

Attachment 2 – Proposed Amendments

Notes:

- Staff clarification/comments are shown as *italicized text*.
- Existing code language that are proposed to be removed are shown as ~~strike-out text~~.
- Proposed code language is shown as underlined text.

CURB LEVEL

Reason for Proposed Change: In 1978, the City Council approved a “curb level” definition. In 1985, the City Council approved an amendment to the building height definition to measure building height from grade rather than curb level. Thus, this remnant curb level definition, which should have been removed as part of the 1985 amendment, is an antiquated definition that no longer serves a purpose and is proposed to be removed.

Proposed Change:

27.04.140 CURB LEVEL:

~~"Curb level" means the officially established grade of the curb fronting the midpoint of a lot. Where a building faces on more than one street, a "curb level" shall be determined for each frontage. Where no curb elevation has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this title.~~

~~{Ord. No. 1978-18 § 17; prior code § 142.01(48).}~~

FLOOR AREA – COVERED STRUCTURES

Reason for Proposed Change: For the purposes of calculating floor area ratio, covered structures such as patios and carports are counted as floor area regardless of the number of open sides. The proposed change reformats the list and provides clarity for what is considered a covered structure that counts toward floor area ratio.

Proposed change:

27.04.200 FLOOR AREA.

(a) Definitions.

- (1) Floor Area. Floor area means the sum of the gross horizontal areas of all principal and accessory buildings and above grade covered parking on a zoning plot.
- (2) Floor Area Ratio (FAR). Floor area ratio means the gross floor area of the buildings on a zoning plot divided by the net lot area.

(b) Measurement, other than single-family dwellings in R1 zoning districts.

- (1) Floor area is measured from the exterior façade of the building's wall planes, from the centerline of party walls, or from a line three feet from the edge of an eave, whichever produces the largest floor area. Stories exceeding fifteen (15) feet in height shall be counted as additional floor area, with the exception that ground floor retail may be up to eighteen (18) feet in height measured from first finish floor to second finish floor before being counted as additional floor area. Floor area also includes all accessory structures on the site and basements that meet the definition in subsection (c)(5)(6).

(2) Exclusions. The following are not counted as floor area:

- (A) Covered or open courts, and atriums, on the ground floor, provided that the area is not used as dwelling, office, retailing, or required access;
- (B) In multiple-level buildings, covered courts, if the retailing uses are open to the public. Multiple-level stairwells and elevators shall be counted only as ground floor area;
- (C) Covered walkways and balconies;
- (D) First floors, mechanical areas, penthouse, and top floors are counted only once as floor area, regardless of height;
- (E) Bicycle parking facilities;
- (F) Floor area designated for day care centers accessory to and intended to serve a multi-family, commercial, office or manufacturing use. Such floor area may be located within the primary structure or may be in a freestanding structure accessory to the primary structure;
- (G) Covered parking for office use shall not be counted as floor area in areas delineated for exclusion within an adopted plan, such as the Mariner's Island Specific Plan or the Bay Meadows Specific Plan.

(c) Measurement, for single-family dwellings in R1 zoning districts, shall include the following:

- ~~(1) All area enclosed within the walls of the principal structure (measured from the outside perimeter of said walls).~~
- (1) A covered structure or portion of a building where it has a horizontal or sloped covering which consists of 50% or more solid material.
- ~~(2) The area of all accessory structures, including garages, carports, and storage sheds, and covered patios, porches (excepting covered porches of up to 100 square feet), and other similar structures that are enclosed on three or more sides.~~

(2) All area enclosed within the walls of the principal structure (as measured from the outside perimeter of the walls), and the area (or footprint) of any attached carports, covered balconies or porches (as measured from the outside perimeter of its support structures).

(A) Exception: to encourage street frontage activity, the first 100 square feet of a covered front porch shall not be included as floor area.

(3) The area of all detached accessory structures, regardless of the number of open sides, including:

(A) Detached garages and carports;

(B) Storage sheds and other similar structures; and

(C) Covered patios or similar structures.

~~(3)~~ (4) Any interior space where the vertical distance between the upper surface of the floor and the floor above is fifteen (15) feet or more shall be counted as twice the floor area. If there is no floor above the space, then the distance shall be measured to the underside of the roof structure.

