exist, recycling areas should be designed to be architecturally compatible with nearby structures and with the existing topography and vegetation, in accordance with such standards;

2. The design and construction of recycling areas shall be compatible with surrounding land uses, shall comply with the plan developed for the collection of recyclable in that area and shall meet approved design standards;

3. The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein;

4. The design, construction and location of recycling areas shall not be in conflict with any applicable federal, state or local laws relating to fire, building, access, transportation, circulation or safety;

5. Recycling bins shall be placed next to waste collection bins except as otherwise approved;

6. Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements for garbage collection access and clearance. In the absence of such building code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel;

7. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas; and

8. Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping.

E. Additional Guidelines For Single-Tenant Development Projects.

1. Areas for recycling shall be adequate in capacity, number and distribution to serve the development project;

2. Dimensions of the recycling area shall accommodate receptacles sufficient to meet the recycling needs of the development project;

3. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project should be located within the recycling areas of development projects, suitable for efficient collection, and approved by the city; and

4. Residential developers and property owners are encouraged to include recycling areas or systems within the residence. Recommended internal storage space for individual living units of residential development projects is three cubic feet.

F. Additional Guidelines For Multiple-Tenant Development Projects.

1. Recycling areas shall, at a minimum, be sufficient in capacity, number and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (C) of this section;

2. Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (C) of this section; and

3. An adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area pursuant to subsection (C) of this section should be located within the recycling area.

G. Location.

1. Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal,

state or local laws relating to fire, access, building, transportation, circulation or safety; and

2. Any and all recycling area(s) shall be located so they are at least as convenient for those persons who deposit, collect and load the recyclable materials placed therein as the location(s) where solid waste is collected and loaded. Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas. (Ord. 1185 § 1, 1993)

17.40.060 Locational standards for massage parlors, tanning salons and similar uses.

A. No lot, parcel, property, building or structure shall be used for a massage parlor, tanning salon or similar use at a location closer than five hundred feet from the nearest property line of the following uses, whether situated within or outside the city:

1. Any school (elementary, junior high, high, but not including trade business or similar schools), whether public or private;
2. Any nursery school or child care center;
3. Any church, synagogue, temple or other place of worship;
4. Any publicly-owned community center, teen center, community or neighborhood park or tot lot;
5. Another massage parlor, tanning salon or similar use.

B. These locational standards are intended to be in addition to and not in lieu of other regulations of the Municipal Code applicable to massage parlors, tanning salons or similar uses. Unless specifically provided, these standards shall not be deemed to repeal or amend any other provisions of the code which are applicable to massage parlors, tanning salons and similar uses, nor be deemed to excuse noncompliance with any such provisions. (Ord. 1247 § 3, 1997)

17.40.100 Secondary unit standards and requirements.

A. Any proposed secondary unit, or any existing secondary unit not affected by subsection (B) of this

section shall meet or exceed the following development standards:

1. There shall be no more than one secondary unit per lot or parcel;

2. The principal and secondary unit shall meet all development standards for the residential zoning district in which it is located;

3. Occupancy of one of the two units shall be the owner(s) of record;

4. The secondary unit shall meet the standards of the building, fire and other applicable health and safety codes;

5. The secondary unit shall not occupy more than the twenty-five percent of the total floor area of the building, including any proposed addition;

6. Two off-street parking spaces shall be provided for each secondary unit, in addition to the parking required for the principal dwelling. The required four parking spaces shall be provided in a configuration as approved by the planning division. The additional two spaces may be provided in an existing driveway provided that all of the following criteria are met:

a. The parking spaces do not interfere with motorist sight distances,

b. The parking spaces are of sufficient size so that parked vehicles do not block the sidewalk,

c. Providing the space within the garage area is physically or economically infeasible to accommodate two additional parking spaces in configuration as approved by the city planner,

d. The principal dwelling has an existing, legal curb to accommodate required parking,

e. An automatic garage door opener is installed and maintained in working condition,

f. The garage and driveway are maintained in a usable condition and are not used for storage of material, equipment or inoperable vehicles if such storage necessitates parking a resident's vehicle on the street. Whenever the garage or driveway is available, residents are required to use them;

7. The secondary unit shall be consistent with the purpose, goals and objectives of the General Plan and will not result in a new residential density in excess of the established density factor. Consis-

tency with density requirements will be determined on a block face segment basis using the following formula:

$$SU = (NA \times DF) - DU$$

where:

SU = Maximum number of secondary units allowed for the block face segment.

NA = Net area of all single-family parcels with frontage on the subject block face segment.

DF = Density factor of sixteen dwelling units per acre for single-family areas in Daly City.

DU = Existing number of single-family residences and existing and proposed second units, plus the number of undeveloped single-family lots for the block face segment.

B. Any secondary unit constructed before January 1, 1992, whether such unit was or was not in conformity with laws at the time of construction may become legally conforming under the zoning ordinance, provided an application for a certificate of registration, pursuant to subsection 17.40.110(A) of this chapter, is filed with the planning office and provided all the following requirements are met:

1. The property owner can show proof that the secondary unit existed prior to January 1, 1992;

2. There is not more than one secondary unit per lot or parcel;

3. The secondary unit meets or exceeds all health and safety requirements established pursuant to chapter 15.12 of this code;

4. Off-street parking shall comply with the following:

a. For all lots or subdivisions recorded prior to January 11, 1949, whether or not these lots were resubdivided, there shall be provided one space for the principal unit and one space for the secondary unit,

b. For all lots or subdivisions recorded subsequent to January 11, 1949 there shall be provided two spaces for the principal unit and one space for the secondary unit,

c. For all lots with side-by-side parking in the driveway, the entire width of the driveway shall be allowed to be used for off-street parking;

5. Occupancy of one of the two units shall be by the owner(s) of record;

6. The building meets all other development standards for the residential zoning district in which it is located.

C. All rights that apply under subsection (B) of this section shall cease to exist and terminate on January 31, 1997. (Ord. 1217 § 1, 1995; Ord. 1159 § 2, 1992; Ord. 1128 § 1, 1990; Ord. 1000 §§ 1, 2, 1983; Ord. 991 § 4, 1983)

17.40.110 Certificate of registration requirements.

A secondary unit must have a certificate of registration issued by the city in order to be in conformance with the requirements of this chapter, except where a use permit has been granted for a duplex in an R-1A district or where a homeowner can demonstrate that an existing secondary unit was constructed in conformity with law and which later became legally nonconforming by reason of subsequent enactment of zoning ordinance requirements or amendments.

