

## Attachment A

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING TITLE 17 OF THE DALY CITY MUNICIPAL CODE BY AMENDING SECTION 17.18.010 OF CHAPTER 17.18 THEREOF, AND ADDING CHAPTER 17.23, "OPEN SPACE DISTRICT (OS)", SECTION 17.23.010 THROUGH SECTION 17.23.060 THERETO, ADDING CHAPTER 17.25, "OPEN SPACE RESIDENTIAL DISTRICT (OSR)", SECTIONS 17.25.010 THROUGH 17.25.040 THERETO AND ADDING CHAPTER 17.27, "RESOURCE PROTECTION COMBINING DISTRICT (RP)", SECTIONS 17.27.010 THROUGH 17.27.060 THERETO

1) The California Coastal Act of 1976 requires that each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program (LCP) for that portion of the coastal zone within its jurisdiction (Section 30500). This LCP shall include "the zoning ordinances . . . which are required pursuant to this chapter". (Section 30513);

2) The City Council has received a report from the Planning Commission concerning the matter herein referred to, after holding a public meeting on November 14, 1979, together with a resolution of said Planning Commission containing its recommendations. All proceedings before the Planning Commission have been duly and regularly conducted pursuant to the provisions of Ordinance No. 635 or subsequent amendments thereto and in accordance with the Government Code of the State of California;

3) The report of the Planning Commission set forth its recommendation to the City Council of the City of Daly City that new Sections concerning (A) Open Space District, (B) Open Space Residential District and (C) Resource Protection Combining District, be added to Zoning Ordinance No. 635, adopted and now shown in the revised City Code as Title 17, setting forth the standards and requirements for open space areas and adjacent areas as designated in the Daly City General Plan or the Daly City Local Coastal Program, which will serve to promote the continued orderly growth, public health, safety, comfort and general welfare of the City of Daly City;

4) That on November 19, 1979, the City Council of the City of Daly City passed its Resolution Setting Time and Place for hearing on the proposed amendment to Zoning Ordinance No. 635, now known as Title 17 of the revised City Code, re Adoption of proposed new zoning districts for December 17, 1979;

5) Pursuant to said Resolution Setting Time and Place of Hearing, the proposed ordinance was introduced on December 17, 1979 and, subsequently, no second reading was held;

6) On September 14, 1981, the City Council passed its Resolution Setting Time and Place of Hearing on the proposed amendments to Title 17, including amendments of Section 17.18.010 therein, and set the same for hearing on October 26, 1981;

7) Pursuant to said Resolution Setting Time and Place of Hearing, a public hearing was duly and regularly held on October 26, 1981, at the hour of 7:00 P.M., in the City Council Chambers, City Hall, Daly City, California, pursuant to due and regular notice given, and after hearing all interested persons and after hearing all evidence presented at such hearing, the City Council finds and determines that Section 17.18.010 be amended as to sub-sections 1(A) and 1(B) thereof and new Chapters 17.23 "Open Space District", 17.25 "Open Space Residential District" and 17.27 "Resource Protection Combining District" as hereinabove mentioned, be added to Title 17 of the Daly City Municipal Code.

The City Council of the City of Daly City DOES ORDAIN, as follows:

Section 1: Section 17.18.010 of Chapter 17.18, Title 17 of the Daly City Municipal Code is hereby amended as to sub-section 1(A) thereof, to read as follows:

"A. Art studio, bakery (retail), bank, barber or beauty shop, book or stationery store, business office, clothing or department store, drug store, retail electrical and household appliance sales and service, florist, grocery store, hardware store, health studio, laundry or cleaning agency (retail), liquor store, 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."

Section 17.18.010 of Chapter 17.18, Title 17 of the Daly City Municipal Code is hereby amended as to sub-section 1(B) thereof, to read as follows:

"B. Accessory buildings 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, garden supply, gasoline service station, golf range or miniature golf, greenhouse, mortuary, motor vehicle repair or parts supply, new or used car sales, nursery, outdoor sales, pet shop, restaurant (drive-in), theater (including drive-in), trailer court, upholstery, veterinary hospital or office or any commercial development in the coastal zone."

