



*Community Development Department*  
**PLANNING COMMISSION STAFF REPORT**

**REGULAR ACTION (Public Hearing):** Consideration and Recommendation of a Proposed Ordinance to Amend Title 25 (Zoning) of the Burlingame Municipal Code, which provides zoning regulations within the City and Adoption of the Zoning Map. The amendment would consist of a comprehensive update of all chapters in Title 25 to implement and provide consistency with the Burlingame General Plan. As proposed, the ordinance would repeal and replace the existing Title 25, Title 21 (Historic Preservation), and Title 22 (Signs) in their entirety.

**MEETING DATE:** October 12, 2021

**AGENDA ITEM:** 8g

**ENVIRONMENTAL STATUS:** Pursuant to Section 15019 of the State CEQA Guidelines, the Burlingame City Council determined that any subsequent actions or approvals to implement the proposed Update to the Burlingame General Plan shall be based on and subject to the findings, conclusions, mitigation measures, and statements set forth in the in Table 2-1 of the Draft EIR (DEIR). The Comprehensive Update of Title 25 (Zoning) of the Burlingame Municipal Code and adoption of the City of Burlingame Zoning Map were adequately evaluated pursuant to CEQA in the General Plan EIR since the Zoning Ordinance and Zoning Map do not materially alter the mix of land-uses policies evaluated in the EIR, and no further environmental analysis is required pursuant to the California Environmental Quality Act (CEQA).

### **ACTION REQUESTED**

The Planning Commission shall conduct a public hearing regarding the following ordinance, consider all public testimony (both oral and written) and, following conclusion of the public hearing, consider recommending adoption of the ordinance by the City Council:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME, AMENDING TITLE 25 – PROVIDING A COMPREHENSIVE UPDATE OF TITLE 25 (ZONING) OF THE BURLINGAME MUNICIPAL CODE, ADOPTION OF THE CITY OF BURLINGAME ZONING MAP, AND REPEALING TITLE 21 (HISTORIC PRESERVATION) AND TITLE 22 (SIGNS)

### **BACKGROUND**

In March 2015, the City of Burlingame initiated a multi-year process focused on a community-led effort to update the City's General Plan and Zoning Ordinance, called "Envision Burlingame." The City Council adopted the General Plan on January 7, 2019. The General Plan and Zoning Ordinance are the City's two documents that regulate all land use, environmental, and transportation decisions made by City leaders.

Review and adoption of a Zoning Ordinance Update is necessary to implement the goals and policies in the General Plan. City staff, along with MIG (consultant), have completed preparation of an administrative draft of the Zoning Ordinance Update and Zoning Map for Planning Commission review and recommendation to City Council.

The Zoning Code Update includes a restructuring of the entire current Zoning Code, which will now include Articles and Chapters. To provide commissioners with an overall view of the updated Zoning Code, staff has provided a Zoning Code Update Organization outline (see attached). The outline provides a sense of how the Zoning Code is organized and describes the elements contained within each Article and Chapter. The Zoning Code is organized as follows:

- Article 1: General Provisions
- Article 2: Zoning Districts, Allowable Uses, and Development Standards
- Article 3: Regulations and Standards Applicable to All Zoning Districts
- Article 4: Regulations for Specific Land Uses and Activities
- Article 5: Nonconformities
- Article 6: Permit Processing Procedures
- Article 7: Zoning Ordinance Administration
- Article 8: Definitions

The restructuring also includes incorporating Title 21 (Historic Preservation) and Title 22 (Signs) into the Zoning Code, since these are areas covered more appropriately in the Zoning Code. Therefore, the proposed Amendment includes repealing Title 21 and Title 22 in their entirety.

## **DISCUSSION**

Given that the Zoning Ordinance Update encompasses the entire Zoning Code, Planning staff held several Study Sessions with the Commission between March and July of this year to review sections of the Zoning Code staff and the Commission felt were important to provide comment on. The Drafts included comments/suggestions by Planning staff, as well as input received from prospective applicants considering development within the City. Below is a summary of each Study Session and revisions made to the Drafts as a result of the discussion. Minutes for each of the Study Sessions are attached for reference.

On May 10, 2021 the Commission reviewed the **Code Organization and Draft BFC (Bayfront Commercial) Zoning District Regulations**. The Draft also includes updates to allowable floor area ratios based on the discussion held at the April 24, 2021 Joint Planning Commission/City Council meeting, and sea level rise performance standards based on a discussion held by the City Council on September 20, 2021. Based on the discussion held by the Commission and Council, the following revisions were added to the BFC Zoning District Regulations:

- In the BFC and I-I zones, addition of “Tier 3” Floor Area Ratio (FAR) standard to further differentiate between different scales of development (Table 25.12-2). In the BFC district, Tier 1 would allow an FAR up to 1.0, Tier 2 up to 2.0, and Tier 3 up to 3.0. In the I-I district for properties fronting Old Bayshore Highway, Office and Research/Development projects, Tier 1 would allow an FAR up to 0.75, Tier 2 up to 2.0, and Tier 3 up to 2.75.
- Refinement of community benefits required for increased FAR in Tiers 2 and 3, and clarification of the number of community benefits required for each tier (Code Section 25.12.040).
- Addition of sea level rise performance standards (Code Section 25.12.050). These standards were not reviewed by the Planning Commission previously, as they were developed more recently in consultation with the San Mateo County Flood and Sea Level Rise Resiliency District (known as “OneShoreline”) per direction from the City Council. The standards focus on

maintaining adequate land area for future sea level rise protections such as levees to be built in the future, and standards for new development to build sea level rise protections as part of the initial construction. Protective infrastructure built with new development would be credited towards future infrastructure projects. These are presented as guidelines, in that site-specific variations could be allowed provided the overall performance expectations are met.