A. Application for a certificate of registration shall be made on a prescribed form and shall contain the following:

1. The name and address of the owner or owners;

2. The address of the property for which a secondary unit is proposed to be permitted;

3. A photocopy of the deed for the property as recorded with the county recorder, county of San Mateo;

4. A scale drawing showing the lot dimensions, the location of the building, building setbacks, and proposed additions to the building and all vehicular parking spaces;

5. Floor plans of the principal and secondary units drawn to the scale showing all existing and proposed improvements;

6. Consent of the owner to the physical inspection of the premises prior to the issuance of any building permit or certificate of registration;

7. Signature of the owner(s) under penalty of perjury;

8. A nonrefundable filing fee, to be established by resolution of the city council;

9. Any other information or data deemed necessary by the city planner to determine compliance of the proposed secondary unit with the terms of this section.

B. Application for a certificate of registration shall be made when applying for a building permit. Issuance of a certificate of registration will take place upon final building inspection and the issuance of a certificate of occupancy. The city planner shall also certify, date and cause to be recorded the certificate of registration at the time of issuance.

C. The following shall appear on the certificate of registration:

This Certificate of Registration has been issued in accordance with the provisions of Section 17.40.100 of the Daly City Municipal Code (Zoning Ordinance) and is subject to certain restrictions and conditions so long as a secondary unit exists on the



premises; these include, but are not necessarily limited to the following:

1. That the secondary dwelling is allowed only so long as one of the two dwelling units is occupied by the owner(s) of record;

2. That all off-street parking spaces, as identified in plans submitted in application for this Certificate of Registration shall be maintained in usable condition. Said spaces shall not be used for storage of materials, inoperable vehicles or equipment, if such storage necessitates the parking of the property owner's or tenant's vehicles outside the specified parking area.

3. That no improvement or modification of the building shall be made without issuance of a building permit by the City of Daly City.

The City Council of the City of Daly City has the right to terminate the continued use of the secondary unit if, after a Public Hearing on the matter, it determines that a violation of any zoning, building, fire or other health and safety code of the City exists; the Council may cause to be recorded with the County Recorder of San Mateo a revocation of this Certificate of Registration.

The use of said property contrary to these special restrictions shall constitute a violation of the Daly City Zoning Ordinance and shall constitute a misdemeanor and upon conviction thereof the person violating the Ordinance shall be subject to all remedies under Section 1.12.010 of the Daly City Municipal Code, including a fine of not more than five hundred (\$500.00) dollars, or imprisonment in the County Jail for a term not exceeding six (6) months, or both. A separate offense shall have been committed for each and every day during which a violation persists. In addition, the City may take any and all civil action necessary to abate said use.

The Certificate of Registration shall be signed and acknowledged by the owner(s) of record.

4. The Certificate of Registration may be conveyed with title to the property, however, this in no way relieves any property owner or successor from compliance with all the terms of the ordinance and all other applicable regulations.

5. Failure to comply with the requirements of this or any other section of the zoning ordinance will comprise a violation that, in addition to penalties cited in Section 1.12.010 of the Municipal Code, can result in the revocation of the Certificate of Registration by the City Council after Public Hearing on the matter. (Ord. 1159 § 3, 1992; Ord. 1128 § 2, 1990; Ord. 991 § 5, 1983)

17.40.120 Certificate of registration— Determination.

All plans and specifications submitted in application for a building permit shall be checked for compliance with the requirements of this chapter and where proposed or existing improvements are intended to create or could potentially result in the creation of a secondary unit, either a certificate or registration shall be required or the building permit denied. In making a determination, the following shall be considered:

A. Whether direct interior access prevents or discourages isolation of one or more floors of the dwelling;

B. Whether three fixture full bathrooms are located on more than one floor of the dwelling or in areas capable of isolation;

C. Whether water, gas or electric systems readily permit installation of a second kitchen;

D. Other guidelines adopted by the city council. (Ord. 1159 § 4, 1992; Ord. 991 § 6, 1983)

17.40.130 Appeal rights.

Denial of any building permit application or certificate of registration may be appealed by the applicant to the city council. All appeals must be made in writing to the city clerk within thirty days after the date of the denial. The city council shall elect a time and place for hearing the appeal and give due notice thereof to the affected person(s) and shall render a written decision. The decision of the council shall be final. (Ord. 1159 § 5, 1992; Ord. 991 § 7, 1983)

17.40.140 Conditional use permit within project area.

Development, redevelopment, rehabilitation, restoration or construction projects within the Daly City redevelopment project area require conceptual approval by the redevelopment agency to conform such projects to the Daly City redevelopment agency legal plan. Conditional use permits are also required for conceptually approved projects unless such projects are determined by the redevelopment agency to conform to the agency's current legal plan.

A. Restoration, construction, repair or rehabilitation costing ten thousand dollars or less shall be exempt from the requirements of this section for conceptual approval and/or a conditional use permit.

B. Projects within the Daly City redevelopment project area requiring conceptual approval shall also be subject to design review pursuant to Chapter 17.45 of this code unless excepted by the redevelopment agency during conceptual approval. (Ord. 1216 § 1, 1995; Ord. 1204 § 2, 1994)

Chapter 17.41

LANDSCAPING

Sections:

- 17.41.010 Purpose.**
- 17.41.020 Definitions.**
- 17.41.030 Applicability.**
- 17.41.040 Submission of landscape plan and soil analysis report.**
- 17.41.050 Requirements for use or issuance of a certificate of occupancy.**
- 17.41.060 Planting design.**
- 17.41.070 Decorative use of water.**
- 17.41.080 Irrigation.**
- 17.41.090 Soils.**
- 17.41.100 Miscellaneous.**

17.41.010 Purpose.

The purpose of this chapter is to promote efficient water use in new and rehabilitated landscaping by using proper landscape design and management, efficient irrigation equipment and techniques, low water use plant materials, the use of mulches and soil improvement materials, limiting high water use areas, and to establish guidelines for landscape planting. (Ord. 1164 § 1 (part), 1992)

17.41.020 Definitions.

The words used in this chapter have the meaning set forth below:

A. "Homeowner-provided" means work done shall be by the person or persons listed on the grant deed to the subject real estate or that person or those persons' appointed agent.

B. "Landscaping" or "landscaped area" means the entire parcel less the building footprint, driveways, nonirrigated portions of parking lots, hardscapes, such as decks and patios, and other nonporous areas. Water features are included in the calculation of the landscaped area.

C. "Multifamily" means a building designated to house three or more families living independently of each other.

D. "Plant establishment period" means the first year after installing the plant in the landscape.

E. "Rehabilitated" means replacement of landscaping and/or irrigation equipment on a cumulative existing landscaped area greater than one thousand square feet.