Section 2: Title 17 of the Daly City Municipal Code is hereby amended by adding Chapter 17.23, entitled "OS Open Space District", and Sections 17.23.010, 17.23.020, 17.23.030, 17.23.040, 17.23.050 and 17.23.060 thereto, to read as follows:

"Chapter 17.23

OS Open Space District

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 of Daly 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.

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:

1. Public parks, beaches, playgrounds and school grounds;
2. Private school grounds and church grounds of a predominantly open character;
3. Golf courses, country clubs and other commercial recreation facilities;
4. Privately and jointly owned open spaces reserved for open space use as part of a Planned Development;
5. Land which, because of steep slope, geotechnical hazard or similar reason, are unsuitable for development;
6. 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 of Daly City and is included in the Open Space Element of the Daly City General Plan.

17.23.030 Permitted Principal Uses. Following are the principal uses permitted in the OS District:

1. Active and passive recreation, including any structures incidental to such use existing at the time of inclusion in the OS District;
2. Educational and cultural uses, including any structures incidental to such uses existing at the time of inclusion in the OS District;
3. Agriculture and horticulture, including any structures incidental to such uses existing at the time of inclusion in the OS District;
4. Open space as a reserve for fire protection, seismic or other geotechnical safety, water conservation, protection of view or similar appropriate purpose.

17.23.040 Permitted Accessory Uses. Following are the accessory uses permitted in the OS District:

1. Uses and buildings normally incidental and accessory to a principal use;
2. Parking lots and driveways necessary to service permitted principal uses.

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:

1. 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;

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

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:

1. Following a public hearing the Planning Commission shall determine whether it is in the public interests of the City of Daly 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 said decision;

2. 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:

A) Seek means to retain the property in question in open space use, or;

B) Permit a reclassification of the subject property.

3. 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 (90) 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.

4. Should the City Council's decision be the second alternative as listed in Section 17.23.060 (2)(B) 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 Section 17.48."

Section 3:

Title 17 of the Daly City Municipal Code is hereby amended by adding Chapter 17.25, entitled "OSR Open Space Residential District" and Sections 17.25.010, 17.25.020, 17.25.030 and 17.25.040 thereto, to read as follows:

"Chapter 17.25

OSR Open Space Residential District

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.

17.25.020 Permitted Principal Uses. Following are the principal uses permitted in the OSR District:

1. Active and passive recreation including any structures incidental to such use existing at the time of inclusion in the OSR District;

2. Educational and cultural uses including any structures incidental to such uses existing at the time of inclusion in the OSR District;



3. Agriculture and horticulture including any structures incidental to such uses existing at the time of inclusion in the OSR District;

4. Open space as a reserve for fire protection, seismic or other geotechnical safety, water conservation, protection of view or similar appropriate purpose.

17.25.030 Permitted Accessory Uses. Following are the accessory uses permitted in the OSR District:

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

2. Parking lots and driveways necessary to service permitted principal uses.

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:

1. 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;

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

3. 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".

Section 4:

Title 17 of the Daly City Municipal Code is hereby amended by adding Chapter 17.27, entitled "-RP Resource Protection Combining District" and Sections 17.27.010, 17.27.020, 17.27.030, 17.27.040 and 17.27.050 and 17.27.060 thereto, to read as follows:

"Chapter 17.27

-RP Resource Protection Combining District

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.

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.

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:

1. 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;

2. Additions to existing conforming structures which will result in an increase of ten (10) 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.

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

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

A) Existing topography and any proposed changes due to grading or filling operations;

B) Existing trees and other major vegetation and the proposed landscaping and irrigation plans;

C) Location and dimensions of all roads, driveways, parking and pedestrian and bicycle paths; and

D) Existing and proposed drainage pattern on the site and surrounding area.

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

A) Site topography;

B) Soils and geologic composition;

C) Past and possible future landslide and/or erosion conditions, both natural and artificially induced;

D) Ground and surface water conditions;

E) 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

F) 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.

