



Daly City Planning Commission Agenda Report

333 - 90th Street ♦ Daly City ♦ California ♦ 94015 ♦ 650-991-8033

<u>Meeting Date:</u>	March 3, 2026
<u>Application:</u>	Zoning Change ZC-02-26-017000
<u>Project Planner:</u>	Sam Fielding, Associate Planner
<u>Project Location:</u>	Citywide (Zoning Ordinance changes affecting all City parcels)
<u>Project Description:</u>	Amendments to the City of Daly City Municipal Code Chapters 17.04.010, 17.37.030, 17.34.050 and Chapters 17.44.100 and 17.45.150, regulating the definition of building height, front-yard paving, the requirement for use permit as part of a condominium development, and the expiration times of use permit and design review approvals.
<u>Applicant:</u>	City of Daly City, Department of Economic and Community Development, Planning Division
<u>Environmental Assessment:</u>	Exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061 – Review for Exemption
<u>Applicable Daly City Municipal Code Sections:</u>	Chapter 17.04.010 Definitions Chapter 17.37.030 Use Permit and Subdivision Map Required Chapter 17.34.050 Contiguous front yard paving Chapter 17.44.100 Use Permit Expiration of Permit Chapter 17.45.150 Design Review Expiration of Permit

Background

This is a request by the City of Daly City to increase the expiration times for use permit and design review approvals, in Chapters 17.44 and 17.45, respectively; remove the requirement for a use permit for all condominium projects that are allowed by-right in Chapter 17.37.030; clarify the requirement that a triangular-shaped landscaping area as part of any front yard paving that adds a parking space in Chapter 17.34.050; and add a building height definition for all buildings not located within the Commercial Mixed Use (C-MU) Zone to Chapter 17.04.010 (see Attachment A – Proposed Zoning Ordinance Revisions).

Discussion

The Zoning Ordinance amendments proposed are a cumulation of necessary amendments that the Planning Division has determined are needed to codify current policies, address issues where the Zoning Ordinance may in conflict with the City's adopted Housing Element, and for other purposes. Staff proposes the following amendments to Chapter 17 (Zoning Ordinance):

Chapter 17.04.10 Definitions

Staff requests that the building height definition be added back into Chapter 17.04.010 – General Provisions. When the General Plan was recently amended in 2025 with adoption of the Commercial – Mixed Use (C-MU) Zone, the height definition for all buildings was inadvertently removed and replaced with the height requirements for buildings within the C-MU zone.

Staff requests re-introducing the building height definition for all buildings not located within the C-MU zone. For clarity and for the purpose of complementing the City's Objective Design Standards, staff has proposed several amendments to the original language and the new definition would therefore read:

“Building height” means the average of the vertical measurements distance from the average taken at the horizontal center point of all of a building’s finished walls, this measurement beginning at the ground level at the center of all such 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 ridges for gable, hip, or gambel roofs. The measurement for the height of an ADU shall be taken at the lowest measurable point for gable, hip, or gambel roofs (the roof itself shall not be included in the height calculation). In no case shall the front of building which faces a street exceeded 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 45 degrees from the horizontal to 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.

Staff has proposed removing the stepped building height calculation primarily because this allowance is no longer necessary given significantly increased building height mandated by the

City's Housing Element implementation measures adopted by the City Council in 2024. Prior to this, the allowance resulted in "wedding cake" height calculations, which then forced the requirement for Planned Development zoning, variances, and other measures. A special measurement of building height is required for ADUs so as to allow the construction of two-story detached ADUs in compliance with State law.

Chapter 17.34.050 Contiguous front paving

Currently, replacement of existing front yard lawn or landscaping with hardscape (e.g., concrete, pavers, etc.) is allowed on any property with a single dwelling or duplex, subject to the following requirements: On parcels wider than twenty-five feet, at least twenty-five percent of the front yard shall be retained as landscape or xeriscape. The front yard is defined as the area between in front of the dwelling and the back of sidewalk, including the public right-of-way.

Staff requests adding a clarification to require triangular shaped landscaping for front yard paving that adds a parking space. There are two reasons for this proposed amendment. First is that driveway widening is not permitted, therefore, a triangular shaped paved area will accommodate a parked vehicle at an angle allowing for access from the existing driveway. Second is that a triangular shaped landscaping is desired as it reduces stormwater runoff from paved areas into the stormwater drains, reducing pressure on the stormwater drainage system.