F. "Soil analysis" means a test which includes the depth of the topsoil, the soil type and structure, the soil acidity, and the type and amount of soluble salts, organic matter and nutrients in the soil. (Ord. 1164 § 1 (part), 1992)

17.41.030 Applicability.

This chapter shall apply to all new and rehabilitated landscaping in the city except the following:

A. Homeowner-provided landscaping at single-family and multifamily projects except when subject to a discretionary permit, including a design review permit; and

B. Any project with a landscaped area less than one thousand square feet except when subject to a discretionary permit, including a design review permit. (Ord. 1164 § 1 (part), 1992)

17.41.040 Submission of landscape plan and soil analysis report.

Applicants for any building or site permit shall submit a landscape plan and soil analysis report. The landscaping plan shall be drawn to scale, shall be drawn on not less than eleven-inch by seventeen-inch paper and reproduced on substantial paper, and shall clearly indicate the location, nature and extent of the landscaping proposed. It shall show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations, including the city of Daly City general conditions standard specifications and drawings. Submittals shall contain, unless otherwise waived by the planning division:

A. The footprint of all existing and proposed buildings and structures on the site, labeled appropriately. All walkways, retaining walls, including parking lots and water elements such as fountains, labeled appropriately;

B. Botanical and common names of each plant with corresponding symbols including the exact location, container size and quantity of each plant. Existing trees to be removed and all landscaping to be retained (street trees are included);

C. Location, type and depth of mulch;

D. All components of the irrigation system including sprinklers and other outlets, valves, backflow prevention device(s), controller(s), and piping;

E. Soil analysis report;

F. Name, address and phone number of the person who prepared the plan. (Ord. 1164 § 1 (part), 1992)

17.41.050 Requirements for use or issuance of a certificate of occupancy.

A. Prior to final inspection or the issuance of certificate of occupancy, all landscaping shall be installed in conformance with the approved plans.

B. The city planner may approve an incremental plant installation plan.

C. Minor modifications to the approved plans must have the prior approval of the city planner.

D. Financial Securities. If an agreement for development is required, the city may seek and require financial securities for any project subject to this chapter. On projects where adverse weather, drought conditions or project phasing prohibit the installation of landscaping, the city planner may allow financial securities to be submitted to the city in order to allow the issuance of a certificate of occupancy. The security shall be in a form acceptable to the city and in an amount sufficient to ensure the preservation of trees and the installation of all approved landscape improvements. Financial securities are refundable to the applicant upon completion of the plant establishment period. The city shall be the beneficiary and the sole determinant of compliance and completion. A detailed cost estimate of all landscape improvements plus the value of any existing trees to remain, as determined by the city planner, shall be used to determine the amount of security. (Ord. 1164 § 1 (part), 1992)

17.41.060 Planting design.

A. The landscape plan shall address functional energy, environmental and aesthetic conditions specific to the site, as well as water conservation. The organization and usefulness of the space, through the arrangement of architectural elements and plants, is important. There shall be a functional relationship between the buildings, landscaping and their uses, the site itself, and the local community.

B. Plants and turfgrass shall be selected which are best suited to the climatic, geologic and topographical conditions of the site and which require minimal water. Protection and preservation of native species and natural areas is encouraged. Landscaped areas should incorporate plantings utilizing a three-tier system:

1. Grasses and ground covers;
2. Shrubs; and
3. Trees.

C. The following are common planting design concepts that should be used whenever appropriate:

1. Incorporate walls and fences into the landscape design, including the special treatment of meandering walls, and wall breaks or openings where the design shall complement the landscaping of the adjacent development;

2. A colorful landscape edge should be established at the base of buildings. Avoid asphalt edges at the base of structures as much as possible. Plant materials located in containers are appropriate;

3. Planting areas between walls and streets should be landscaped in a hierarchy of plants in natural formations and groupings. Solid walls three feet or higher should either receive vines or hedge rows when adjacent to public streets or the walls should be decorative;

4. Developments shall provide sufficient screening so that neighboring properties are effectively shielded from any adverse impacts of that development or so that the new developing use shields itself from existing potential impacts from uses already in operation;

5. Setback and parkway areas shall be properly designed and landscaped in order to establish a high level of development quality while providing for

neighborhood identity where appropriate. Complementary landscape materials shall be provided. Streets trees are subject to the approval of the city planner;

6. Specimen trees should be used in informal groupings and rows at major focal points;

7. Pot, vases, wall or raised planters should be used to provide focal points at project entrances;

8. Landscaping should be used to create shadow and patterns against walls;

9. Flowering trees and colorful plantings should be used in informal groups to provide color;

10. Distinctive plants should be used as focal points; and

11. Low-growing drought-resistant plants should be used to screen parking areas from view.

D. The combined turf and water area shall be limited to twenty-five percent of landscaped areas for industrial and commercial developments, multi-family residential projects with common area developments, and institutions. Cemeteries are exempted from this percentage of turf requirement. If turf is an essential part of a public or quasi-public development, such as playing fields for schools, a higher percentage may be allowed. The use of turf shall be subject to the following limitations:

1. Only drought-tolerant turfgrass shall be used;

2. Turf will not be allowed in mounded median strips of roadways, except on major arterials, and is discouraged in any narrow strip of six feet or less in width;

3. State-of-the-art irrigation methods shall be used for all turf areas;

4. Groundcover other than turf shall be used on all slopes exceeding ten percent.

E. Up to five percent of the total landscaped area can be used for annual color plants that are not low-water using. Water-intensive landscape elements shall be confined to areas of high visibility and to areas of high use.

F. Trees shall be a minimum of fifteen gallons in size and accent trees of twenty-four-inch box or greater size may be required. Trees should be adequate in trunk diameter to support the top area of the tree. Trees, shrubs and vines should have body

and fullness that is typical of the species. Trees planted near paved areas shall have deep root irrigation systems to prevent damage. The design shall utilize street tree plantings which emphasize species diversity. A minimum of eighty percent of the shrubs shall be five-gallon in size. The spacing of trees and shrubs shall be appropriate to the species used.

G. Plant materials should be placed so that they do not interfere with the adequate lighting of the premises or restrict access to emergency apparatus such as fire hydrants or fire alarm boxes. All requirements of the city of Daly City general conditions standard specifications and drawings must be met. Placement should also insure unobstructed access for vehicles and pedestrians in addition to providing clear vision of the intersections from approaching vehicles. (Ord. 1164 § 1 (part), 1992)

17.41.070 Decorative use of water.

Water bodies that are part of the landscaping shall be discouraged for new developments, unless the water body is an integral part of the operation of the development, such as a recreation area. Recirculating water shall be used for decorative water features. The surface area of such a water body will be counted as turf in the calculations. (Ord. 1164 § 1 (part), 1992)

17.41.080 Irrigation.

All parks, median strips, landscaped public areas, landscaped area surrounding residential and commercial developments and industrial parks shall have automatic irrigation systems designed by landscape architects or other competent personnel, unless waived or modified by the city's planning division.