~~(4)~~ (5) Attic space is considered floor area when area "A" is at least 50% of areas "A" and "B" combined in the following plan-view diagram:

| | | | | |
|--|---|--|---|--|
| | Area "B" (ceiling height between 5' and 7' 6") | Area "A" (ceiling height 7' 6" or greater) | Area "B" (ceiling height between 5' and 7' 6") | |
|--|---|--|---|--|

~~(5) A basement is considered floor area and a story when more than one-half the area of the outermost basement walls are above finished or pre-existing grade (whichever is lower) and the surface of the finished floor level above is either:~~

~~(A) More than four feet above finished or pre-existing grade (whichever is lower) for more than 50% of the total perimeter, or~~

~~(B) More than 12 feet above finished or pre-existing grade (whichever is lower) at any point.~~

(6) A basement is considered floor area when:

(A) It is conditioned space as defined in the California Building Code, or

(B) More than one-half the area of the outermost basement walls is above finished or pre-existing grade (whichever is lower), and the surface of the finished floor level above is either:

1) More than four feet above finished or pre-existing grade (whichever is lower) for more than 50% of the total perimeter, or

2) More than twelve (12) feet above finished or pre-existing grade (whichever is lower) at any point.

(7) A basement is considered both floor area and a story when it meets the conditions described in subsection (6)(b).

(d) Off-Street Parking and Loading. Floor area for determining off-street parking and loading requirements as contained in Chapter 27.64, shall be based on physical floor space and shall not include the following:

(1) Storage areas except for areas located within selling or working space such as counters, racks, and closets;

(2) Utility areas including, but not limited to, elevator shafts, telephone switching rooms, stairwells, rest rooms, and heating and cooling rooms;

(3) Accessory facilities to be used only by employees of the principal uses;

(4) Off-street parking and loading facilities, including aisles, ramps, and maneuvering space;

(5) Basement, attic, or mezzanine floor area other than area devoted to retailing activities, to the production of processing of goods, or to business or professional offices;

(6) Floor area designated for day care centers accessory to and intended to serve a multi-family, commercial, office or manufacturing use. Such floor area may be located within the primary structure or may be in a freestanding structure accessory to the primary structure;

(7) Floor Area Computed for Building Volume. Additional parking shall be required in the event of change of excluded floor areas into uses generating parking.

(e) Interpretation. All interpretations of floor area shall be subject to the review and approval of the Zoning Administrator.

(f) No change in the definition or calculation of floor area, except to the extent that the City Council expressly states that the change allows greater floor area, shall be construed to authorize an expansion of the allowable floor area of a building or structure, whether pursuant to Chapter 27.72 or otherwise.

LOADING ZONES

Reason for Proposed Change: When a proposed new development or new use in an existing building requests relief from the requirement to provide off-street loading berths, a Site Plan and Architectural Review (SPAR) or Variance is required. The current Code language prohibits an applicant from requesting a SPAR to omit the required off-street loading unless it can be demonstrated that only street access to the building is available. The prerequisite language is unclear in that every property that is developed or proposed for development must have access to a street. The result has been that the provision is confusing and has not been applied consistently over the years, resulting in a number of instances where developments have applied for and been granted relief from the City's on-site loading requirements without meeting the prerequisite language. The intent of the proposed code amendment is to clarify the Code for greater transparency and to promote consistency in how the provision is applied. The process to request and establish loading elsewhere would not be affected by the proposed amendment.

Proposed Change:

Chapter 27.64 OFF-STREET PARKING AND LOADING

27.64.390 SCHEDULE OF LOADING REQUIREMENTS.

All planning applications shall include a description of the means by which loading activities for the intended use are to be accommodated. For the uses listed in the following table, off-street loading berths shall be provided on the basis of number of residential units or gross floor area of building or portions thereof devoted to such uses in the amounts shown herein. Off-street loading berths as prescribed below shall be ~~required where access to such berths is available~~ accessible from a public alley, driveway easement, or from an adjacent off-street parking area. ~~Where only street access is available, the~~ The requirements for off-street loading berths may be modified by one of the following means:

(a) Approval of a site plan and architectural review (SPAR) by the ~~Development Review Board~~ Zoning Administrator, based on the following findings: ~~that each of the following conditions pertain:~~

- (1) Adequate on-street parking is available along the parcel frontage to accommodate a loading vehicle;
- (2) ~~On-~~ The on-street parking intended for temporary loading purposes is located at least 50 feet from any intersections, and provides convenient access to building entrances; and
- (3) The street width is adequate to accommodate loading vehicles without impeding use of the sidewalk or local traffic circulation or otherwise be detrimental to public safety; or

(b) Approval of a variance application in accordance with Chapter 27.78.