Furthermore, staff is proposing to amend the Zoning Ordinance to clarify that side-yard paving on corner lots is not permitted, as the allowance of this has resulted in significant paving at side yards where the original regulations did not intend to allow paving.

Chapter 17.37.030 - Use permit and subdivision map required

A use permit is currently required for a Subdivision Map associated with any condominium proposal. This requirement has been in place for many years, and the origin is unknown. Upon adoption of the City's Housing Element in 2024, the element committed the city to reducing barriers to residential development such as discretionary review in development proposals. While the Zoning Ordinance and Subdivision Map Act requires hearings for condominium maps, there is no such authorization for a use permit, a discretionary permit with the objective standards of the subdivision map.

Staff therefore requests that the use permit requirement for Condominiums be removed. There is no objective reason why a use permit should be required for condominium developments in the City. Removal of the use permit requirement will streamline condominium development by removing a planning entitlement that is not necessary. A Subdivision Map application will still be required for condominiums.

Chapter 17.44.100 - Use permit expiration of permit

Currently a use permit entitlement expires if not used within one year from the date of approval. Due to the time needed to secure financing for construction and prepare building permit plans for submittal, the applicant is often not able to submit plans before the entitlement expires within one

year. Staff is requesting that the expiration of the use permit be increased to three years from the date of approval to reflect the additional time typically required to submit building plans after use permit approval. After expiration, staff is recommending an amendment that would allow the City Council to grant a two-year time extension, instead of the six-month extension currently allowed, until a new permit is required.

Chapter 17.45.150 Design Review Expiration of permit

Currently a design review permit entitlement expires if not used within one year from the date of approval. Similarly to the reason for use permit delays, the applicant is often not able to submit plans before the entitlement expires within one year. Staff is requesting that the expiration of the design review permit be increased to three years from the date of approval to reflect the additional time typically required to submit building plans after design review approval. After expiration, staff is recommending an amendment that would allow the approving body (City Council, Design Review Committee, etc.) to grant a two-year time extension, instead of the six-month extension currently allowed, until a new permit is required.

General Plan and Zoning

The proposed amendments and clarifications all conform to the General Plan and Zoning and will improve and clarify the requirements for planning entitlements for use permits, design review, building heights and the front yard paving program.

Environmental Assessment

Staff has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and determined the project is exempt under the CEQA – Guidelines Section of 150601 – Review for Exemption. The proposed zone changes will not have a significant impact on the environment.

Findings

Staff finds that the proposed, Zone Changes ZC-02-26-017000, are in accordance with Chapters 17 of the Daly City Municipal Code. Approval of the proposed project will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the vicinity. The proposed zone changes would not be injurious or detrimental to property and improvements in the neighborhood or result in substantial environmental damage or disturbance. These findings are based in part on the following facts:

1. In accordance with Title 17 of the Daly City Municipal Code, as well as applicable State zoning enabling legislation, the Planning Commission will conduct a public hearing on March 3, 2026; notice of said hearing was by newspaper publication on February 19, 2026.
2. Staff has reviewed the proposal under the requirements of the California Environmental Quality Act (CEQA) and had determined the project is except pursuant to CEQA Exemption 15061-Regulation Review.

3. The proposed zoning changes would not be detrimental to the public health, safety, and general welfare.
4. The proposed zone changes are consistent with the General Plan objectives of the Land Use Element Objective 6 and 7 in the General Plan Land Use Element, which states that, a pattern of variety in residential densities; types and tenure should be maintained in order to provide housing opportunities.

Recommendation

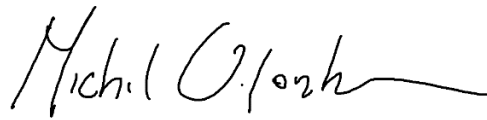
Staff recommends the Planning Commission forward to the City Council the following recommendations:

1. Adopt the Findings as outlined herein;
2. Adopt the CEQA Exemption 15061-Regulation Review;
3. Approve Zone Change ZC-02-26-017000 as conditioned herein.

Staff is available to provide any additional information desired by the Planning Commissioners.



Sam Fielding
Associate Planner



Michael VanLonkhuysen
Acting Director
Economic and Community Development

Attachments

Attachment A – Proposed Zoning Ordinance Revisions