3. Environmental evaluation pursuant to CEQA.

17.27.050 Development Regulations. Following are regulations governing all construction within an -RP District:

1. As specified for the underlying zone or zones;

2. Conditions specified as part of the Use Permit approval;

3. If the development is on a blufftop:

A) No building or structure shall be placed closer than fifty (50) feet from the edge of the bluff, the setback line to be determined by the City Engineer;

B) No grading or filling operations shall be permitted except for required drainage or erosion control;

C) All structures hereafter constructed shall provide a permanent vista corridor with an unobstructed width of at least five (5) feet or fifteen (15) 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.

4. No development shall be allowed on a bluff or other such surface with a slope of thirty (30) degrees or greater and a vertical relief of ten (10) feet or more, except an approved stairway, ramp or developed trail.

17.27.060. Hearing and Notice Requirements.

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

1. A public hearing shall be held by the Planning Commission;

2. Notice of said 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;

3. The Planning Commission shall make a recommendation concerning the application for development to the City Council for final determination.

4. In connection with any appeal under Sections 17.23, 17.25 and 17.25, the same shall be made to the State Coastal Commission pursuant to the Public Resources Code, Section 30603 (B) and (C) and shall be as set forth in Article 16, Section 3 of the Coastal Commission Regulations."

Section 5: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City declares that it would have adopted each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 6: Publication.

This Ordinance shall be published once in The Record, a newspaper of general circulation, published in the City of Daly City.



Introduced this 26th day of October, 1981.

Passed and adopted as an Ordinance of the City of Daly City at  
a regular meeting of the City Council held on the 9th day of November,  
1981, by the following vote:

AYES, Councilmen: Giammona, Kyriakis, Powell,  
Tucker, Teglia

NOES, Councilmen: None

Absent, Councilmen: None

Betty Mazza  
City Clerk of the City of Daly City

APPROVED:

ALBERT M. TEGLIA  
Mayor of the City of Daly City

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING TITLE 17 OF THE  
DALY CITY MUNICIPAL CODE (ZONING ORDINANCE), AMENDING CHAPTERS  
17.06, 17.11, 17.18, AND 17.34, AND ADDING CHAPTER 17.13 BRM BART  
MULTIPLE-FAMILY DISTRICT DESIGNATION (ZTA 96-2)

The City Council of the City of Daly City DOES ORDAIN as follows:

Section 1: Chapter 17.06, Title 17 of the Daly City Municipal Code is hereby amended as to  
Section 17.06.010 thereunder, to read as follows:

**"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 Single-family duplex 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;

Section 2: Chapter 17.11 of the Daly City Municipal Code is deleted in its entirety.

Section 3 Title 17 of the Daly City Municipal Code is hereby amended by the addition thereto  
of Chapter 17.13 and Section 17.13.010 thereunder, to read as follows:

**"CHAPTER 17.13**

**BRM BART MULTIPLE-FAMILY DISTRICT**

- 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."

**Section 4:** Section 17.18.010 of Chapter 17.18, Title 17 of the Daly City Municipal Code is amended to read as follows:

**"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 <sup>a</sup>	None <sup>b</sup>	None
B. Accessory buildings 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,	Yes					

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.						
a. See Section 17.38.040.						
b. Fifteen feet or the average of the block when adjacent to a residential district."						

**Section 5:** Section 17.34.010 of Chapter 17.34, Title 17 of the Daly City Municipal Code is hereby amended as to paragraph I thereof and subparagraph 1, a through g thereunder, to read as follows:

"I. Any mandated building set-back 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 constructed prior to September 11, 1978 may provide not more than one-half of the required parking in a mandated building set-back 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 set-back 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."

**Section 6:** Section 17.34.030, Chapter 17.34, Title 17 of the Daly City Municipal Code is hereby amended as to paragraph D thereof and subparagraph 1 thereunder, to read as follows:

"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."

Section 7: The City Council has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and finds that the proposal would not have a detrimental effect on the environment. Pursuant to Article 6, Section 15070(a) of the CEQA Guidelines, a Negative Declaration has been prepared.