LOADING BERTH REQUIREMENTS (ON- AND OFF-STREET)

| USE | GROSS FLOOR AREA IN SQUARE FEET OR NUMBER OF RESIDENTIAL UNITS | NO. | OF BERTHS |
|---|--|-----|-----------|
| A. Hospitals, Sanitariums, and other institutional uses. | 20,000 to 100,000 | 1 | 10' x 25' |
| | for each additional 100,000 or fraction, add | 1 | 10' x 25' |
| B. Hotels, Clubs, Lodges—when containing any of the following: Retail Shops, Restaurants, | 10,000 to 20,000 | 1 | 10' x 25' |
| | 20,000 to 150,000 | 2 | 10' x 50' |

| USE | GROSS FLOOR AREA IN SQUARE FEET <u>OR</u> NUMBER OF RESIDENTIAL UNITS | NO. | OF BERTHS |
|---|---|-----|-----------|
| Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices (other than accessory) | for each additional 150,000 or fraction, add | 1 | 10' x 50' |
| C. Retail Stores | 5,000 to 12,000 | 1 | 10' x 25' |
| D. Establishments Dispensing Food or Beverage, for Consumption on the Premises, except for Fast Food Establishments | 12,000 to 25,000 | 2 | 10' x 25' |
| | 25,000 to 40,000 | 2 | 10' x 50' |
| | 40,000 to 100,000 | 3 | 10' x 50' |
| E. Motor Vehicle and Machinery Sales | for each additional 100,000 or fraction, add | 1 | 10' x 50' |
| F. Wholesale Establishments (but not including warehouse and storage buildings other than accessory) | | | |
| G. Auditoriums, Convention Halls, Exhibition Halls, Sports Arenas, Stadiums | 10,000 to 20,000 | 1 | 10' x 25' |
| | 20,000 to 100,000 | 1 | 10' x 50' |
| H. Bowling Alleys | for each additional 100,000 or fraction, add | 1 | 10' x 50' |
| I. Banks and Offices – Business, Professional and Governmental | 50,000 to 100,000 | 1 | 10' x 25' |
| | for each additional 100,000 or fraction of 500,000, add | 1 | 10' x 25' |
| J. Establishments engaged in Production, Processing, Cleaning, Servicing, Testing, or Repair of Materials, Goods, or Products | 5,000 to 10,000 | 1 | 10' x 25' |
| | 10,000 to 40,000 | 1 | 10' x 50' |
| | 40,000 to 100,000 | 2 | 10' x 50' |
| K. Warehouses and Storage Buildings | for each additional 100,000 or fraction of 500,000, add | 1 | 10' x 50' |
| L. Theaters | 8,000 to 25,000 | 1 | 10' x 25' |
| | for each additional 50,000 or fraction, add | 1 | 10' x 25' |
| M. Funeral Homes | 8,000 to 25,000 | 1 | 10' x 25' |
| | for each additional 50,000 or fraction, add | 1 | 10' x 25' |
| N. Fast Food Establishments | 2,000 to 7,000 | 1 | 10' x 25' |
| | 7,000 to 12,000 | 2 | 10' x 25' |
| O. Multiple-Family Residential* | 50 or more units | 1 | 10' x 25' |

* May be eliminated in mixed-use developments where a minimum of 1 loading berth is required for nonresidential uses.

TREES

Reason for Proposed Change: On May 3, 2021, the City Council repealed Chapters 13.35 Street Trees and 13.52 Heritage Trees, and adopted Chapter 13.40 Protected Tree. The repeal and new ordinance updated the city's requirements in line with current best practices. Changes are proposed to Chapters 27.71 Landscape and 27.78 Variance to align with Chapter 13.40 for internal consistency, incorporate best practices, and provide clarity for customers regarding trees.

Proposed Change:

Chapter 27.71 LANDSCAPE FOR PLANNING APPLICATIONS

27.71.010 PURPOSE.

The purpose of this chapter is to enhance the quality of life in San Mateo by the provision for appropriate design of landscaping and through the preservation of existing trees. Landscaping shall be a major component of all site design in order to create a city that has a strong landscaped character. The intent is that individual neighborhood character be developed and maintained, architecture be softened by plant materials where appropriate, conflicting uses be buffered, parking areas be screened, comfortable outdoor living and walking spaces be created, air pollution be mitigated and future developments be made water efficient.