- Addition of “City of Burlingame Map of Future Conditions.” This map indicates the elevations required for sea level rise and storm protection infrastructure. The map can be updated from time to time based on changes to conditions or science, and could also address flood and sea level rise requirements in other zoning districts if necessary.
- Addition of provisions to provide consistency with the Comprehensive Airport Land Use Compatibility Plan. A portion of the I-I District is within SFO Safety Compatibility Zone 3. These provisions are the same as those added to the RRMU and NBMU districts in 2020.

On May 24, 2021 the Commission reviewed the **Draft CMU (California Mixed Use) and BRMU (Broadway Mixed Use) Zoning District Regulations**. These mixed-use designations in established commercial areas provide opportunities for medium-density residential development that enhances the vibrancy of the commercial corridor while maintaining the scale of surrounding neighborhoods. Based on the discussion held by the Commission, the following revisions were added to the CMU and BRMU Zoning District Regulations:

- In CMU zone, changed “Publicly Owned and Operated Drainage Facilities and Improvements” in land use table (Table 25.14-1) from a permitted to prohibited use since these types of facilities would not be found within this zoning district.
- In BRMU zone, changed “Vehicle Rental” in land use table (Table 25.14-1) from a prohibited use to an accessory use so that it is consistent with the CMU zone.
- Revised land use table (Table 25.14-1) to allow multi-unit dwellings on ground floor in CMU zone; multi-unit dwellings would not be permitted on ground floor in BRMU zone to encourage commercial uses within the Broadway Commercial Area.
- Revised the development standards table (Table 25.14-6) for the CMU and BRMU zones to specify side and rear setback requirements for properties adjacent to existing residential uses.

On June 14, 2021 the Commission reviewed the **Draft Parking Regulations Chapter and Draft Historic Resources Chapter**. The Parking Regulations Chapter contains parking requirements for all uses within the City, including parking ratios based on the specific type of land use, as shown on Table 25.40-1. The Historic Resources Chapter largely incorporates the historic resources regulations currently found in Title 21, but expanded to allow resources to be designated and registered anywhere in the city rather than only downtown. Based on the discussion held by the Commission, the following revisions were added to the Parking Regulations Chapter and Historic Resources Chapter:

- Revised the language for electric vehicle charging requirements in Code Section 25.40.070 (B) so that it is consistent with the requirements for electric vehicle parking spaces (shall be provided in accordance with the requirements of the CalGreen Building Standards Code and/or successor code and local City codes, such as the Burlingame Reach Code.

- Revision of the Enforcement and Penalties section (Code Section 25.35.090 (F)) to remove the provision that a violation would restrict future development for 20 years, since it would conflict with the provision to require reconstruction of a damaged historical resource.
- Additional advisory clarifying that alteration, removal, or demolition of a designated historic resource may result in disqualification of eligibility or removal of listing on a historic register, and/or disqualification for use of preservation incentives. This is particularly important for property owners considering pursuing Mills Act contracts.

On June 28, 2021 the Commission reviewed the **Draft Residential Zoning Districts Chapter and Draft Rules of Measurement Chapter**. The Residential Zoning District Regulations Chapter contains land use regulations and development standards for the R-1 (single-unit dwellings), R-2 (two-unit dwellings), and R-3 and R-4 Districts (multi-unit dwellings), as shown on Table 25.10-1. Many of these regulations are carryovers from the existing Zoning Code, however several regulations have been adjusted based on input from the Zoning Ordinance Update Subcommittee, staff's research of other cities' requirements, and past experiences in reviewing projects.

The Rules of Measurement Chapters provides general rules for measurement and calculation applicable to all zoning districts. Included in this chapter are items such as measuring the height of a structure, determining floor area, lot coverage, and setbacks in various situations. It also includes allowed projections into required setbacks in residential and non-residential zones. Based on the discussion held by the Commission, the following revisions were added to the Residential Zoning Districts and Rules of Measurement Chapters:

- Eliminated the Special Permit requirement for basements to be consistent with the current Zoning Code (this was an oversight) (Code Section 25.10.035).
- The Commission expressed a desire to limit the size of second floor decks/balconies in R-1 and R-2 zones to a maximum of 75 SF (with the exception of lots located within the Hillside Area), rather than allow second floor decks/balconies greater than 75 SF in size with a Special Permit. Table 25.10-2 was revised to require a Special Permit for any second floor deck/balcony and limits its size to a maximum of 75 SF. Through the Special Permit review process, the Commission could evaluate whether landscaping could be incorporated to mitigate any impacts on adjacent properties.
- Revised Table 25.30-1 (Allowed Projections into Required Setback in Residential Zones) to prohibit basements and underground garages within required front and side setbacks. Basements and underground garages may extend into the rear setback, but must be located a minimum of 10 feet from the rear property line (there was no change to the allowed projection into the rear setback).