Section 8: Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 9: Publication.

The City Clerk shall publish this Ordinance according to law.

Introduced this 22nd day of July, 1996.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 12th day of August, 1996, by the following vote:

AYES, Councilmen: Agrimonti, Klatt, Teglia, Guingona

NOES, Councilmen: None

Absent, Councilmen: Doran

Mania E. Cortez  
CITY CLERK OF THE CITY OF DALY CITY  
BY DEPUTY CITY CLERK

APPROVED:

MICHAEL P. GUINGONA  
MAYOR OF THE CITY OF DALY CITY



## Attachment B

2

NOTICE OF PUBLIC HEARING  
OF  
PROPOSED AMENDMENT TO BASIC ZONING  
ORDINANCE (ORD. 635 OF DALY CITY)  
( 16 EASTLAKE AVENUE )

NOTICE IS HEREBY GIVEN that on Monday, at 8:00 o'clock P.M., the 13th day of January, 1968, in the City Council Chambers, City Hall, 90th Street and Sullivan Avenue, Daly City, California, the City Council of the City of Daly City will hear all interested persons in connection with the matter of the proposed amendment to Ordinance 635 of the City of Daly City more particularly described hereafter.

The property in question, hereinafter described, is presently located in a(n) R-2 zone, and the proposed amendment would classify such property in a(n) C-1 zone, as such zones are defined by said Ordinance 635.

Said property is situated in Daly City, County of San Mateo, State of California, and is more particularly described as follows:

Lot 8, Block 13, of Vista Grande Map no. 2 being a re-survey of blocks 14, 15, 16, 17, and the south half of Block 18, of lands of UNION PARK LAND COMPANY as shown in book 2 of maps page 50 in the office of the County Recorder of San Mateo, Calif. as shown in Book 4 page 52 of maps on file in the office of the Recorder of San Mateo County, being more commonly known as 16 Eastlake Avenue, Daly City, California.

DATED: December 9, 1968

Anna Orlendorf  
City Clerk of the City of Daly City

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING SECTION 17.18.010(1)(B) OF CHAPTER 17.18, TITLE 17 OF THE DALY CITY MUNICIPAL CODE RE: USE PERMIT REQUIREMENT FOR AMUSEMENT DEVICES

The City Council of the City of Daly City DOES ORDAIN as follows:

- Section 1: Section 17.18.010(1)(B) of Chapter 17.18, Title 17 of the Daly City Municipal Code is hereby amended to read as follows:
- "B. Accessory buildings 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, garden supply, gasoline service station, golf range or miniature golf, greenhouse, mortuary, motor vehicle repair or parts supply, new or used car sales, nursery, outdoor sales, pet shop, primary use is for amusement devices, restaurant (drive-in), theater (including drive-in), trailer court, upholstery, veterinary hospital or office"
- Section 2: Severability. This city council hereby declares that should any section, paragraph, sentence or word of this ordinance, or of the code hereby adopted, be declared for any reason to be invalid it is the intent of the city council that it would have passed all other portions of this ordinance independently of the elimination herefrom of any such portions as may be declared to be invalid.
- Section 3: Publication. This ordinance shall be published once in The Record, a newspaper of general circulation, published in the city of Daly City.

Introduced this 12th day of April, 1982.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 26th day of April, 1982.

AYES, and in favor thereof, Councilmen: Giammona, Kyriakis,  
Powell, Teglia

NOES, Councilmen: Tucker

Absent, Councilmen: None

Betty Maza  
City Clerk of the City of Daly City

APPROVED:

ALBERT M. TEGLIA  
Mayor of the City of Daly City

67

ORDINANCE NO. 1006

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING AND ADDING SECTIONS  
TO TITLE 17 (ZONING ORDINANCE) OF THE DALY CITY MUNICIPAL CODE RE:  
THE LOCAL COASTAL PLAN (LCP) IMPLEMENTATION PHASE

The City Council of the City of Daly City DOES ORDAIN as follows:

Section 1: Subsection A of Section 17.23.020, Chapter 17.23, Title 17 of the Daly City Municipal Code, is hereby amended to read as follows:

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

Section 2: Subsection B of Section 17.23.050, Chapter 17.23, Title 17, of the Daly City Municipal Code, is hereby amended to read as follows:

"B. Any commercial uses which may be conducted on open space land without substantially detracting from its value as open space and which are visitor oriented."