27.71.020 SCOPE.

This chapter shall apply as a minimum for all projects requiring approval of a planning application pursuant to Section 27.08.010, except for single-family dwelling design review applications. Landscaping not subject to this chapter shall be governed by the provisions of ~~Chapter 10.52, Heritage Trees~~ Chapter 13.40. The Zoning Administrator may determine that minor additions or changes to existing property are not reasonably related to the purpose of this chapter and may be exempt from the requirements of this chapter.

27.71.030 GENERAL OBJECTIVES.

- (a) Required Landscaping. All required front and street side yards shall be landscaped, except for necessary driveways and walkways. In all other areas landscaping shall be required except for necessary circulation areas, paved outdoor living areas or water features.
- (b) Buffering and Screening. Plantings shall be provided to buffer residential uses from commercial or industrial uses. Plantings shall also be provided to screen service and storage areas, parking lots or unsightly areas. Plantings shall be used where appropriate to control noise, wind, climate and ensure privacy.
- (c) Outdoor Living Areas. Landscaping shall be arranged so as to provide usable outdoor living areas where appropriate. Plant materials and architectural features should be used to control noise, sun and wind and provide adequate privacy.
- (d) Composition of Required Landscaping. All required landscaping shall include the planting and maintenance of some combination of trees, groundcover, shrubs, vines, annuals and lawns. In addition, the combination or design may include natural or structural features, including, but not limited to, fountains, reflecting pools, artwork, screens, walls, and fences.
- (e) Security. Landscaping shall be installed and maintained to provide aesthetic quality while promoting building security.

(f) Minimum Requirements. The provisions contained in this chapter are intended to be a minimum standard. Compatibility with other projects and compliance with required findings and adopted goals and policies of the City shall be evaluated through the planning application process.

27.71.040 DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Existing Trees" means all existing trees over six (6) inches in trunk diameter (measured at 54 inches from natural grade) on the subject property and any Protected Trees on the subject property or any property within 30 feet of the proposed Construction Activity, as outlined in Section 13.40.080.

~~(a)-(b)~~ "Groundcover" means low growing live perennial vegetation, other than turf, of a species which is sold as a groundcover or shrub by licensed nurserymen.

~~(b)~~ A "heritage tree" is any one of the following:

(1) Any bay (Umbellularia californica), buckeye (Aesculus spp.), oak (Quercus spp.), cedar (Cedrus spp.) or redwood (Sequoia sempervirens) tree that has a diameter of 10 inches or more measured at 48 inches above natural grade;

(2) A tree or stand of trees designated by resolution of the City Council to be of special historical value or of significant community benefit;

(3) A stand of trees, the nature of which makes each dependent on the others for survival; and

(4) Any other tree with a trunk diameter of 16 inches or more, measured at 48 inches above natural grade.

(c) A "heritage tree" is as defined in Chapter 13.40.

~~(c)-(d)~~ "Landscape" or "landscaped area" means an area that consists of living plantings.

~~(d)-(e)~~ "Landscape unit (LU)" means the unit of measurement for trees which indicates the worth of each relative to one another and towards satisfying City requirements.

~~(e)-(f)~~ "Natural landscaping" means an area consisting of uncultivated native plant growth and other features of natural terrain such as rock outcroppings, streams or other areas covered by water.

~~(f)-(g)~~ "Plantings" means annuals, groundcover, turf grass, shrubs or trees.

(h) "Protected Tree" means a Heritage Tree or Street Tree as defined in Chapter 13.40 or a tree designated as protected as part of an approved Planning Application that is subject to this Chapter.

(i) Project Arborist means an ISA Certified Arborist designated to evaluate the potential impacts of Construction Activity on Protected Trees, write specifications for tree preservation, oversee Construction Activity within the Dripline of Protected Trees and other necessary activities as determined by the City Arborist.

~~(g)-(j)~~ "Shrubs" means live perennial vegetation, greater than an average height of two (2) feet and maintained below twelve (12) feet in height. Vines shall be considered as shrubs.

(k) "Street Tree" means any woody perennial plant having a single main axis or stem capable of achieving ten (10) feet or more in height, growing along or within public right of way or planted within public right of way or a designated planting easement.

~~(h)-(l)~~ "Trees" means a live self-supporting woody plant having at least one well defined stem or trunk and normally attaining a mature height and spread of at least twelve (12) feet, and having a trunk that may, at maturity, be kept clear of leaves and branches at least six (6) feet above grade.