A. Specifications for the irrigation system will include a watering schedule with amendments for seasonal changes. Water used for irrigation shall be minimized to the amount needed to maintain adequate plant health and growth; and the schedule shall be followed in the subsequent maintenance program. Irrigation systems with separate landscaping water meters, using potable water, shall be designed for future connection to a recycled water

system as required by the city; exemption from this requirement shall require the approval of the city planner. Recycled water shall be used where feasible.

B. Low-volume irrigation systems shall be required in areas where it improves efficiency of water use. This includes low-volume sprinkler heads, drip emitters, and bubbler emitters. "Low-volume sprinklers" are defined as emitting less than .75 inches per hour of water. Water shall be applied so that it soaks into the soils and is timed to apply the correct amount of water for each type of plant. The application rate shall not exceed .25 inches per cycle and shall not exceed .75 inches per hour. Precipitation rates for a given circuit shall not exceed soil absorption rates.

C. Separate valves will be installed for trees, turf and nonturf areas. In many cases mature plants require only infrequent irrigation. Separate valve watering will encourage plants to extend deeper roots and to become less dependent on frequent watering. Avoid the use of trees in turf.

D. Use of water for spray irrigation and drip irrigation lines is prohibited between eleven a.m. and six p.m. to avoid irrigating during times of high wind or high temperature. Set irrigation schedule according to plants/water needs. Every controller shall have an irrigation schedule (multilingual, if appropriate) attached for maintenance personnel to follow. Irrigation schedules shall reflect time of year and plant maturity. Mature turfgrass irrigation shall be set for not more frequently than every third day.

E. Sprinkler heads shall have matched precipitation rates within each control valve circuit.

F. If a new system is found to have overspray resulting in water wasted on paved or street areas, then system modifications to prevent overspray shall be required before the installation will be finalized for the building permit. (Ord. 1164 § 1 (part), 1992)

17.41.090 Soils.

A. Grading shall be minimized to avoid soil disturbance and wind erosion. Top soil shall be stockpiled for backfill where practical. Stockpiled material will be covered to avoid wind erosion.

Grading in landscaped areas shall be minimized to avoid soil compaction. Compacted soil shall be deeply scarified to approximately ten inches, depending on the depth of compaction of the soil. Remove all construction debris from soil before landscaping.

B. Top soil inspections shall be performed to determine the type of soil, soil depth and uniformity. Soils can vary widely in their water-holding capacity, and these inspections shall determine how much water shall be applied and how much runoff is likely to occur.

C. Decomposed organic matter or polymer products shall be incorporated into the soil. This improves infiltration, water retention and soil structure.

D. A layer of mulch (three-inch minimum) shall be added on the soil surface. This will reduce evaporation, moderate soil temperatures and discourage weeds. Nonporous material shall not be placed under the mulch. (Ord. 1164 § 1 (part), 1992)

17.41.100 Miscellaneous.

A. Hardscaping, including decorative paving and raised planters, shall be used as appropriate to complement a landscaping plan. Decorative paving over a portion of the site with the remainder in drought-tolerant groundcover offers an alternative to unbrokeen expanses of turf. Inert material or paving may be necessary where continual or heavy foot or vehicular traffic occurs.

B. Porous paving materials should be used around the dripline of trees to improve the percolation of rain water into the water table.

C. Low-nitrogen, slow-release fertilizer should be used when fertilizing lawns and plants. (Ord. 1164 § 1 (part), 1992)

Chapter 17.42

NONCONFORMING USES

Sections:

17.42.010	Repair or maintenance.
17.42.020	Addition or enlargement.
17.42.030	Moving nonconforming buildings.
17.42.040	Change.
17.42.050	Abandonment.
17.42.060	Damage.
17.42.070	Termination.

17.42.010 Repair or maintenance.

Normal minor repairs or maintenance shall be permitted to keep the building in which a nonconforming use is established in sound condition. No structural alterations shall be permitted except as required by law. (Ord. 635 § 19.1, 1965)

17.42.020 Addition or enlargement.

No nonconforming use shall be enlarged in such a manner which would permit an increase in space occupied or to displace any conforming use in the same building. (Ord. 635 § 19.2, 1965)

17.42.030 Moving nonconforming buildings.

No building in which a nonconforming use established shall be moved in whole or in part to any other location on the lot unless the use thereof is made to conform with the district requirement. (Ord. 635 § 19.3, 1965)

17.42.040 Change.

A. If no structural alterations are made, the nonconforming use of a building may be changed to another conforming use of the same or more restricted classification.

B. When a previously existing nonconforming use is changed to a conforming use, the nonconforming use cannot thereafter be reestablished. (Ord. 635 § 19.4, 1965)

17.42.050 Abandonment.

Whenever a nonconforming use has been discontinued or abandoned for a continuous period of six months, such use shall not be reestablished and the further use of the land or building shall conform with the district requirement. (Ord. 635 § 19.5, 1965)

17.42.060 Damage.

A. A nonconforming use established in a building which has been damaged or destroyed by fire, flood, wind, earthquake, act of God, the public enemy or other calamity to an extent of not more than fifty percent of the current replacement value of the building, may be continued, providing such use existed at the time of damage or destruction. The current replacement value of the building shall be determined by the building inspector.

B. Should the damage or destruction exceed fifty percent of the current replacement value, no repairs or reconstruction shall be permitted unless the use of the building is made to conform with the district requirement.

C. Restoration or repair must be started within a period of one year from the date of damage or destruction and be diligently prosecuted to completion. (Ord. 635 § 19.6, 1965)

17.42.070 Termination.

A. A nonconforming use and/or building shall continue or remain until there has been a structural alteration, an enlargement or increase in space occupied, change in the nonconforming use, moving of said nonconforming building, abandonment or discontinuance of the nonconforming use, damage pursuant to Section 17.42.060, or the use has been determined to be a nuisance by the city council.

B. Such nonconforming use shall be deemed terminated on the first happening of either one of the above events or matters. (Ord. 1050 § 1, 1986; Ord. 635 § 19.7, 1965)

Chapter 17.44**USE PERMITS****Sections:**

17.44.010	General provisions.
17.44.020	Application.
17.44.030	Public hearing by planning commission.
17.44.040	Action by planning commission.
17.44.050	Findings.
17.44.060	Conditions.
17.44.070	Report to city council.
17.44.080	Action by city council.
17.44.090	Failure of city council to act.
17.44.100	Expiration of permit.
17.44.110	Revocation of permit.