Section 3: A new Section 17.23.070 and subparagraphs A, B and C and all subsections thereunder, are hereby added to Chapter 17.23, Title 17 of the Daly City Municipal Code, to read as follows:

"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."

Section 4:

A new Section 17.23.080 and subparagraphs A, B, C and D thereunder, are hereby added to Chapter 17.23, Title 17 of the Daly City Municipal Code, to read as follows:

"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 the Daly City Municipal 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."

Section 5:

A new Section 17.25.050 and subparagraphs A, B and C and all subsections thereunder, are hereby added to Chapter 17.25, Title 17 of the Daly City Municipal Code, to read as follows:

"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."



Section 6:

A new Section 17.25.060 and subparagraphs A, B, C and D thereunder, are hereby added to Chapter 17.25, Title 17 of the Daly City Municipal Code, to read as follows:

"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."

Section 7:

Subsection 2 of Subparagraph C, Section 17.27.050, of Chapter 17.27, Title 17 of the Daly City Municipal Code, is hereby amended to read as follows:

"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."

Section 17.27.050 of Chapter 17.27, Title 17 of the Daly City Municipal Code is hereby amended by addition of subparagraph E to Section 17.27.050, to read as follows:

"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."

Section 8:

Subparagraph D of Section 17.27.060, Chapter 17.27, Title 17 of the Daly City Municipal Code, is hereby amended to read as follows:

"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."

Section 9:

Section 17.44.050 of Chapter 17.44, Title 17 of the Daly City Municipal Code, is hereby amended to read as follows:

"17.44.050 Findings. 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."

Section 10:

Section 17.44.080 of Chapter 17.44, Title 17 of the Daly City Municipal Code is hereby amended to read as follows:

"Section 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."

Section 11:

Section 17.46.050 of Chapter 17.46, Title 17 of the Daly City Municipal Code is hereby amended by the addition of Subparagraph C to Section 17.46.050, to read as follows:

"C. That in the coastal zone the variance authorized is consistent with the policies, maps and public access component of the Local Coastal Plan."

Section 12:

Section 17.46.080 of Chapter 17.46, Title 17 of the Daly City Municipal Code is hereby amended to read as follows:

"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 Section 17.46.050, subparagraph C, whether such conditions are different from, less than or in addition to those suggested by the planning commission."

Section 13:

Section 17.48.060 of Chapter 17.48, Title 17 of the Daly City Municipal Code, is hereby amended by addition of subparagraph A to Section 17.48.060, to read as follows:

"A. 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."

Section 14:

Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 15:

Publication.

This Ordinance shall be published once in The Record, a newspaper of general circulation published in the City of Daly City.

Introduced this 14th day of November, 1983.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 12th day of December, 1983, by the following vote:

AYES: Councilmen	<u>Giammona, Powell, Teglia,</u>
	<u>Tucker, Nevin</u>
NOES, Councilmen,	<u>None</u>
Absent, Councilmen,	<u>None</u>

Betty Mazza  
City Clerk of the City of Daly City

APPROVED:

MICHAEL D. NEVIN  
Mayor of the City of Daly City

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING AND ADDING SECTIONS  
TO TITLE 17 (ZONING ORDINANCE) OF THE DALY CITY MUNICIPAL CODE RE:  
CONVERSION OF GASOLINE SERVICE STATIONS TO SELF SERVE FACILITIES

The City Council of the City of Daly City DOES ORDAIN, as follows:

Section 1: Section 17.040.010 of Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended by addition thereto of subparagraphs 24.1, 24.2, 24.3 and 24.4, to read as follows:

"24.1. 'Gasoline service station' means a business where the principal use involved 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).

24.2. '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.