On July 12, 2021 the Commission reviewed the **Draft Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration)**. While much of the Zoning Code provides regulations and standards for each zoning district throughout the City, Articles 6 and 7 focus on administration of the Zoning Code and Planning permits. Article 6 establishes the overall structure for the application, review, and action on City required permit applications and identifies and describes those discretionary permits and other approvals required by this Zoning Ordinance. Article 7 describes the authority and responsibilities of the City Council, Planning Commission, Director of Community Development, and Planning Division staff in administering the Zoning Code. Based on the discussion held by the Commission, the following revisions were made to Articles 6 and 7:

- A suggestion was made for the Community Development Director or designee to have the ability to waive an item from the submittal requirement checklist for an application based on project type. This language will be added to the submittal checklist, rather than the Zoning Code.
- A suggestion was made to require that a written statement be submitted which addresses how a proposed project complies with the findings for design review. Staff would note that Code Section 25.68.050 (Application Filing), which establishes application filing requirements for design review project, notes that “It is the responsibility of the applicant to provide evidence in support of the findings required by Section 25.70.030 (Required Findings for Design Review)”. Staff will be creating an application form, similar to a Special Permit or Conditional Use Permit application form, where the applicant would be required to explain how the proposed project design is consistent with the design review findings.
- Regarding plate heights, revised Code Section 25.68.020(C)(1)(e), to allow an increase to the height of an existing plate line for single-unit or two-unit dwellings specified up to nine feet above existing finished floor without requiring an application for design review.
- Regarding story poles for additions and new construction with the Hillside Area Overlay, revised Code Section 25.70.020 to encourage installation of story poles. The section also notes that story poles may be required by the Planning Commission to assess potential view impacts on neighboring properties, and that if required would need to be installed per the Story Pole Installation Requirements (informational handout provided by the Planning Division).
- A suggestion was made to provide more clarity in the Zoning Code regarding live/work spaces. Article 4, Code Section 25.48.150 establishes standards for live/work units. Article 4 was not previously reviewed by the Commission in any of the Study Sessions.

The attached Draft Zoning Update Ordinance (Articles 1 through 8 and Zoning Map) sets forth text amendments to the City’s existing Zoning Code to ensure that the Burlingame Municipal Code is consistent with the goals and policies in the General Plan and to help clarify and improve various provisions of the existing Zoning Code. The proposed Amendment to Title 25 is included in the proposed resolution as a recommendation to the City Council.

### **Additional Items – October 25, 2021 Planning Commission Meeting**

There are a few items that have not yet been included in the Draft Zoning Update Ordinance these include:

- Transportation Demand Management (TDM) (Chapter 25.43)
- Duplex development standards to implement Senate Bill (SB) 9

These will be presented and reviewed by the Planning Commission at the October 25, 2021 meeting.

In addition two General Plan Amendments will be reviewed by the Planning Commission:

- Amendment to the Innovation Industrial (I/I) development standards in Chapter IV (Community Character) to specify a maximum 2.75 FAR for Office and Research/Development projects on properties fronting Old Bayshore Highway.

- Amendment to the Sea Level Rise section in Chapter VIII (Community Safety Element) to include language that sea level rise protection shall include transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites, as required per the San Mateo County Grand Jury Report.

Prepared by:

Kevin Gardiner  
Community Development Director

Ruben Hurin  
Planning Manager

Attachments:

Planning Commission Study Session Meeting Minutes  
Burlingame Zoning Ordinance - Articles 1 through 8  
Zoning Map  
Planning Commission Resolution  
CEQA Resolution  
City of Burlingame Map of Future Conditions



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, May 10, 2021

6:00 PM

Online

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a. Zoning Code Update - Code Organization and Bayfront Commercial Zoning District

**Attachments:** [Memorandum - Zoning Code Update - BFC](#)  
[Zoning Code Organization](#)  
[Draft - BFC District Regulations](#)

*The Study Session was called to order at 6:04 p.m. Staff in attendance: Community Development Director Kevin Gardiner, Planning Manager Ruben Hurin, and Assistant City Attorney Scott Spansail.*

*At the May 10, 2021 Planning Commission Study Session, the Commission reviewed the Draft Bayfront Commercial District Regulations, including the properties along Bayshore Highway within the I-I District. Following their discussion, the Commission provided the following comments and direction:*

- > *Should there be a minimum number of community benefits required for Tier 1 and Tier 2 projects? As proposed, a minimum number is not specified like we have in other zoning districts.*
- > *Consider including a sea level rise mitigation as a community benefit.*
- > *If there is a project that the City is in need of, such as sea level rise mitigation or the Broadway Grade Separation project, is this something that the developer could contribute towards and have it considered as a community benefit?*
- > *Could consider adding priorities to the community benefits.*
- > *Consider adding more detailed requirements for the plaza as a community benefit (e.g., minimum size, providing Wifi access, providing furnishings, etc.).*
- > *Streetscape improvements will be an important element in this area and contribution towards implementing it should be considered as a community benefit.*