~~(i)-(m)~~ "Turfgrass" means live vegetation of a species normally grown as turf by a nursery and which is maintained at a height of three inches or less.

27.71.050 MAINTENANCE.

All landscape areas shall be maintained free of weeds, litter and debris. All plantings shall be maintained in a healthy growing condition and whenever necessary, replaced with equivalent plant materials to ensure continued conformance with approved plans.

27.71.060 PLANT ESTABLISHMENT PERIOD.

A plant establishment period of three growing season months (March through October) shall be required for all landscape areas. At the completion of this period all plant materials shall be in a healthy condition and the landscaped area shall be maintained free of weeds, litter and debris.

(a) For projects with less than 10,000 square feet of landscaped area, proof of a contract with a licensed landscape contractor to maintain the landscape for the plant establishment period shall be submitted.

(b) For projects with greater than 10,000 square feet of landscape area and for all residential condominiums, financial securities shall be held by the City as required in Section 27.71.090 to ensure compliance with the plant establishment period.

27.71.070 SUBMITTALS REQUIRED FOR A PLANNING APPLICATION.

(a) All landscape plans must be at a reasonable scale to indicate all types of improvements. All plans must contain sufficient information to ensure conformance with the requirements of this chapter and must include, but are not limited to, the following information:

- (1) North arrow and scale;
- (2) The name of the applicant/owner;
- (3) The name, address, and phone number of the person or firm responsible for the preparation of the plans and other required information;
- (4) The dates the plans are submitted and revised;
- (5) All existing and proposed buildings and other structures, paved areas, planted areas, power poles, fire hydrants, light standards, signs, fences, and other permanent features to be added and/or retained on the site;
- ~~(6) All existing plant material to remain and to be removed, a tree evaluation schedule identifying trees as to size, species, the condition of trees to be removed as determined by an arborist and the existing and proposed replacement LU values;~~
- (6) All existing plant material to remain and to be removed, a tree evaluation schedule identifying Major Vegetation (as defined in Chapter 23.40) and all Protected Trees including trunk diameter, species, the condition of trees to be removed as determined by an arborist and the existing and proposed replacement Landscape Unit (LU) values;
- (7) All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches, and other public or semi-public improvements within and immediately adjacent to the site;
- (8) Contour lines, if the slopes are in excess of 10%;
- (9) Existing and proposed topographic elevations at sufficient locations, to clearly show the drainage pattern unless this information is provided on a grading plan or other documents in the planning application;
- (10) All property lines and easements;
- (11) Square footage of all planted area;
- (12) Species, sizes and location of all proposed plant material including the accurate driplines of all Protected Trees;
- (13) Soil tests as required by the discretion of the Zoning Administrator; and
- ~~(14) A tree protection plan consistent with Section 13.52.025(c) of the municipal code.~~
- (14) A tree protection plan consistent with Chapter 13.40 and the Administrative Guidelines.

(b) All projects with over 1,000 square feet of new or modified planting areas as required to meet the provisions of this chapter shall have all landscape plans and accompanying documents prepared or reviewed and found acceptable by a licensed landscape architect registered with the State of California.

27.71.080 SUBMITTALS REQUIRED FOR A BUILDING PERMIT APPLICATION.

(a) All of the required submittals for a planning application;

(b) Type and depth of mulch indicated on the plan;

(c) An irrigation plan accurately drawn to scale that indicates all components of the irrigation system including sprinklers and other outlets, valves, the backflow prevention device(s), controller(s), and piping;

~~(d) All required tree preservation fees as required in Section 27.71.150;~~

- (d) All tree information as required in Section 27.71.150 and Chapter 13.40;
- (e) For projects with less than 10,000 square feet of landscaped area, proof of a contract with a licensed landscape contractor to maintain the landscape area for the plant establishment period;
- (f) For projects with greater than 10,000 square feet of landscape area, financial securities as required in Section 27.71.090; and
- (g) Soil tests as required in Section 27.71.110.

27.71.090 REQUIREMENTS FOR USE OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

- (a) Prior to use, final inspection, or the issuance of certificate of occupancy, all landscaping shall be installed in conformance with the approved plans.
- (b) Phased Projects. Incremental landscape installation may be permitted by the Zoning Administrator when building construction is phased.
- (c) Financial Security. Financial security shall be required for all projects with over 10,000 square feet of landscape area and for all residential condominiums. On smaller projects where adverse weather, drought conditions or project phasing prohibit the installation of landscaping, the Zoning Administrator may allow financial security to be submitted to the City in order to allow use or issuance of a certificate of occupancy. The security shall be in a form which is legally sufficient to ensure the preservation of trees and the installation of all approved landscape improvements. Financial security shall be returned 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 in Section 27.71.150, shall be used to determine the amount of security.

