

CITY OF SAN MATEO
ORDINANCE NO. 2012-4

AMENDING

SECTION 27.38.090, "OPEN SPACE REQUIREMENTS," OF
CHAPTER 27.38, "CBD DISTRICTS-CENTRAL BUSINESS DISTRICT,"

AND

SECTION 27.64.023, "PARKING—PROHIBITED ON LAWNS, FLOWERS," OF CHAPTER 27.64,
"OFF-STREET PARKING AND LOADING"

AND

SECTION 27.84.040, "FENCE OR HEDGE-BRANCH EXTENSION" OF CHAPTER
27.84,"FENCES, TREES AND HEDGES,"

AND

SECTION 27.87.020, "REQUIREMENTS", OF CHAPTER 27.87, "OUTDOOR RESTAURANT
SEATING AND MERCHANDISE DISPLAY,"

AND

SECTION 27.87.030, "DEVELOPMENT STANDARDS AND CONDITIONS OF USE," OF
CHAPTER 27.87, "OUTDOOR RESTAURANT SEATING AND MERCHANDISE DISPLAY,"

AND

SECTION 27.87.040, "OFF-STREET PARKING AND LOADING," OR CHAPTER 27.87,
"OUTDOOR RESTAURANT SEATING AND MERCHANDISE DISPLAY,"

OF TITLE 27"ZONING" OF

THE SAN MATEO MUNICIPAL CODE

TO IMPLEMENT THE PEDESTRIAN MASTER PLAN

WHEREAS, the Department of Public Works identified a need for a Citywide Pedestrian Master Plan (the "Plan") in 2009; and

WHEREAS, the City's General Plan "Vision 2030," adopted in October 2010, includes a policy calling for the preparation of the Plan to outline strategies for improving pedestrian conditions in the City while raising the profile of walking as a mode of transportation; and

WHEREAS, the City contracted with an outside consultant to begin the planning efforts to develop the Plan which was to be developed with extensive input from the community; and

WHEREAS, the development of the Plan also involved diligent efforts of the Public Works Commission, the Planning Commission, and residents interested in improving the walking environment in the City; and

WHEREAS, the Plan supports the City's goals of the General Plan and the Sustainable Initiatives Plan by creating an environment and programs that support walking for transportation and recreation, encourage fewer trips by car and support active lifestyles, and other plans and policies adopted by the city; and

WHEREAS, the Plan provides guidance for future development of pedestrian facilities and programs; and

WHEREAS, as detailed in the accompanying administrative report, the Plan is comprised of eight chapters and requires amendments to the General Plan, the Municipal Code, and the Zoning Code; and

WHEREAS, the Planning Commission reviewed the Plan and the related Mitigated Negative Declaration and Zoning Code and General Plan amendments at its meeting on March 13, 2012, and adopted Resolution 2012-1 (4-0 vote) recommending that the City Council adopt:

- the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program
- the amendment to the General Plan
- ordinance amending the City's Zoning Code relating to the Pedestrian Master Plan (as modified by the Commission)
- the Pedestrian Master Plan (as modified by the Commission)

WHEREAS, the Public Works Commission reviewed the Plan at its meeting on March 14, 2012, and voted (5-0) to recommend the Plan to the City Council for adoption; concurrently with the introduction of this Ordinance; and

WHEREAS, in order to implement the Pedestrian Master Plan, various sections of the San Mateo Municipal Code require amendment; and

WHEREAS, public notice was provided pursuant to Government Code section 65090; and

WHEREAS, the City Council held a public hearing on April 16, 2012, at which the Council received and considered written and oral evidence; and

NOW, THEREFORE, THE SAN MATEO CITY COUNCIL HEREBY ORDAINS THAT:

Section 1. Section 27.38.090, "Open Space Requirements," of Chapter 27.38, "CBD Districts-Central Business District," of the San Mateo Municipal Code is amended to read:

27.38.090 OPEN SPACE REQUIREMENTS. Open space shall be provided in an amount equal to one percent of the nonresidential floor area of the project, not including parking, provided that there shall be no requirement for open space where the resulting open space would be less than 200 square feet.

This required open space shall be usable open space located at ground level directly accessible to a public sidewalk with a minimum width along the sidewalk of twenty-five feet (25'). Fifty percent (50%) of the required open space shall be unshaded between noon and 2:00 p.m. at the Spring and Fall equinox except where the open space is already shaded by an existing building and no other opportunities exist on the site. This open space area shall include provisions for public use facilities, such as seating for the public in the public areas.

Section 2. Section 27.64.023, "Parking—Prohibited on Lawns, Flowers," of Chapter 27.64, "Off-Street Parking and Loading," of Title 27, "Zoning," of the San Mateo Municipal Code is amended to read:

27.64.023 PARKING -- PROHIBITED ON LAWNS, FLOWERS, SIDEWALK. It shall be unlawful to park a motor vehicle, trailer, unmounted camper or boat (1) upon any lawn or landscaped area, including an area of flowers or shrubs, (2) upon an area of decorative rocks, stones, chips, bark, or the like, unless

such area of decorative rocks, stones, chips or bark was in place and used for parking of a motor vehicle, trailer, unmounted camper or boat prior to July 19, 1993, or (3) upon the sidewalk, thereby impeding the pedestrian right of way. Nothing herein shall be construed to prohibit parking on a driveway. For this section, a driveway shall mean the area from the property line to the garage or carport. This provision shall apply to parcels being used for single family or duplex residences.