*Public Comments:*

- > *Sharon Lai, Director of Development, One Vassar Properties. Representing 620 Airport Boulevard which is proposed for redevelopment under the code update. We support and appreciate the draft code presented by staff and believe the new Bayfront Commercial zone in general would help the City realize the setup by last year's General Plan Update for this area. We want to thank staff for their hard work, and we are continuing to work with them to implement the General Plan vision and to test the viability of the proposed code including the right parking requirements, calculating commercial floor area and design standards for the ground floor transparency in order to ensure successful projects along the bayfront.*
- > *Marshall Dinowitz, Sequoia Audubon Society, Conservation Committee Chair, submitted via email: We gratefully commend you on behalf of all of us, including those of us concerned about preserving our environment so that we may live healthfully and sustainably. We commend you for including the very important provision in your draft plan for requiring bird-safe windows on buildings so that we may prevent bird deaths by collision into windows. Death by window strikes are responsible for the deaths of millions of birds annually. Birds are critical for the maintenance of a healthy environment for, among other things, insect and rodent control, pollination, and a broad range of natural areas to keep a balance in our ecosystem.*

*The Study Session was adjourned at 6:55 p.m.*



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, May 24, 2021

6:00 PM

Online

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a. Zoning Code Update - Review of CMU (California Mixed Use) and BRMU (Broadway Mixed Use) Districts

**Attachments:** [Memorandum - CMU and BRMU Districts](#)  
[Draft CMU and BRMU Regulations](#)  
[Draft Article 8 - Definitions](#)

*The Study Session was called to order at 6:02 p.m. Staff in attendance: Community Development Director Kevin Gardiner, Planning Manager Ruben Hurin, and Assistant City Attorney Scott Spansail.*

*At the May 24, 2021 Planning Commission Study Session, the Commission reviewed the Draft CMU (California Mixed Use) and BRMU (Broadway Mixed Use) District Regulations. Following their discussion, the Commission provided the following comments and direction:*

- > *Not sure why "Publicly Owned and Operated Drainage Facilities and Improvements" is listed as a permitted use in the CMU District, but not in any other districts. Would think that these facilities would be located along the east side of California Drive. Clarify or provide definition for "Publicly Owned and Operated Drainage Facilities and Improvements".*
- > *"Food Preparation (catering)" is listed as an accessory use in the BRMU District. Clarify or provide definition for "Food Preparation (catering)". Would not want to see this use become a primary use here, however we may want to consider it as a Minor Use Permit, but it would need to have a retail-facing component to it.*
- > *For consistency, should vehicle rental also be allowed as an accessory use in the BRMU District? For example, hotels are allowed with a CUP in the BRMU District; a hotel in this district may also want to have a rental car kiosk.*

*Public Comments:*

- > *Jennifer Pfaff: Was wondering if the zoning code update was going to look more closely at any of the more interesting structures in Broadway Commercial Area that potentially are significant? A lot has been remodeled on Broadway and also on California Drive, but there are a few little gems in there. Am concerned that there will be a lot of development here, so just want to make sure that somebody licensed looks at those structures who can study and fairly assess those areas. There are a couple of parcels just on the corners at El Camino Real and Broadway, I'm pretty sure during the General Plan discussions we were talking about offering those corners as potential being as just residential properties, so not necessarily forcing people to do retail on the ground floor. El Camino Real is mainly residential. Does the entire street need to have retail all the way up to that corner? If we are doing density bonuses in all areas of the City, doesn't that mean that these buildings can actually have four or five floors?*

*Commission Discussion:*

- > *Currently, the land use table notes that multi-unit dwellings are not permitted on the ground floor on Broadway or California Drive. However, one option could be to allow, but not require, multi-unit dwellings on the ground floor. Should review what the General Plan policy is for corner lots along El Camino Real.*

- > Would like to see office uses as a conditional use, not as a permitted use in the CMU and BRMU Districts. Concerned about seeing too many retail spaces converted to office uses; prefer to see retail uses to maintain pedestrian activity. However, it still gives us the opportunity to be flexible.
- > Would like to see office uses as a permitted use on the ground in order to activate different types of uses Broadway; this would streamline the process.
- > Can we limit the number of office spaces or square footage of office spaces on the ground floor in order to manage the amount of applications submitted? This can be difficult to monitor over time.
- > Have a hard time seeing side setbacks for buildings on Broadway; it's a zero lot line urban condition.
- > Makes sense to have side setback requirements for buildings along California Drive, except perhaps for lots that adjoin Broadway.
- > In CMU District, if there is an existing residential use on an adjacent lot, would not want to see a building built with no side setbacks. Zero lot line building could be acceptable if building next to an existing commercial, mixed use, or multi-unit building.
- > Perhaps we could consider using the declining height envelope as a way to require side setbacks.

*Public Comments:*

- > Jennifer Pfaff: Required setbacks on El Camino Real must be maintained. Think the language in the code should be clarified to say any building with "frontage" on El Camino Real. It doesn't matter which the building is oriented. With regard to the set back, the 20 feet which is typical. I also would like to make sure that what has been common and used throughout decades as far as the garages or any dig outs that are done that they also are the 20 feet. So, not only the top of the building, but that it continues through and through so we don't have situations with flooding basements. Regarding the side setback requirements on California Drive, we did that on I think some parts of the Downtown Specific Plan after there were conflicting development issues and I don't know how that all worked out; a lot of those projects never got built, but I do think it's important to have some hard and fast standards.