27.71.100 LANDSCAPE COMPATIBILITY AND SOIL TESTING.

The location and nature of all landscaping shall be compatible with the soil, amendments, existing plantings to remain and character of the landscaping in the vicinity. For projects with over 10,000 square feet of landscape area or in areas of questionable soils such as the foothills or areas of bay fill, soils testing shall be required. Testing shall be performed by a professional testing laboratory. Soil shall be amended according to test report recommendations.

27.71.110 PLANT COVERAGE AND TREE SIZES.

- (a) Allowed Bare Ground. Areas of bare ground or ground covered only by bark or rocks shall be allowed on-site only where required as part of an approved facility, such as a baseball diamond, vegetable garden, flowerbed, or similar use.
- (b) Allowed Natural Landscaping. Natural landscaping shall be allowed only in areas where it is compatible with the surrounding environment.
- ~~(c) Minimum Tree Size. All required trees shall be a minimum size of 15-gallon container at time of installation, except for heritage tree replacements, which require a minimum size of 24-inch box.~~
- (c) Minimum Tree Size. All required trees shall be a minimum size of 15-gallon container at time of installation, except for heritage tree replacements, which shall be replaced according to Chapter 13.40 and the Administrative Guidelines.
- (d) Plant Coverage.
 - ~~(1) Trees shall be planted at a minimum ratio of one per 400 square feet of required landscaped area. The ratio may include existing trees and required street and parking area trees. In some instances a greater ratio will be necessary to achieve desired landscaping objectives. Required tree ratio excluded for public parks, golf courses, cemeteries and school recreation areas.~~
 - (1) Trees shall be planted at a minimum ratio of one per 400 square feet of required landscaped area. The ratio may include existing trees and required parking area trees. Public parks, golf courses, cemeteries, school recreation areas and public facilities are not required to meet this ratio.
 - (2) Groundcover and shrub massing areas shall be planted in a manner or at the spacings recommended by the American Association of Nurserymen, to uniformly cover the proposed

groundcover areas within two years and the shrub areas within five years or a period optimum for the species.

(e) Security Planting. The use of plant materials that promote building security is encouraged. A list of such materials may be obtained from the Planning Division. Perimeter landscaped areas should incorporate thorny plant materials to discourage persons from cutting through parking areas, trampling vegetation near ground floor windows, or climbing perimeter fences and walls.

27.71.120 STREET TREES.

~~(a) Tree Planting. Fifteen-gallon or larger street trees shall be planted along public streets in accordance with the City Street Tree Master Plan. Trees shall be planted at a spacing not to exceed 30 feet except to allow for utilities, street furnishings and driveways. Trees shall be planted closer than 30 feet if so recommended by the City Arborist.~~

(a) Tree Planting.

(1) 24-inch box size or larger street trees shall be planted along public streets in accordance with the City Street Tree Master Plan. The City Arborist shall have the authority to recommend planting of fifteen (15) gallon street trees when:

(A) Upon written request by the applicant; and

(B) The fifteen (15) gallon size trees are the only ones available in stock, or

(C) The quality of the fifteen (15) gallon size trees are superior to that available in 24-inch box size.

(B) Trees shall be planted at a spacing not to exceed 30 feet except to allow for utilities, street furnishings, driveways, and other provisions deemed necessary by the city to ensure public safety.

Trees shall be planted closer than 30 feet if so recommended by the City Arborist.

~~(b) Tree Maintenance Easement Access Easement. Where a planning application requires a parcel or tentative map, a street tree maintenance an access easement shall be required if the street trees are to be located on private property and no such easement exists. However, it is recommended that even when a parcel or tentative map is not required or included, an easement be provided to allow the City to maintain the trees (other than irrigating) on private property the City for site access purposes in the event of an emergency or a hazardous situation.~~

27.71.130 PARKING AREAS.

The following requirements shall apply to open parking areas containing five or more parking spaces.

(a) Setbacks. Whenever a parking area is located adjacent to any residential use or zone and along all street frontages, a landscape strip shall be provided that is equal in width to five percent of the parking lot depth or six feet, whichever is greater.