Section 3. Section 27.84.040, “Fence or Hedge-Branch Extension,” of Chapter 27.84, “Fences, Trees and Hedges,” of Title 27 “Zoning,” of the San Mateo Municipal Code is amended to read:

27.84.040 FENCE OR HEDGE -- BRANCH EXTENSION. No person shall permit branches or trees or shrubs to extend over any portion of the public sidewalk unless providing a minimum eight (8) foot vertical clearance. No person shall permit branches or trees or shrubs to extend over any portion of a public street **unless** providing a minimum fourteen (14) foot vertical clearance. No person shall permit branches or shrubs to extend over the sidewalk rendering the sidewalk width less than 4 feet.

Section 4. Section 27.87.020, “Requirements,” of Chapter 27.87, “Outdoor Restaurant Seating and Merchandise Display,” of Title 27, “Zoning,” of the San Mateo Municipal Code is amended to read:

27.87.020 REQUIREMENTS.

(a) Restaurant seating on public sidewalks. Restaurant seating located on public sidewalks (in the public right-of-way) are allowed in all Zoning Districts for legally permitted restaurants, subject to meeting the development standards and conditions listed below and approval of an encroachment permit from the Department of Public Works. Nothing is intended to prevent the placement of conditions on the encroachment permit as deemed appropriate.

(b) Outdoor merchandise display. Outdoor display of merchandise accessory to an existing business which occupies a building is permitted on private property in Neighborhood Commercial (C1) and Central Business (CBD) Districts. Such display is not permitted in the public right-of-way.

Section 5. Section 27.87.030, “Development Standards and Conditions of Use,” of Chapter 27.87, “Outdoor Restaurant Seating and Merchandise Display,” of Title 27, “Zoning,” of the San Mateo Municipal Code is amended to read:

27.87.030 DEVELOPMENT STANDARDS AND CONDITIONS OF USE.

(a) Restaurant seating. Restaurant seating located on public sidewalks must meet the following standards and conditions of use:

(1) Clearance. The physical extent of the seating encroachment must be located so as to permanently maintain a minimum sidewalk pedestrian through zone of 4 feet, free and clear between: A) the outer boundary of the seating area and any physical obstruction, such as light standards, parking meters, news racks, trees, curb or other barrier, and B) the entryways or display window of adjacent businesses, unless authorized by the adjacent business.

(2) Physical delineation of seating area. The physical extent of the seating encroachment may be clearly delineated by physical means, which, if either required or voluntarily placed, shall be approved as part of the encroachment permit and designed to be decorative, durable, removable and minimize tripping hazards.

(3) Other limitations. Tables, seating and any approved physical barriers to delineate the seating area are the only items permitted to be located on the sidewalk. These items shall be removed from the public

sidewalk at the close of business each day. Other items, such as busing stations, are not permitted on public sidewalks.

(4) Liability insurance. Applicants for restaurant seating on the public sidewalk shall provide liability insurance providing endorsements showing the City of San Mateo as additional insured on the policy, in an amount determined by the City Attorney's Office. Encroachment permits issued under authority of this Chapter shall be valid only during the term of liability insurance coverage.

(5) Site maintenance. Sidewalk seating areas shall be maintained free of litter, refuse and debris. The area shall be scrubbed and mopped to remove any food or drink stains on a daily basis. Such cleaning shall be performed in accordance with the City's Storm Water Management and Discharge Control Program, which prohibits any discharge other than storm water into the storm water drainage system. The applicant shall post maintenance security in a form and amount determined upon issuance of the encroachment permit. Failure to maintain the site shall be cause for termination of the encroachment permit.

(6) Encroachment fee. The applicant shall pay an annual fee in the amount set forth in the Comprehensive Fee Schedule.

(b) Merchandise display. Merchandise display on private property must meet the following standards:

(1) Private property. Outdoor merchandise display shall be maintained completely on private property in the immediate vicinity of the store entryway, such as in recessed entryways or along storefronts.

(2) Accessibility. Merchandise display areas shall maintain accessibility requirements for the disabled.

Section 6. Section 27.87.040, "Off-Street Parking and Loading," of Chapter 27.87, "Outdoor Restaurant Seating and Merchandise Display," of Title 27, "Zoning," of the San Mateo Municipal Code is amended to read:

27.87.040 OFF-STREET PARKING AND LOADING. Off-street parking and loading shall not be required for: 1) outdoor restaurant seating in the public right-of-way, and 2) outdoor merchandise display on private property.

Section 7. ENVIRONMENTAL REVIEW. The City has prepared an Initial Study and Mitigated Negative Declaration, which identifies and discusses potential environmental impacts of the Pedestrian Master Plan and associated Municipal Code amendments and proposes mitigation measures to be incorporated in the project to eliminate any potentially significant impacts. All potential significant effects will be mitigated and there is no substantial evidence that the project, as revised, will have a significant effect on the environment.

Section 8. 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. It is the intent of the City Council that it would have adopted all other portions of this Ordinance irrespective of any such portion declared to be invalid or unconstitutional.

Section 9. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

The foregoing ordinance was passed and adopted by the City Council of the City of San Mateo, State of California on the 7th day of May, 2012, by the following vote:

AYES: Council Members LIM, MATTHEWS, FRESCHET, ROSS and GROTTTE

NOES: NONE

ABSENT: NONE

ATTEST:

(SEAL) /s/ PATRICE M. OLDS
Patrice M. Olds, City Clerk

/s/ BRANDT GROTTTE
Brandt Grotte, Mayor