The Study Session was adjourned at 6:55 p.m.



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, June 14, 2021

6:00 PM

Online

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a. Zoning Code Update - Review of Parking Regulations and Historic Resources Chapters

**Attachments:** [Staff Memo](#)

[Draft - Parking Regulations Chapter](#)

[Draft - Historic Resources Chapter](#)

*The Study Session was called to order at 6:01 p.m. Staff in attendance: Community Development Director Kevin Gardiner, Planning Manager Ruben Hurin, and Assistant City Attorney Scott Spansail.*

*At the June 14, 2021 Planning Commission Study Session, the Commission reviewed the Draft Parking Regulations and Draft Historic Resources Chapters. Following their discussion, the Commission provided the following direction:*

*Draft Parking Regulations Chapter*

- > *There is a demand is for faster vehicle chargers. Code Section 25.39.070 (B) addresses electric vehicle charging equipment. Would like to see language in Code Section 25.39.070(A) used in this section in order to accommodate faster charging equipment and exceed what the CalGreen Building Standards Code would require.*
- > *In favor of reducing the minimum required covered parking space length from 20 feet to 18 feet for single-unit dwellings.*
- > *Concerned about the requirement for live/work spaces. Should consider requiring additional guest parking spaces or an area for a delivery vehicle. Could be a shared space or loading zone in the street.*

*Public Comments:*

- > *Russ Cohen: My first comment is in regards to the 20-foot garage parking space length verses the 18-foot length. The trend is actually that vehicles are getting larger, not smaller. For example, Ford has decided not to sell cars. They only sell SUVs and trucks. With that said, you would think you would want to make the garage bigger, not smaller. Secondly, if you're going to encourage people to pull their car into the garage and still have some storage, again, you'd want the garage to be bigger, not smaller. Thirdly, one of the trends I see is gigantic house, tiny garage. So the proportions are off. So, if you make the garage a little bit bigger, the proportion of the large house to the small garage gets a little less of a cattywampus effect, not that a couple of feet is going to make much of a difference. All three of those comments for me would suggest you would want to make the garage bigger, not smaller. Regarding tandem parking, I'm not sure why the City would not encourage tandem parking if someone wanted to build a garage that would accommodate two cars. That gets two cars off of the street. So, if they wanted to do that, why not let them do that? I'm not sure why there would be a discouragement of doing if that's what they wanted to do rather than force them to have a side-by-side garage.*

*Draft Historic Resources Chapter*

- > *Under Code Section 25.35.090, F, 2, it appears that you would be allowed to build a structure to the same floor area or lot coverage of the historic structure, but that it would not be required to be the same*

structure. Would like to see added language to clarify this. (Ruben: I'm not sure this is what this code section allows – check with Kevin).

> Under Code Section 25.35.040, Criteria for Including Resources in the Register, subsection C, 5, include "event" in addition to "person".

> Under Code Section 25.35.050, Powers and Duties of the Historic Preservation Commission, subsection C, consider including language clarifying that the Director or staff provides guidance to the Commission.

> Need more detail in Code Section 25.35.090, Enforcement and Penalties; am concerned with projects that had elements of the project that were contributing to the historical status that were discarded and nobody asked for guidance. We need to somehow address those situations, perhaps some penalty can be enforced. Not sure how that gets crafted.

> Perhaps we should consider requiring that the property owner and contractor sign a document stating that they understand the historic elements of the project and the consequences for demolishing these elements.

#### Public Comments:

> Jennifer Pfaff: I am confused with some portions of the this code section. If a historic building is demolished, would it be required too be rebuilt entirely the way it was? It irritates me that somebody, and let's not just focus on one particular project on Bernal Avenue, that a Variance could be granted, for example for a much narrower driveway than is required, for the promise of working on this historic building. But then when this didn't happen, even though they don't avail themselves or can no longer avail themselves of Mills Act benefits, they continue to have the benefit of something extra that someone else would not have gotten under normal circumstances. So my thought is that part of the project should be restored. We should invest in a Broadway Specific Plan that looks at the affected properties in the Broadway Commercial Area. If we're hoping these properties are redeveloped, what is the default mechanism? Is there some kind of a trigger, like CEQA review? How many properties would need to be felled or destroyed to get to any kind of CEQA review and would that include a historic element?

> Cathy Baylock: I've been advocating for this since 1997 to have some sort of designation and incentive for historic properties, so I'm glad to see we're moving forward with the Mills Act. From what I'm reading, it says there would only be a penalty for a designated resource which makes me believe that for example, a house that was found to be historic in Burlingame Park through the design process, it's not a designated resource according to this definition. So if the person with the historic resource does something, they haven't asked to be a resource, they won't be subject to any of those requirements. And what happens in the cases of demolition by neglect where a historic property has been identified and then the homeowner just let it's fall into disrepair? Normally ordinances have some qualification for people that just let their properties deteriorate. A Commissioner asked how does the general public know when they're buying a house that it's historic, and that's the benefit of having a historic resource survey as we did with the downtown plan. I'd like to point out, and I understand it won't be happening, is that not only does it identify which buildings are historic, it also identifies which are not. And it's a good roadmap to navigate because we have the Eichler's that are over 50 years old and other parts of the City that aren't as obvious that we need to think about. So what this does is it reacts to things, so I understand we're not doing that. The question of powers of duties of the Historic Preservation Commission, I envision this being a subcommittee of the Planning Commission that would meet separately and can go more into depth to study the individual applications for historic designation and Mills Act. Regarding the Broadway historic resource inventory, I wanted to make the point that since we've changed the zoning on Broadway to include residential, we are in fact inviting redevelopment and it would make sense to have a historic inventory -- because in essence, we know things are going to be changed and it's not as obvious that someone might demolish the property.