24.3. 'Gasoline service station, self service' means a gasoline service station where customers must dispense gasoline themselves.

24.4. 'Gasoline service station, accessory use' means a gasoline service station accompanied by uses not expressly authorized as a part of said 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, sale of alcoholic beverages and the storage of inoperative autos."

Section 2: Section 17.18.010 of Chapter 17.18, Title 17 of the Daly City Municipal Code is hereby amended as to subparagraph B thereof, to read as follows:

"B. Accessory buildings 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, 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, nursery, outdoor sales, 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."

Section 3: Section 17.20.010 of Chapter 17.20, Title 17 of the Daly City Municipal Code is hereby amended as to subparagraph C thereof, to read as follows:

"B. 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, newspaper or commercial print shop, businesses whose principal use is for the operation of amusement devices, 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."

Section 4:

Section 17.34.020 of Chapter 17.34, Title 17 of the Daly City Municipal Code is hereby amended as to subparagraph O thereof, to read as follows:

"O. Service station with accessory use - two spaces plus one space per 200 square feet of gross floor area. Where a car wash is to serve as the accessory use, seven spaces are required."

Section 17.34.020 of Chapter 17.34, Title 17 of the Daly City Municipal Code is hereby amended as to subparagraph P thereof, to read as follows:

"P. Self service gasoline station - two spaces."

Section 5:

Section 17.44.050 of Chapter 17.44, Title 17 of the Daly City Municipal Code is hereby amended to read as follows:

"17.44.050 Findings. 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.

The construction or operation of new gasoline service stations and conversion of existing gasoline service stations to self service gasoline service stations, or to 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."

Section 8:

Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 9:

Publication.

This Ordinance shall be published once in The Record, a newspaper of general circulation published in the City of Daly City.



Introduced this 25th day of March, 1985.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 8th day of April, 1985, by the following vote:

AYES: Councilmen Giammona, Powell, Teglia, Tucker

NOES, Councilmen, None

Absent, Councilmen, Nevin

APPROVED:

JAMES J. TUCKER  
Mayor

BETTY MAZZA  
City Clerk of the City of Daly City  
By Virginia Sawyer  
Deputy City Clerk

ORDINANCE NO. 1158

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING TITLE 17 OF THE DALY CITY MUNICIPAL CODE (ZONING ORDINANCE), AS TO SECTION 17.04.010 OF CHAPTER 17.04, SECTION 17.18.010 OF CHAPTER 17.18, SECTION 17.20.010 OF CHAPTER 17.20 AND SECTION 17.22.010 OF CHAPTER 17.22, RE: MASSAGE ESTABLISHMENTS

The City Council of the City of Daly City DOES ORDAIN as follows:

Section 1:

Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended as to Section 17.04.010 by renumbering of the existing paragraphs 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 to paragraph numbers 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, respectively.

Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended as to Section 17.04.010, numbered paragraph 32 thereunder, to read as follows:

"32. 'Massage Establishment' means any establishment wherein massage is given, engaged in or carried on, or permitted to be given, engaged in, or carried on. Any business which is required to obtain a Massage Permit pursuant to Section 5.52 of the Municipal Code is considered to be a massage establishment. Massage means the method of treating the superficial parts of the human body for remedial or hygienic purposes by rubbing, pressing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument."

Section 2:

Chapter 17.18, Title 17 of the Daly City Municipal Code is hereby amended as to Section 17.18.010, Table of uses, to include massage establishments as a use permitted under subparagraph B, paragraph 1, of Table of uses, to read as follows:

"B. Accessory buildings 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, 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, 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"

Section 3:

Chapter 17.20, Title 17 of the Daly City Municipal Code is hereby amended as to Section 17.29.010, Table of uses, to include massage establishments as a use permitted under subparagraph C of Table of uses, to read as follows:

"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, 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"

Section 4:

Chapter 17.22, Title 17 of the Daly City Municipal Code is hereby amended as to Section 17.22.010, Table of uses, to exclude massage establishments as a use permitted under subparagraph A, paragraph 1 of Table of uses, to read as follows:

"A. Uses permitted in C-2 district, except dwellings and massage establishments"

Section 5:

The City Council has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and finds that the proposal would not have a detrimental effect on the environment. Pursuant to Article 6, Section 15070(a) of the CEQA Guidelines, a Negative Declaration has been prepared.