17.44.010 General provisions.

Use permits may be granted for any of the uses or purposes for which such permits are required by the provisions of this title. Temporary use permits may be granted for a period up to six months in developed areas and up to one year in undeveloped areas. (Ord. 635 § 21.1, 1965)

17.44.020 Application.

Application for a use permit shall be made on a prescribed form and shall be accompanied by the following:

A. Nonrefundable filing fee, to be established by resolution of the city council;

B. Three copies of a site or elevation plan (at least eight and one-half by eleven inches) showing, where applicable, the size of the lot, dimensions and locations of proposed and existing buildings or structures on the lot. (Ord. 880 § 3, 1978; Ord. 635 § 21.2, 1965)

17.44.030 Public hearing by planning commission.

The planning commission shall hold one public hearing in conformance with Section 2.18.080 within ninety days after the filing of the application and

shall give notice thereof by at least one publication in a newspaper of general circulation published within the city, at least ten days prior to such hearing. In addition, not less than three notices of the public hearing shall be posted along the street on which the property affected by such application fronts. Posting shall be completed not less than ten days prior to such public hearing. (Ord. 1093 § 2, 1988; Ord. 635 § 21.3, 1965)

17.44.040 Action by planning commission.

Within ninety days after the close of the public hearing, the planning commission shall approve, conditionally approve or disapprove the application and shall notify the applicant in writing of its decision. (Ord. 635 § 21.4, 1965)

17.44.050 Findings.

A. Prior to the approval of any use permit, the city council, upon receipt of the planning commission report, shall find that the establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city. In the coastal zone, specific findings of conformance with access, recreation and other relevant policies of the local coastal plan shall be made.

B. The construction or operation of new gasoline service stations and conversion of existing gasoline service stations to self-service gasoline service stations with accessory use, shall not be allowed unless an additional finding be made that the new construction or operation of the proposed gasoline service station, or conversion of an existing gasoline service station will not significantly adversely affect or limit the public health, safety or welfare in any of the following respects:

1. Public availability of minor emergency help and safety services such as light mechanical repairs, open public restrooms; and

2. The public availability of full-service gasoline service stations to those individuals needing refueling assistance. (Ord. 1027 § 5, 1985; Ord. 1006 § 9, 1983; Ord. 635 § 21.5, 1965)

17.44.060 Conditions.

The planning commission may designate such conditions in connection with the use permit as it deems necessary to secure the purposes of this title and may require guarantees and evidences that such conditions are being or will be complied with. (Ord. 635 § 21.6, 1965)

17.44.070 Report to city council.

Upon completion of the public hearing, the planning commission shall make a written report including its written findings to the city council setting forth the recommendations and findings of the planning commission. (Ord. 1093 § 3, 1988; Ord. 635 § 21.7, 1965)

17.44.080 Action by city council.

Upon receipt of the planning commission's report, the city council may in its discretion affirm or deny the recommendation of the planning commission. The city council may designate and establish such conditions as it deems necessary in connection with the proposed use permit and in accordance with the findings required by Section 17.44.050, whether such conditions are different from less than or in addition to those suggested by the planning commission. The city council shall either adopt the written findings of the planning commission or make its own written findings. The findings shall be based upon substantial evidence in view of the whole record to justify the ultimate decision. (Ord. 1093 § 4, 1988; Ord. 1006 § 10, 1983; Ord. 635 § 21.8, 1965)

17.44.090 Failure of city council to act.

Despite any provision in this title to the contrary, failure of the city council to act upon any application for a use permit shall not under any circumstance constitute an approval of such application. (Ord. 635 § 21.9, 1965)

17.44.100 Expiration of permit.

A use permit granted in accordance with the terms of this title shall be automatically terminated if not used within one year from the date of approval. A use permit shall not be deemed used or exercised until the permittee has actually obtained a building permit and commenced construction thereunder or has actually commenced the permitted use on the premises. Where a use permit is granted in conjunction with a tentative map for a condominium development pursuant to Section 17.37.030, the use permit shall terminate one year after the approval of the final subdivision map by the city council, if not used. Upon written request from the permittee, such use permit may be extended by the city council for a maximum period of six months. (Ord. 988 § 1, 1983)

17.44.110 Revocation of permit.

Any use permit granted in accordance with the terms of this title may be revoked if the terms and conditions imposed by the planning commission or city council are violated. (Ord. 635 § 21.11, 1965)

Chapter 17.45**DESIGN REVIEW****Sections:**

17.45.010	Purpose and intent.
17.45.020	Powers of the design review committee.
17.45.030	Conformance to chapter requirements.
17.45.040	Rules and regulations.
17.45.050	Applications.
17.45.060	Required data.
17.45.070	Procedures.
17.45.080	Findings.
17.45.090	Conditions.
17.45.100	Denial.
17.45.110	Filing.
17.45.120	Applicability.
17.45.130	Decisions.
17.45.140	Failure to comply with conditions.
17.45.150	Expiration of permit.
17.45.160	Revocation of permit.

17.45.010 Purpose and intent.

A. The city council of the city does find and declare:

1. That the appearance of open spaces, buildings and structures visible from public streets has a material and substantial relationship to property values and the taxable value of property in the city;

2. That many neighborhoods in other urban communities have deteriorated in the past by reason of poor planning, neglect of proper design standards and the erection of buildings and structures unsuitable to and incompatible with the character of the neighborhood, resulting in poor design, possible reduction of property values and the impairment of the public health, safety and welfare therein;

3. That it is the policy of the city to avoid and prevent possible deterioration as described, and by the various means provided in this chapter to preserve and enhance the property values, visual char-

acter of the community and the public health, safety and welfare of the city;

4. This chapter is adopted pursuant to the appropriate provisions of the Planning and Zoning Law of the state, Government Code Section 65000, et seq.

B. It is therefore the declared intent of the city that this chapter shall serve the following purposes:

1. To improve and augment the controls now included in the ordinances related to planning and building and to promote development which is in the best interests of the public health, safety and welfare of the city; and

2. To establish standards and policies that will promote and enhance good design, site relationships and other aesthetic considerations in the city. (Ord. 1170 § 1 (part), 1993)

17.45.020 Powers of the design review committee.

A. A design review committee is hereby established for the purpose of investigating the design, layout and other features of proposed development in keeping with the intent and purposes set forth in Section 17.45.010. The design review committee shall review only those projects which do not require approval of their concurrent applications. The decision of the design review committee shall be final unless appealed to the city council pursuant to the provisions of Section 17.45.130.

B. The design review committee shall be a committee appointed by the mayor. The appointment shall be for a specific project or for several projects, at the discretion of the mayor.