> Russ Cohen: I too, along with Jennifer and Cathy have been advocating for preservation ordinances for at least 25 years. I think we do have to remember the community education component. The best way to educate the community is to have a historic inventory of the entire City. I believe a majority of the cities along the peninsula do have those inventories in place today and they were put in place many years ago. Burlingame has always resisted the notion of doing a list, and I'm hoping that this Planning Commission,

*acting as the Historic Preservation Commission as well, will be forward-thinking enough in considering an idea like this, not by simply doing historic inventories of the business district like we have in downtown and perhaps now considering Broadway, but do it of the entire City. Quite frankly, the majority of houses that have been built in Burlingame are over 50 years, so there's a likelihood that there's some aspect of some houses that are historic, but as Cathy mentioned, I would think a historic survey would reveal that more houses are not historic than are. It's the easiest way to determine whether you're purchasing a home that is potentially historic at the very least. I would ask you to consider that. I know that's a heavy lift. I know that other commissions and other councils have resisted doing it, but maybe the time has come to at least consider it and start that conversation.*

*The Study Session was adjourned at 7:05 p.m.*



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, June 28, 2021

6:00 PM

Online

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a. Zoning Code Update - Review of Residential Zoning District Regulations and Rules of Measurement Chapters

**Attachments:** [Memo - Residential District Regulations and Rules of Measurement Chapters](#)  
[Draft - Residential Zoning Districts Chapter](#)  
[Draft - Rules of Measurement Chapter](#)

*The Study Session was called to order at 6:01 p.m. Staff in attendance: Community Development Director Kevin Gardiner, Planning Manager Ruben Hurin, and Assistant City Attorney Scott Spansail.*

*At the June 28, 2021 Planning Commission Study Session, the Commission reviewed the Draft Residential Zoning District Regulations and the Draft Rules of Measurement Chapter. Following their discussion, the Commission provided the following comments and direction:*

*Draft Residential Zoning District Regulations*

- > For the maximum allowed front setback impervious surfaces in the R-1 through R-4 zoning districts, consider allowing some forms of pervious pavement to be considered pervious coverage. Could limit the area that can be pervious pavement.*
- > In support of allowing larger decks in the hillside area, not just so that they can take advantage of the views, but also because in many cases the lots have a steep slope and the deck may be the extent of their backyard. This is distinctly different than houses on the flats.*
- > In Code Section 25.10.035, should eliminate the requirement for a Special Permit for a basement; thought that it had already previously been eliminated.*
- > Would like to revisit the reason for having a 20-foot setback on properties located along El Camino Real. See buildings along El Camino Real in other neighboring cities located much closer to the street to encourage the street frontage. Don't know what the setback should be, but feel 20 feet is excessive.*
- > Should be firm on the 75 SF maximum second floor balcony size; should consider constraining them more.*
- > Consider requiring a Special Permit for any second floor balcony; through review of Special Permit could then require landscaping screening.*

*Public Comments:*

- > Jennifer Pfaff: I completely disagree about reducing the setback requirement on El Camino Real. The Downtown Specific Plan had two blocks near where there were shops facing El Camino Real, and the actual setback from El Camino Real varies, probably about five feet and so. For the remainder which is largely residential, there are many reasons why the required setback is 20 feet. Also wanted to note that there is a major landscape plan for El Camino Real going on right now, and so I would think it would be a very poor idea to do alterations to this long standing standard at this time because trees are going to be going on either side of meandering sidewalks, and the new trees are also going to be large. That's the point. We really want there to be ample room for tree roots, which by the way is about the same size of a canopy. If you have a 50-foot wide tree, you need about 25 feet for just roots or 20 at least of root material or you're starting to invade basements and garages. In addition, we have seven creeks going from*

*El Camino Real and we've been told, even with improved drainage, the drainage is always going to be a problem on El Camino Real. Originally, the setback requirement was 25 feet. In the 1970s, it was reiterated because garages were flooding. There are emergency vehicles that need 20 or 25 feet of clearance to pull off the roadway. Delivery trucks also need a place to go and yes, it is a bummer that sometimes there's trucks in front of these buildings, but they've got to go somewhere. So I think the rule about the impervious or pervious surfaces kind of covers that, so I completely believe in the 20-foot setback for residential, plus you are creating more greenery that is supposed to help with this greenbelt visually, so it has more depth and more richness to it. The State also passed a bill regarding the maximum amount of shade that a tree can cover solar panels. We want this lovely tree canopy, but you're creating a problem for yourself if you are making the setback smaller.*