Section 6:

Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 7:

Publication.

This Ordinance shall take effect and be enforced thirty (30) days from and after its adoption. The City Clerk shall publish this Ordinance according to law.

Introduced this 26th day of May, 1992.

Passed and adopted as an Ordinance of the City of Daly City  
at a regular meeting of the City Council of the City of Daly City  
held on the 8th day of June, 1992, by the following  
vote:

AYES, Councilmen: Agrimonti, Giammona, Nevin, Teglia,

NOES, Councilmen: Powell

Absent, Councilmen: None

*Luaine Delia*  
City Clerk of the City of Daly City

APPROVED:

JANE POWELL  
Mayor of the City of Daly City

cc: CA  
ECB  
7-6/10/92

URGENCY ORDINANCE NO. 1190

AN URGENCY ORDINANCE OF THE CITY OF DALY CITY  
DESIGNATING FORTUNETELLING AND RELATED  
PRACTICES AS A CONDITIONAL USE WITHIN  
A C-1, LIGHT COMMERCIAL ZONING DISTRICT

The City Council of the City of Daly City does ordain as follows:

Section 1: Section 17.18.010, subsection 1(B) of the Daly City Municipal Code (Zoning Ordinance) is amended to include the following:

"fortunetelling (and related services)"

as a use permitted within a C-1, Light Commercial Zoning District upon securing a conditional use permit.

Section 2: Section 5.51.010, subsection B of the Daly City Municipal Code is amended in its entirety to read as follows:

"B. No individual, business or entity shall conduct a fortunetelling business, or related service, in any zoning district of the City other than a C-1, Light Commercial zoning district, and then only upon first obtaining a conditional use permit from the City. The procedure for obtaining said use permit shall be as set forth in Chapter 17.44 et seq., of this Code."

Section 3: The City Council makes the following findings and declarations in support of this Urgency Ordinance:

A. The location and or establishment of fortunetelling and or other related services is currently regulated within the Daly City Municipal Code, by and in such a fashion and manner that genuine confusion and/or conflict may arrive following an initial review or reading of such ordinances. The Daly City City Council intends this urgency ordinance to be for the purpose of clarification.

B. The City Council contends that this urgency ordinance best represents the intentions and objectives of the elected City Council originally adopting Daly City Ordinance 1045, and thereafter maintains that original objective of this City Council.

Section 4: It is hereby declared that this Ordinance is for the immediate preservation of the public peace, safety, health and welfare, and is an urgency measure adopted pursuant to California Government Code Sections 36937, and takes effect immediately upon adoption.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.



Section 6: The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

Section 7: The Daly City City Clerk shall publish this Ordinance according to law.

Introduced this 22nd day of November, 19 93.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 22nd day of November, 19 93, by the following vote:

AYES, Councilmen: Doran, Guingona, Klatt, Teglia, Agrimonti

NOES, Councilmen: None

Absent, Councilmen: None

LORRAINE D'ELIA

City Clerk of the City of Daly City

APPROVED:

MADOLYN L. AGRIMONTI  
Mayor of the City of Daly City

By *Lorraine D'Elia*  
Deputy

ORDINANCE NO. 1195

AN ORDINANCE OF THE CITY OF DALY CITY AMENDING TITLE 17 (ZONING) OF THE DALY CITY MUNICIPAL CODE AS TO:

1. SECTION 17.04.010 OF CHAPTER 17.04 (DEFINITIONS);
2. SECTION 17.18.010 OF CHAPTER 17.18 (C-1 LIGHT COMMERCIAL DISTRICT);
3. SECTION 17.20.010 OF CHAPTER 17.20 (C-2 HEAVY COMMERCIAL DISTRICT); AND
4. SECTION 17.22.010, (M INDUSTRIAL DISTRICT)

RE: FORTUNETELLING (AND RELATED SERVICES), PAWN SHOPS  
AND TATTOO ESTABLISHMENTS

The City Council of the City of Daly City DOES ORDAIN  
as follows:

Section 1: Section 17.04.010 of Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended as to the existing paragraph incorrectly numbered 41 and entitled "Street" which is renumbered 42.