(b) Percentage of Parking Areas to be Landscaped. At least 10% of the open parking area shall be landscaped. The following shall be considered in computing the landscape area:

(1) Parking area includes all paved surfaces devoted to on-site circulation and parking;

(2) Only those landscaped areas within six feet of a parking stall or aisle shall apply towards meeting the 10% requirement;

(3) Areas to be considered shall include planting areas and required curbing.

(c) Screening. All open parking areas shall be effectively screened on each side adjoining or fronting on any property in a residential zone and along all street frontages. Screening of adjoining property shall be a minimum of four feet to a maximum of six feet in height. Screening along street frontages shall be at least two and one-half feet in height for at least 80% of its length. Screening shall be accomplished by a wall, fence, earth berm, densely planted shrub mass or any combination of the above. Where walls or fences are provided, they shall be located adjacent to the edge of the parking lots. Screening shall conform with the sight distance requirements contained in Chapter 27.84 of the San Mateo Municipal Code.

(d) Parking Lot Islands.

(1) All islands and small areas unused for parking or circulation shall be landscaped. The Zoning Administrator may determine that certain areas for reasons of size, aesthetics or circulation should not be landscaped and may approve paving in those areas.

(2) Interior landscape islands, having a minimum dimension of five feet including curb, shall be provided after every 10 parking spaces in a row to provide for tree planting.

(e) Required Trees. For each three parking spaces at least one tree shall be planted within the parking lot landscaped area in addition to any required street trees. Existing trees may be included in the required total.

(f) Protection of Planting Areas. All planting areas shall be protected from common vehicular traffic. For parking lots containing five stalls or more, this requirement shall be met by a six-inch-high vertical concrete curb. For parking lots containing less than five stalls, this requirement may be met by a concrete wheel stop in front of each diagonal or perpendicular stall plus a minimum six-inch-high concrete curb in other areas or approved equal. No trees or shrubs shall be planted and sprinkler heads shall be kept below curb height within two feet six inches of any curb or wheel stops which front upon parking stalls or backup areas.

27.71.140 RIGHT-OF-WAY LANDSCAPING.

The unpaved right-of-way area located between the public street and private property shall be landscaped in a manner compatible with the required landscaping on site. Such landscaping shall be permanently maintained by the property owner in conformance with the approved plans and so as not to create a safety hazard. Strips of public right-of-way located between the curb and sidewalks may not be paved but must likewise be landscaped. Long narrow strips of turfgrass such as traffic medians and areas between curbs and sidewalks are prohibited.

27.71.150 PRESERVATION OF EXISTING TREES.

~~(a) Evaluation of Existing Trees. Trees over six inches in caliper shall be evaluated on the basis of species, size, condition, location and classification as a heritage tree.~~

(a) Evaluation of Existing Trees. Trees over six (6) inches in trunk diameter, measured at 54 inches from natural grade and Protected Trees as defined in Chapter 13.40 shall be evaluated on the basis of species, size, condition, location and classification as a Protected Tree.

(b) Required Submittals. To evaluate the existing trees the landscape plan and a tree evaluation schedule shall be submitted with the planning application showing:

(1) The location of all existing trees six (6) inches or greater in ~~caliper~~ trunk diameter (measured at 54 inches from natural grade), noting which are to be removed and which are located within the allowable building area;

(2) ~~Caliper size~~ Trunk diameter in inches measured ~~48 inches above grade~~ 54 inches above natural grade;

(3) Species name and species value as determined by utilizing the most recent edition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers;

(4) Condition and location value of trees as determined by ~~an arborist or landscape architect~~ an ISA Certified Arborist;

(5) The total LU value of trees to be removed; and

(6) The total LU value of replacement trees.

(c) Landscape Unit Value (LU).

(1) The tree species, condition, and location values of the trees shall be based on an evaluation by an experienced landscape appraiser recognized by the American Society of Consulting Arborists utilizing the most recent Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers; and approved by the Zoning Administrator.

(2) Trees not within the allowable building area shall receive a location factor of 1.0 (100%). Trees located within the allowable building area shall receive a location factor of .70 (70%).

(3) Trees designated as heritage trees shall receive a bonus percentage value of 1.25 (125%). Trees located within the allowable building area shall receive a location factor of .70 (70%).

(4) Trees designated as heritage trees shall receive a bonus percentage value of 1.25 (125%).