*Draft Rules of Measurement Chapter*

- > On page 10, items (e) and (f) are duplicates of each other.*
- > Should not allow basements to extend into side setbacks. Should leave room for water drainage and landscaping; shoring for the basement and undermining of adjacent properties becomes an issue. Light wells in setbacks may be allowed.*

*The Study Session was adjourned at 7:00 p.m.*



# City of Burlingame

BURLINGAME CITY HALL  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010

## Meeting Minutes Planning Commission

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Monday, July 12, 2021

6:00 PM

Online

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a. Zoning Code Update - Review of Permit Processing Procedures and Zoning Ordinance Administration

**Attachments:** [Memo - Permit Processing Procedures and Zoning Ordinance Administration](#)  
[Draft - Article 6 - Permit Processing Procedures](#)  
[Draft - Article 7 - Zoning Ordinance Administration](#)

*The Study Session was called to order at 6:03 p.m. Staff in attendance: Community Development Director Kevin Gardiner, Planning Manager Ruben Hurin, and Assistant City Attorney Scott Spansail.*

*At the July 12 2021 Planning Commission Study Session, the Commission reviewed Draft Article 6 - Permit Processing Procedures and Draft Article 7 – Zoning Ordinance Administration. Following their discussion, the Commission provided the following comments and direction:*

*Draft Article 6 - Permit Processing Procedures*

- > Would like to see the Community Development Director or designee have the ability to waive a requirement within an application based on project type. For example, a small scale residential addition may not require a landscape plan.*
- > Page 26 - Should we require that a written statement be submitted which addresses how the proposed project complies with the findings for design review. Planning Manager Hurin noted that staff could look into whether or not this requirement should be in the Zoning Code or as an application form.*
- > On page 2 of Article 6, Item B, Quasi-Judicial Actions, change "the Director my refer" to "the Director may refer".*
- > Table 6-1 should indicate that a Comprehensive Sign Program requires a Decision under Commission and an Appeal under Council.*
- > Should FYI applications be listed in Table 6-1? Planning Manager Hurin noted that it is discussed in the Zoning Update, perhaps using a different term. If applicable, it will be noted in Table 6-1.*
- > Under Pre-Application Conference, is there something more we can do beyond encouraging pre-application meetings, especially for new applicants that are unfamiliar with our process? Planning Manager Hurin noted that we need to be careful not to single out certain applicants, so alternatively staff could prepare an informational handout which would outline the design review process and include clear expectations for applicants.*
- > Under Code Section 25.68.020 (C) (1) (e), would like to see the allowed increase to the height of an existing plate line for single-unit or two-unit dwellings specified as up to nine feet above existing finished floor.*
- > Would like to see a requirement for installation of story poles at the beginning of the review process for properties subject to a Hillside Area Construction Permit if there is a potential for view blockage of long distant views. If not a requirement, then perhaps the story pole installation can be strongly encouraged. Planning Manager Hurin noted that this requirement may be in the Hillside Area Construction Permit Overlay Chapter. If not, staff will consider including it in one of these chapters.*
- > Consider establishing what constitutes a live/work space, should it be under the Home Occupation section or other section? Would like to see more clarity provided in the Zoning Code.*

*Public Comments:*

> Jennifer Pfaff: Would like some clarification regarding Minor Modifications; are these referring to FYIs? If it is, the items listed under Minor Modifications are definitely not all the reasons you have looked at FYIs. You look at them for window sizes and for many other things, so hopefully that was not the FYI section. My question had to do with cumulative changes. For example, if someone was granted several variances on a brand new house, and then during construction, there were other things that came along that were falling in this category of decreases in the side setback, etc. If someone did this to an existing house and every few years they came back and asked for up to two more exceptions, is there a way to flag these so that it is seen that this property had these minor modifications, that taken together, are pretty major over time? My concern is, that it is too much and we have a lot that we probably wouldn't have approved had it come in as a straight variance originally.

> Kirk Syme: Article 6 includes Section 25.78.050, titled "Additional Building Height in the C-1, BFC, and I-I Zoning Districts Requiring a Special Permit". We understand this section has not yet been updated to reflect the land use regulations already addressing Article 2 previously reviewed at study session on May 6th. We also understand from staff that Section 25.78.050 will be updated ahead of the zoning code being presented to the commission in the coming months. We concur this direction and it's important that the previously proposed Article 2 language prevail in the relevant sections in Article 6.

*Draft Article 7 - Zoning Ordinance Administration*

> For Code Section 25.96.020 (A), provide clarification if the entire Commission or a Commissioner may initiate an amendment to the Zoning Code, Zoning Map, or General Plan.