C. When design review is required in conjunction with another application, the planning commission shall investigate whether the findings as required by this chapter can be made. (Ord. 1170 § 1 (part), 1993)

17.45.030 Conformance to chapter requirements.

Prior to the issuance of any permit for the erection, construction or exterior alteration of any building, structure or sign for projects described in Sec-

tion 17.45.120, the applicant shall conform to and comply with any and all applicable requirements, rules and regulations of this chapter and shall request approval of a design review plan and/or site plan. (Ord. 1170 § 1 (part), 1993)

17.45.040 Rules and regulations.

The design review committee shall adopt rules and regulations for the transaction of business, scheduling of meetings, conduct of meetings and related matters. (Ord. 1170 § 1 (part), 1993)

17.45.050 Applications.

All applications for design review as required by this chapter shall be in writing filed in the office of economic and community development and upon a form prescribed by and furnished by the department of economic and community development. Upon receipt of an application, the department of economic and community development shall review it and if found to be complete, shall so certify. The application shall contain the name and address of the applicant, the owner of the land, a description of the property involved, street address, the reasons for the filing of the application and a description of the project to be undertaken and other information as required by the city planner to which the application pertains. (Ord. 1170 § 1 (part), 1993)

17.45.060 Required data.

Any application required by this chapter shall be accompanied by copies, in a quantity as required by the city planner or a designee, of site plans, diagrams, photographs, materials or other presentation material as may be necessary for complete review and consideration of the proposed development. Plans shall be drawn to scale of a size as required by the city planner or a designee and shall indicate the following data where applicable:

A. Site Plan.

1. Property lines;
2. Existing features of the site and off-site features within fifty feet of the site boundaries, including structures, roads, trees, plant life, streambeds,

rock outcroppings or other significant natural features;

3. Proposed buildings and dimensions;
4. Proposed roads, walks and paths;
5. A grading plan showing finished grade on the site and adjoining sites at the property lines in comparison with the existing grade;
6. Location, number of spaces, and dimensions of off-street parking;
7. Pedestrian, vehicular and service ingress and egress, and driveway widths;
8. Setbacks;
9. Street dedications and improvements;
10. Location, height and design of all fences or walls;
11. Open space use and landscaped areas.

B. Building Design.

1. All elevations of each building and composite elevations from street if multiple buildings are proposed;
2. Color renderings, if necessary;
3. Perspective drawings to show relationships after development of the building(s) to off-site features;
4. The kinds and finishes of all the materials to be applied to the exterior surfaces of the proposed structure, walls or additions;
5. The natural colors of the material to be applied and the colors of any paint or manufactured product on the exterior of the structure, walls or additions;
6. The lighting to be applied to the exterior wall surfaces or to be used for walkways, drives and parking lots, and the light cast by the building's interior, its signs, etc., which is visible from adjacent or neighboring properties;
7. All identifications and direction signs and graphics visible from the exterior of a proposed structure;
8. All art work, sculpture, fountains and other ornamental or decorative features visible from surrounding properties;
9. All provisions for and design of the following appurtenances if visible from the exterior:
 - a. Utility lines, meters, boxes,

- b. Refuse, storage, and pick-up areas,
- c. Stairs, ramps,
- d. Flues, chimneys, exhaust fans,
- e. Sun shades, awnings, louvers, balconies,
- f. Mechanical equipment visible from the exterior,
- g. Penthouses,
- h. Loading docks,
- i. Downspouts,
- j. Antennas.

C. Landscaping. Landscape plans must be submitted and must comply with the provisions of Chapter 17.41, Landscaping.

D. Other such data as may be required to permit the design review committee or planning commission to make the required findings. (Ord. 1170 § 1 (part), 1993)

17.45.070 Procedures.

When design review or site plan review is required by the provisions of this chapter or by the provisions of the Daly City zoning ordinance, no authorization or permit shall be given to commence any construction, reconstruction, alteration, remodeling or any other change to any building or site layout until the design plan and site plan have been approved pursuant to the provisions of this chapter and to all applicable provisions of the zoning and subdivision ordinances. (Ord. 1170 § 1 (part), 1993)

17.45.080 Findings.

In approving a design review plan or site plan, the design review committee or planning commission must make the following findings:

A. The provisions of this chapter and any applicable guidelines are complied with;

B. The approval of the plan is in the best interest of the public health, safety and general welfare of the community;

C. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, heights, walls, fences, public safety and similar elements have been designed to provide a desirable environment;

D. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements have been incorporated in order to insure the compatibility of this development with its design concept and the character of other adjacent buildings;

E. General landscape considerations of Chapter 17.41, Landscaping, have been provided to insure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public. (Ord. 1170 § 1 (part), 1993)

17.45.090 Conditions.

In approving a design review plan, the design review committee or planning commission shall have the authority to impose such conditions as it deems necessary to protect the interests of the surrounding neighborhood, and to promote the overall public health, safety and welfare of the city in accordance with the standards set forth in this chapter, as well as with the zoning ordinance, the subdivision ordinance and the general plan. (Ord. 1170 § 1 (part), 1993)

17.45.100 Denial.

The design review committee or planning commission shall deny any design review plan if it cannot make the findings contained in Section 17.45.080. (Ord. 1170 § 1 (part), 1993)

17.45.110 Filing.

A. Every applicant shall submit plans and documents as specified in Section 17.45.060, together with a filing fee as set by the city council.

B. The city planner or a designee may solicit recommendations from interested public agencies and/or departments as to the proposed development. (Ord. 1170 § 1 (part), 1993)

17.45.120 Applicability.

Design review approval shall be required for the following projects:

A. Residential projects consisting of four or more dwelling units;

B. New commercial projects which exceed two thousand square feet in area or which are located on lots of two thousand five hundred square feet in area or greater;

C. All new industrial projects where the improvements are visible from off-site;

D. All projects subject to a discretionary permit from the city;

E. Projects within the Daly City redevelopment project area that are designated for design review as part of conceptual approval.

F. Projects subject to the Mission Street urban design plan, the Colma BART Station area specific plan, the Peninsula Gateway specific plan, the Sullivan Corridor specific plan area or within the city's resource protection district;

G. Multifamily residential, commercial, office or industrial buildings incorporating exterior modifications that include any of the following: mechanical equipment visible from the exterior; repainting of the exterior of all or of the majority of building in a different pattern, color scheme or design; exterior murals; balconies, awnings or sunshades. (Ord. 1216 § 2, 1995; Ord. 1202 § 7, 1994; Ord. 1170 § 1 (part), 1993)

17.45.130 Decisions.

A. At the conclusion of the review of a design review plan and/or site plan, the design review committee or planning commission shall make written findings of the essential facts required by Section 17.45.080. If the design review committee or planning commission cannot make the preceding necessary findings, the design review plan and/or site plan shall be denied.