Section 2: Section 17.04.010 of Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended as to the existing paragraphs 24, 24.1, 24.2, 24.3, 24.4, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51, respectively, which are renumbered 25, 25.1, 25.2, 25.3, 25.4, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53 and 54, respectively.

Section 3: Section 17.04.010 of Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended by the addition of paragraph 24 thereto, to read as follows:

"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."

Section 4: Section 17.04.010 of Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended by the addition of paragraph 38 thereto, to read as follows:

"38. 'Pawn shop' 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."

Section 5: Section 17.04.010 of Chapter 17.04, Title 17 of the Daly City Municipal Code is hereby amended by the addition of paragraph 47 thereto, to read as follows:

"47. '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."

Section 6: Subsection 1(B) of Section 17.18.010, Chapter 17.18, Title 17 of the Daly City Municipal Code is hereby amended to include the following:

"pawn shop and tattoo establishment"

as a use permitted within a C-1, Light Commercial Zoning District upon securing a conditional use permit.

Section 7: Subsection 1(C) of Section 17.20.010, Chapter 17.20, Title 17 of the Daly City Municipal Code is hereby amended to include the following:

"pawn shop and tattoo establishment"

as a use permitted within a C-2, Heavy Commercial Zoning District upon securing a conditional use permit.

Section 8: Subsection 1(A) of Section 17.22.010, Chapter 17.22, Title 17 of the Daly City Municipal Code is hereby amended to read as follows:

"A. Uses permitted in C-2 district except dwellings, fortunetelling (and related services), pawn shops, tattoo establishments and massage establishments"

Section 9: Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 10: The City Council has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and finds that the proposal would not have a detrimental effect on the environment. Pursuant to Article 6, Section 15070(a) of the CEQA Guidelines, a Negative Declaration has been prepared.

Section 11: Publication.

This Ordinance shall take effect and be enforced thirty (30) days from and after its adoption. The City Clerk shall publish this Ordinance according to law.

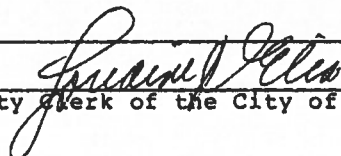
Introduced this 14th day of February, 1994.

Passed and adopted as an Ordinance of the City of Daly City  
at a regular meeting of the City Council of the City of Daly City  
held on the 28th day of February, 1994, by the following vote:

AYES, Councilmen: Doran, Guingona, Klatt, Teglia, Agrimonti

NOES, Councilmen: None

Absent, Councilmen: None

  
City Clerk of the City of Daly City

APPROVED:

MADOLYN L. AGRIMONTI  
Mayor of the City of Daly City

## Attachment C

Daily City, California, Code of Ordinances >> Title 17 - ZONING >> Chapter 17.04 DEFINITIONS >>

## Chapter 17.04 DEFINITIONS

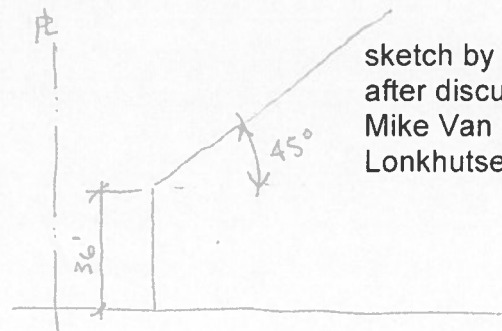
### Sections:

#### 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 is conducted.
8. "Business office" means any office for the use of a business, professional, or service establishment, including but not limited to an advertising agency, collection agency, insurance agency, real estate office, social worker. Similar uses may be determined by the planning commission.





**Attachment D**  
**Daly City Coastal Element 1984**