*The Study Session was adjourned at 6:58 p.m.*

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME  
RECOMMENDING TO THE CITY COUNCIL ADOPTION AN ORDINANCE OF THE CITY OF  
BURLINGAME PROVIDING A COMPREHENSIVE UPDATE OF TITLE 25 (ZONING) OF THE  
BURLINGAME MUNICIPAL CODE, ADOPTION OF THE CITY OF BURLINGAME ZONING MAP,  
AND REPEALING TITLE 21 (HISTORIC PRESERVATION) AND TITLE 22 (SIGNS)**

THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, on January 7, 2019, the City Council adopted the Burlingame General Plan (hereinafter "General Plan") following the certification of a Final Environmental Impact Report (hereinafter "EIR") and adoption of findings and a Statement of Overriding Considerations pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Government Code Section 65356, the General Plan was adopted by resolution, and took effect on February 7, 2019; and

WHEREAS, to ensure consistency between the Zoning Ordinance (Title 25 of the Municipal Code) and the General Plan, the City is required to update the Zoning Ordinance to be consistent with the General Plan land use designations; and

WHEREAS, the City Council has directed City staff to prepare a comprehensive update for City Council adoption in order to align with the guiding principles, goals, and policies of the General Plan; and

WHEREAS, the Zoning Ordinance is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan; and

WHEREAS, it is intended that all provisions of the Zoning Ordinance be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with the regulations will also be consistent with the General Plan; and

WHEREAS, The City is divided into zoning districts to allow for orderly, planned development and to implement the General Plan; and

WHEREAS, the Zoning Ordinance identifies all zoning districts; and

WHEREAS, the boundaries, designations, and locations of the zoning districts established by the Zoning Ordinance shall be shown upon the map(s) entitled "City of Burlingame Zoning Map" and referred to in the Zoning Ordinance as the Zoning Map; and

WHEREAS, the Zoning Ordinance, together with the zoning map, shall be in compliance with current State planning, zoning, and development laws; and

WHEREAS, the draft Zoning Ordinance (attached as Exhibit A) and Zoning Map were presented to the Planning Commission of the City of Burlingame on October 12, 2021, at which time the commission reviewed and considered the staff report and all other written materials and testimony presented at said hearing:

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council that it adopt an Ordinance of the City of Burlingame Providing a Comprehensive Update of Title 25 (Zoning) of the Burlingame Municipal Code and adoption of the City of Burlingame Zoning Map

\_\_\_\_\_  
Chairperson

I, \_\_\_\_\_, Secretary of the Burlingame Planning Commission, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 12<sup>th</sup> day of October, 2021, by the following vote:

AYES:            COMMISSIONERS:  
NOES:           COMMISSIONERS:  
ABSENT:        COMMISSIONERS:

\_\_\_\_\_  
Secretary

## **EXHIBIT “A”**

**Burlingame Municipal Code Title 21 (Historic Resource Preservation), Title 22 (Signs) and Title 25 (Zoning) are repealed in their entirety and replaced with the following:**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME FINDING THAT ADOPTION OF AN ORDINANCE OF THE CITY OF BURLINGAME PROVIDING A COMPREHENSIVE UPDATE OF TITLE 25 (ZONING) OF THE BURLINGAME MUNICIPAL CODE, ADOPTION OF THE CITY OF BURLINGAME ZONING MAP, AND REPEALING TITLE 21 (HISTORIC PRESERVATION) AND TITLE 22 (SIGNS) IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, An Environmental Impact Report (EIR) was prepared and certified on January 7, 2019, in accordance with the California Environmental Quality Act (CEQA) for the Update to the Burlingame General Plan; and

WHEREAS, pursuant to Section 15019 of the State CEQA Guidelines, the Burlingame City Council determined that any subsequent actions or approvals to implement the proposed Update to the Burlingame General Plan shall be based on and subject to the findings, conclusions, mitigation measures, and statements set forth in the in Table 2-1 of the Draft EIR (DEIR); and

WHEREAS, the comprehensive update of Title 25 (Zoning) of the Burlingame Municipal Code and City of Burlingame Zoning Map are an implementation of the Update to the Burlingame General Plan; and

WHEREAS, it is intended that all provisions of the Zoning Ordinance and Zoning Map be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with the regulations will also be consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council finds that an Ordinance of the City of Burlingame Providing a Comprehensive Update of Title 25 (Zoning) of the Burlingame Municipal Code and adoption of the City of Burlingame Zoning Map were adequately evaluated pursuant to CEQA in the General Plan EIR since the Zoning Ordinance and Zoning Map do not materially alter the mix of land-uses policies evaluated in the EIR, and that no further environmental analysis is required pursuant to the California Environmental Quality Act (CEQA).

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Chairperson

I, \_\_\_\_\_, Secretary of the Burlingame Planning Commission, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 12<sup>th</sup> day of October, 2021, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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Secretary

# City of Burlingame Map of Future Conditions

**City Council Resolution XXXXX adopted this Map to provide community resilience to sea level rise (SLR) and storms. It establishes the following requirements for projects within both Burlingame's Commercial and Industrial Zoning Districts (C-1, BFC, I-I) and the SLR Area shaded in yellow:**

- The lowest building finished floor elevation shall be at least 3 feet above the Special Flood Hazard Area (SFHA) elevation at the building's location on the FEMA Flood Insurance Rate Map in place at the time the project application is deemed complete.
- For properties with frontage on San Francisco Bay, Anza Lagoon, and Bay Front Channel, new construction must include shoreline infrastructure consistent with a Regional Project of the San Mateo County Flood and Sea Level Rise Resiliency District and cities of Burlingame and Millbrae to protect against current and future risks. The top of this shoreline infrastructure shall be at the SFHA Bay water surface elevation at that location plus 6 feet, the total of which is indicated in green. Other shoreline infrastructure requirements are outlined in Zoning Ordinance Chapter 25 12.050.



**Note: All elevations are relative to the North American Vertical Datum of 1988 (NAVD88)**