B. A copy of the decision and findings of the design review committee or planning commission shall be mailed to the applicant by the city planner.

C. The decision of the design review committee shall be final unless appealed in writing to the city

council within ten days of mailing of the notice of decision. (Ord. 1170 § 1 (part), 1993)

17.45.140 Failure to comply with conditions.

Failure to comply with a design review condition of approval is a violation of this title and subject to enforcement, penalties, and legal procedures as prescribed by Chapter 17.50 of this code. (Ord. 1170 § 1 (part), 1993)

17.46.030 Public hearing by planning commission.

A public hearing shall be held within ninety days after the filing of the application. Notice of such hearing shall be given in the same manner as prescribed by Section 17.44.030. (Ord. 635 § 22.3, 1965)

17.46.040 Action by planning commission.

Within ninety days after the close of the public hearing, the planning commission shall approve, conditionally approve or disapprove the application and shall notify the applicant in writing of its decision. (Ord. 635 § 22.4, 1965)

17.46.050 Findings by planning commission.

Prior to the approval of any variance from the strict application of any provision of this title, the planning commission shall find:

A. That because of exceptional conditions applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning district classification;

B. That the variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and under identical zoning district classification;

C. That in the coastal zone the variance authorized is consistent with the policies, maps and public access component of the local coastal plan. (Ord. 1006 § 11, 1983; Ord. 635 § 22.5, 1965)

17.46.060 Conditions.

The planning commission may designate such conditions in connection with the variance permit as it deems necessary to secure the purposes of this title, and may require guarantees and evidences that such conditions are being or will be complied with. (Ord. 635 § 22.6, 1965)

17.46.070 Report to city council.

Upon completion of the public hearing, the planning commission shall make a written report to the city council setting forth the recommendations and findings of the planning commission. (Ord. 635 § 22.7, 1965)

17.46.080 Action by the city council.

Upon receipt of the planning commission's report, the city council may in its discretion affirm or deny the recommendation of the planning commission. The city council may designate and establish such conditions as it deems necessary in connection with the proposed variance and in accordance with the findings required by subsection (C) of Section 17.46.050, whether such conditions are different from, less than or in addition to those suggested by the planning commission. (Ord. 1006 § 12, 1983; Ord. 635 § 22.8, 1965)

17.46.090 Failure of city council to act.

Despite any provision in this title to the contrary, failure of the city council to act upon any application for a variance shall not under any circumstance constitute an approval of such application. (Ord. 635 § 22.9, 1965)

17.46.100 Expiration of permit.

A variance granted in accordance with the terms of this title shall be automatically terminated if not used within one year from the date of approval. A variance shall not be deemed used or exercised until the permittee has actually obtained a building permit and commenced construction thereunder. Upon written request from the permittee, such variance may be extended by the city council for a maximum period of six months. (Ord. 635 § 22.10, 1965)

17.46.110 Revocation of permit.

Any variance permit granted in accordance with the terms of this title may be revoked if the terms and conditions imposed by the planning commission or city council are violated. (Ord. 635 § 22.11, 1965)

Chapter 17.48**AMENDMENTS****Sections:**

- 17.48.010** Changes in boundaries.
- 17.48.020** General provisions.
- 17.48.030** Procedure for amendment.
- 17.48.040** Public hearing by planning commission.
- 17.48.050** Report to the city council.
- 17.48.060** Action by the city council.
- 17.48.070** Failure of city council to act.

17.48.010 Changes in boundaries.

Changes in the boundaries of districts shall be made by ordinance in accordance with the provisions of this chapter. Immediately after the effective date of such ordinance, the city planner shall cause the zoning map to show such change. Failure of the city planner to make such change shall not invalidate the change of boundary. (Ord. 635 § 5, 1965)

17.48.020 General provisions.

This title may be amended by changing the boundaries of districts or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require such amendment. (Ord. 635 § 23.1, 1965)

17.48.030 Procedure for amendment.

An amendment may be initiated by one of the following:

- A. Resolution of intention of the city council;
- B. Resolution of intention of the planning commission;
- C. Amendment application by a property owner. Said application shall be made on a prescribed form and shall be accompanied by all of the following:
 1. Nonrefundable filing fee, to be established by resolution of the city council,
 2. Three copies of a site or elevation plan (at least eight and one-half by eleven inches) showing the proposed development for the property,

3. Title report or acceptable evidence showing ownership of land. Such evidence of ownership shall be submitted by the record owner of property or by a purchaser under a contract in writing duly executed and acknowledged by both the buyer and the seller, by a lessee in possession of said property with the written consent of the owner of record of the legal title or by the agent of any of the foregoing, duly authorized in writing. (Ord. 880 § 5, 1978; Ord. 635 § 23.2, 1965)

17.48.040 Public hearing by planning commission.

The planning commission shall hold one public hearing on any proposed amendment and shall give notice thereof by at least one publication in a newspaper of general circulation published within the city at least ten days prior to such hearing. Such notice shall contain a general description of the property involved in the proposed amendment, the time and place of the public hearing and any other information which the planning commission may deem necessary. (Ord. 635 § 23.3, 1965)

17.48.050 Report to the city council.

Upon completion of the public hearing, the planning commission shall make its report to the city council in the manner and form required by the applicable provisions of the Government Code of the State of California. The planning commission shall file its report with the city council within ninety days from the original date of hearing. Failure of the planning commission to make its report within ninety days shall be deemed to be an approval of the proposed amendment by the planning commission. (Ord. 635 § 23.4, 1965)

17.48.060 Action by the city council.

A. Upon receipt of such report from the planning commission or upon the expiration of ninety days as aforesaid, the city council shall set the matter for public hearing as provided by the law. Upon completion of the public hearing, the city council may adopt or reject in its entirety the amendment approved by the planning commission. In the event the

city council determines to make any change in the amendment proposed by the planning commission, such proposed change shall first be referred to the planning commission for a report. Failure of the planning commission to report within forty days after such referral or within such time as may be designated by the city council shall constitute approval by the planning commission of the proposed change.

B. All amendments concerning lands within the coastal zone, after approval by the city council, shall become effective only upon certification approval by the California Coastal Commission. (Ord. 1006 § 13, 1983; Ord. 635 § 23.5, 1965)

17.48.070 Failure of city council to act.

Despite any provision in this title, failure of the city council to act upon any application for an amendment shall not under any circumstances constitute an approval of such application. (Ord. 635 § 23.6, 1965)

Chapter 17.49

ADMINISTRATIVE USE PERMITS

Sections:

- 17.49.010** General provisions.
- 17.49.020** Application.
- 17.49.030** Action by planning division.
- 17.49.040** Appeal process.
- 17.49.050** Public hearing by city council.
- 17.49.060** Report to city council.
- 17.49.070** Findings.
- 17.49.080** Action by city council.
- 17.49.090** Failure of city council to act.
- 17.49.100** Expiration of permit.
- 17.49.110** Revocation of permit.
- 17.49.120** Standards for large family day care homes.

