

**CITY OF SAN MATEO  
DRAFT ORDINANCE**

**REPEALING SECTION 27.04.140, "CURB LEVEL," AMENDING SECTIONS 27.04.200, "FLOOR AREA," "SCHEDULE OF LOADING REQUIREMENTS," CHAPTERS 27.71, "LANDSCAPE FOR PLANNING APPLICATIONS," 27.78, "VARIANCES," AND REPLACING REFERENCES TO THE UNIFORM BUILDING CODE WITH REFERENCES TO THE CALIFORNIA BUILDING CODE**

WHEREAS, the City's Zoning Code is codified in Title 27 of the City of San Mateo Municipal Code; and

WHEREAS, the City wishes to make several minor revisions to Title 27, including deleting the definition for "curb level," clarifying the manner in which floor area is calculated, revising the circumstances under which on-street loading berths will be considered, updating cross-references to the City's protected tree ordinance; and replacing references to the Uniform Building Code with references to the California Building Code;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

**Section 1.** Section 27.04.140, "Curb Level," of the San Mateo Municipal Code is repealed.

**Section 2.** Section 27.04.200, "Floor Area," of the San Mateo Municipal Code is amended to read as follows:

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.

(2) 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)(6).

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

(F) Covered or open courts, and atriums, on the ground floor, provided that the area is not used as dwelling, office, retailing, or required access;

(G) In multiple-level buildings, covered courts, if the retailing uses are open to the public.

(H) Multiple-level stairwells and elevators shall be counted only as ground floor area;

(I) Covered walkways and balconies;

(E) First floors, mechanical areas, penthouse, and top floors are counted only once as floor area, regardless of height;

(F) Bicycle parking facilities;

(G) 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;

(H) 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) 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) 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.

(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.

(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")	
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(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:

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

(ii) 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.

**Section 3.** Section 27.64.390, “Schedule of Loading Requirements,” of the San Mateo Municipal Code is amended to read as follows:

**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 accessible from a public alley, driveway easement, or from an adjacent off-street parking area. 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 Zoning Administrator, based on the following findings:

- (1) Adequate on-street parking is available along a parcel frontage to accommodate a loading berth;
- (2) The on-street loading berth is 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.

(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 <u>OR</u> 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, Convention Halls, Auditoriums, Exhibition Halls, or Business or Professional Offices (other than accessory)	10,000 to 20,000	1	10' x 25'
	20,000 to 150,000	2	10' x 50'
	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			

USE	GROSS FLOOR AREA IN SQUARE FEET <u>OR</u> NUMBER OF <u>RESIDENTIAL UNITS</u>	NO.	OF BERTHS
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'
H. Bowling Alleys	20,000 to 100,000	1	10' x 50'
	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.

**Section 4.** Section 27.71.020, “Scope,” of the San Mateo Municipal Code is amended to read as follows:

#### 27.71.020 Scope.

(a) 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 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.

**Section 5.** Section 27.71.040, “Definitions,” of the San Mateo Municipal Code is amended to read as follows:

#### 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.

(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.

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

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

(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.

(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.

(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.

(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 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.

(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.

(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.

**Section 6.** Section 27.71.070, "Submittals Required for a Planning Application," of the San Mateo Municipal Code is amended to read as follows:

**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 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 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 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.

**Section 7.** Section 27.71.080, "Submittals Required for a Building Permit Application," is amended to read as follows:

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 tree information 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.

**Section 8.** Section 27.71.090, "Requirements for Use or Issuance of a Certificate of Occupancy," is amended to read as follows:

**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.

**Section 9.** Section 27.71.100, "Landscape Compatibility and Soil Testing," is amended to read as follows:

**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.

**Section 10.** Section 27.71.110, "Plant Coverage and Tree Sizes," is amended to read as follows:

**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 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 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.

**Section 11.** Subsection (a), "Tree Planting," of Section 27.71.120, "Street Trees," is amended to read as follows:

(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.

(2) 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.

(3) Access Easement. Where a planning application requires a parcel or tentative map, 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 the City for site access purposes in the event of an emergency or a hazardous situation.

**Section 12.** Section 27.71.130, "Parking Areas," of the San Mateo Municipal Code is amended to read as follows:

### Section 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.

**Section 13.** Subsection (a) of Section 27.71.150, "Preservation of Existing Trees," of the San Mateo Municipal Code is amended to read as follows:

(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.

**Section 14.** Subsection (b) of Section 27.71.150, "Preservation of Existing Trees," of the San Mateo Municipal Code is amended to read as follows:

(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 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) Trunk diameter in inches measured 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 ISA Certified Arborist;
- (5) The total LU value of trees to be removed; and
- (6) The total LU value of replacement trees.

**Section 15.** Subsection (c) of Section 27.72.150, "Landscape Unit Value (LU)," of the San Mateo Municipal Code is amended to read as follows:

(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 ( $.7 \times .7 \times .7 = .343$ ). All existing trees to be removed shall be given a LU value based upon the following calculation:

$$\frac{\text{species value\% x condition value\% x location value\%}}{.35} \times \frac{\text{Trunk diameter inches x bldg.}}{\text{setback\% x heritage tree\%}} = \text{LU}$$

**Section 16.** Subsection (d) of Section 27.71.150, “Tree Replacement,” is amended to read as follows:

(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

The LU value for replacement street trees shall be calculated separately from non-street trees.

**Section 17.** Subsection (e) of Section 27.71.150, “Preservation of Existing Trees,” is amended to read as follows:

(e) Preservation of Heritage Trees. The site design shall make every reasonable effort to preserve heritage trees, consistent with Chapter 13.40. 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 Chapter 13.40.

**Section 18.** Subsection (f) of Section 27.71.150, “Protection of Existing Trees,” is amended to read as follows.

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 Chapter 13.40 and imposed as a condition of approvals.

**Section 19.** Section 27.78.020, “Conditions for Granting of Chapter 27.78, “Variances,” is amended to read:

27.78.020 Conditions for Granting.

(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 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.

**Section 20.** Throughout the Zoning Code, replace references to the “Uniform Building Code (UBC)” with the “California Building Code.”

**Section 21. Environmental Determination.** In accordance with Public Resources Code Section 21065, these proposed Zoning Code amendments are not a “project” subject to CEQA in that the amendments will not have a direct or indirect effect on the physical environment.

**Section 22. Severability.** In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

**Section 23. Publication.** This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

**Section 24. Legislative History and Effective Date.** This ordinance was introduced on Clerk to complete., and adopted on Clerk to complete., and shall be effective 30 days after its adoption.

Place attachments here