The species, condition and location value assume an average tree value to be .70 (.7 x .7 x .7 = .343).
All existing trees to be removed shall be given a LU value based upon the following calculation:

species value% x condition value% x location value%

.35

x caliper inches x bldg./setback% x heritage tree% = LU

species value% x condition value% x location value%

Trunk diameter inches x

bldg.

x

=

LU

.35

setback% x heritage tree%

(d) Tree Replacement. Existing trees to be removed shall be replaced with new trees to equal the total removed LU value. The following rates shall be given to replacement trees to obtain the replacement LU value:

| LU Value | Replacement Tree Size |
|----------|-----------------------|
| 1 | 15-gallon |
| 2 | 24-inch box |
| 3 | 36-inch box |
| 4 | 48-inch box |

~~Replacement trees shall be in addition to and not substitute requirements for street trees, parking lot trees or other required trees. The LU value for replacement street trees shall be calculated separately from non-street trees.~~

(e) Preservation of Heritage Trees. The site design shall make every reasonable effort to preserve heritage trees, consistent with ~~Section 13.52.025~~ Chapter 13.40 of the municipal code. Conditions shall also be imposed to protect heritage trees during construction. Heritage trees shall be removed only when it is demonstrated that preservation of these trees would result in a threat to health, safety, and welfare due to a hazardous tree condition, impacts on soil erosion and stability, or an unreasonable effect upon the economic enjoyment of the property, consistent with ~~Section 13.52.040~~ Chapter 13.40 of the municipal code.

(f) Protection of Existing Trees. The site design shall make reasonable effort to protect existing trees. The design shall be evaluated as to how it protects existing trees or the reasons for removal of existing trees. Tree protection measures shall be provided for trees to remain on-site, which shall be consistent with ~~Section 13.52.025~~ Chapter 13.40 of the municipal code and imposed as a condition of approvals.

(g) Alternates to On-Site Replacement. If the required LU value for replacement of existing trees to be removed is not made up with replacement trees on-site, the City shall require that trees be planted in another location on-site or off-site or a contribution of funds be made to the City to be used for plantings on public land or a combination of the above options. If a contribution of funds is required, it shall be the fee as established by resolution of the City Council in the annual Comprehensive Fee Schedule.

27.78 VARIANCES

27.78.010 PURPOSE.

In order that the purpose of this Code may be carried out, the approval body designated in this Title may, upon receiving an application for a variance from the provisions of this Title, vary such provisions upon finding that owing to special conditions, enforcement of the Title would result in hardship. Any variance granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege.

27.78.020 CONDITIONS FOR GRANTING.

(a) In order to make its determination that there is hardship, the approval body designated in this Title shall determine if each of the following conditions pertain:

- (1) There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to property in the same zone or neighborhood including buildings of architectural or historical significance or of architectural interest as recognized by action of the City Council or another government agency.
- (2) A variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property owners in the same zone or neighborhood;
- (3) Granting of the variance will not be materially detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located; and
- (4) Granting of the variance will not adversely affect or be inconsistent with the general plan.

(b) Parking stall dimension variances shall also meet all of the following limitations:

- (1) Handicapped stalls required by the State Architect's Handicapped Access Regulations are not eligible for this process.
- (2) The application must be based on constraints imposed by physical features of the site (such as slopes, ~~major vegetation to be preserved or the like~~) Major Vegetation to be preserved as defined in Chapter 23.40, or Protected Trees as defined in Chapter 13.40), or existing structural improvements. No variance shall be granted for stall dimensions due to mere lack of space on the site to meet standard requirements for the project, nor for the sole purposes of design simplicity, reduced cost or other convenience of the applicant.
- (3) Variances for the width of stalls shall only be allowed for locating posts or stub walls in the very front or rear part of the stalls where they will not obstruct the swing of doors for passenger vehicles, or to allow continued use of established parking structures.

(4) The application meets one or more of the following:

- (A) The variance is needed to continue using existing facilities;
- (B) No more than one dimension is to vary, and by not more than 1 foot width or 6 inches height or 2 feet length;
- (C) No more than 10% of all required stalls, or 3 stalls, whichever is greater, are to vary;
- (D) The total volume of each of the stalls will be at least 95% of the unvaried volume of height, width and depth combined.

BUILDING CODE

Reason for Proposed Change: *The zoning code references the Uniform Building Code (UBC) in multiple places; however, the last publication was in 1997 and it is no longer used. The amendment would replace references to the Uniform Building Code (UBC) with the California Building Code throughout the zoning code.*

Proposed Change:

Throughout the zoning code, replace references to the “Uniform Building Code” with the “California Building Code”.