17.49.010 General provisions.

Administrative use permits may be granted for any of the uses or purposes for which such permits are required by the provisions of this code. (Ord. 1141 § 6 (part), 1991)

17.49.020 Application.

Application for an administrative use permit shall be made on a form prescribed by the planning division and shall be accompanied by the following:

A. Nonrefundable filing fee, as established by resolution of the city council;

B. Two copies of a location map showing, where applicable, the size of the lot, dimensions and locations of proposed and existing buildings or structures on the lot, and all properties within a prescribed public notice area described in the application form;

C. Two sets of stamped envelopes addressed to all property owners within the prescribed public notice area described in the application form. (Ord. 1141 § 6 (part), 1991)

17.49.030 Action by planning division.

The planning division shall process an application in accordance with standards set forth herein and may impose reasonable conditions of approval. Within fifteen days after the filing of an application, the planning division shall give notice of the approval or denial of an administrative use permit to all property owners of record within a three hundred-foot radius of the property affected by such application and all properties fronting the same street within the same block. In addition, not less than three notices of the approval or denial by the planning division shall be posted along the street on which the property affected by such application fronts. Posting shall be completed within fifteen days of receipt of a complete application by the planning division. (Ord. 1141 § 6 (part), 1991)

17.49.040 Appeal process.

Any property owner or resident affected by the planning division's actions may appeal the decision to the city council. All appeals must be filed no more than ten days after an action by the planning division. Said appeal shall be in writing stating the grounds therefor. All proceedings initiated by the action of the planning division shall be suspended pending a determination by the city council on the merits of the appeal. (Ord. 1141 § 6 (part), 1991)

17.49.050 Public hearing by city council.

The city council shall hold one public hearing within ninety days after the filing of an appeal of an administrative use permit and shall give notice thereof by first class mail to all property owners in the prescribed public notice area and at least one publication in a newspaper of general circulation published within the city, at least ten days prior to such hearing. In addition, not less than three notices of the public hearing shall be posted along the street on which the property affected by such application fronts. Posting shall be completed not less than ten days prior to such public hearing. (Ord. 1141 § 6 (part), 1991)

17.49.060 Report to city council.

Upon receipt of an appeal, the planning division shall make a written report to the city council setting forth the recommendations and findings relevant to circumstances of the particular case. (Ord. 1141 § 6 (part), 1991)

17.49.070 Findings.

Prior to the approval of any administrative use permit, the city council, upon receipt of the planning division's report, shall find that the establishment, maintenance or operation of the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

17.49.080 Action by city council.

Upon receipt of the planning division's report, the city council may in its discretion affirm or deny the recommendation of the planning division. The city council may designate and establish such conditions as it deems necessary in connection with the proposed administrative use permit and in accordance with the findings required by Section 17.49.070, whether such conditions are different from, less than or in addition to those suggested by the planning division. (Ord. 1141 § 6 (part), 1991)

17.49.090 Failure of city council to act.

Despite any provision in this title to the contrary, failure of the city council to act upon any application for a use permit shall not under any circumstances constitute an approval of such application. (Ord. 1141 § 6 (part), 1991)

17.49.100 Expiration of permit.

An administrative use permit granted in accordance with the terms of this title shall automatically expire one year from the date approved by the planning division or the date approved by the city council at a public hearing unless an application for the

renewal of the permit is submitted prior to expiration. (Ord. 1141 § 6 (part), 1991)

17.49.110 Revocation of permit.

Upon determination by the planning division that violations of specific standards adopted by the city council have occurred, the city shall review the administrative use permit at a noticed public hearing. The city council, at its discretion, may revoke an administrative use permit or disallow renewal thereof if the terms and conditions imposed under this chapter are violated or if applicable state, building or fire code requirements are not met. Notice shall be made as set forth in Section 17.49.030. (Ord. 1141 § 6 (part), 1991)

17.49.120 Standards for large family day care homes.

The standards that apply to large family day care homes are listed below. The planning division may impose reasonable conditions of approval to ensure that these standards are met.

A. Spacing and Concentration. Properties proposed for large family day care homes shall be located at least three hundred feet apart in all directions. In no case shall there be more than one large family day care home fronting the same street within the same block. The planning division, in reviewing applications for large family day care homes, may allow minor deviations from the requirements on spacing and concentration if a finding can be made that no lot or home will be impacted by more than one day care facility.

B. Parking. Large family day care homes shall be allowed only when there is adequate off-street or on-street parking which may consist of the following:

1. A driveway at least nineteen feet long and eight and one-half feet wide which is kept free for loading and unloading of children; or

2. If the street is wide enough to have a parking lane, the on-street space in front of the driveway of the lot proposed for large family day care home is kept free for loading and unloading of children;

3. In the case of large family day care homes for four or more infants (less than eighteen months old), there shall be an off-street parking space kept available for the parking of an assistant unless the applicant can prove that the assistant resides in the proposed family day care home. This space shall be in addition to the loading and unloading space required under subsections (B)(1) and (2) of this section.

The planning division may approve a deviation from the parking standards if a finding can be made that there are alternatives available to provide the required loading and unloading space for clients and the parking space for helpers/employees.

C. Traffic Control. The family day care home shall not result in cars blocking neighbors' driveways or double parking.

D. Noise. Prolonged or abnormally loud sounds or noise shall not be considered customary in a single-family residential zone and shall not be allowed in relation to the operation of a large family day care home. However, periodic sounds of children shall be considered customary in single-family residential zones during the daytime hours from seven a.m. to seven p.m.

If requested by a resident or property owner within the public notice area, the planning division shall impose limitations on the hours of outside play. Such hours shall not be less than two hours before noon and two hours after noon. If there is no such request from an affected resident or property owner, there shall be no limitations on the hours of outside play. (Ord. 1141 § 6 (part), 1991)

Chapter 17.50

ENFORCEMENT AND PENALTY

Sections:

17.50.020 Legal action.

17.50.030 Remedies not exclusive.

17.50.020 Legal action.

In addition to any of the penalties provided in this chapter, the city attorney is authorized to institute such legal action or suit in equity as may be deemed necessary to enjoin or restrain any violation of this title. (Ord. 635 § 24.2, 1965)

17.50.030 Remedies not exclusive.

The remedies provided in this chapter shall be cumulative and not exclusive. (Ord. 635 § 24.3, 1965)