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# **CITY OF BURLINGAME PLANNING COMMISSION AGENDA**

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## **Supplemental Information Packet**

### **Agenda Item #7e**

#### **Municipal Code Text Amendments - Project No. ZOA25-0001**

Consideration Of Text Amendments to Title 25 (Zoning) and Chapter 26.32 (Condominium Conversion Permits) of the Burlingame Municipal Code to correct references and typographic errors, update definitions, streamline procedures and development review, implement Housing Element policies, implement State Law for Accessory Dwelling Units, and implement Metropolitan Transportation Commission Transit Oriented Communities policies.

**Meeting of January 12, 2026**

**Supplemental Packet Date: January 12, 2026**

#### **Supplemental Information:**

Any agenda related public comment documents received and distributed to a majority of the Planning Commissioners after the Agenda Packet is published are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available at the public hearing in Council Chambers, City Hall, 501 Primrose Road as well as the City's website - [www.burlingame.org/planningcommission/agenda](http://www.burlingame.org/planningcommission/agenda)



Jan 12, 2026

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**Re:** Proposed Amendments to the City's ADU Regulations

Dear Burlingame Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment regarding item 7e for the Planning Commission meeting of January 12, 2026, an update to the City's zoning text. Specifically, CalHDF writes to comment on the City's proposed regulations for the construction of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs").

There is one specific portion of the City's ADU regulations that violates state law, and the City should correct this issue before passing the ordinance.

### Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or

design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).”].)

In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

### Impermissible Parking Requirements

City code section 25.48.030(H) requires parking for all ADUs, less certain specified exceptions.

However, as discussed *supra*, the City cannot impose local development standards on ADUs that conform to the requirements of Government Code section 66323, subdivision (a), as section 66323, subdivision (b) specifically exempts such ADUs from all local requirements. This means that the City cannot impose parking requirements on section 66323 ADUs (also known as “exemption ADUs”).

While City code section 25.48.030(E)(10) exempts section 66323 ADUs from the development standards contained in code section 25.48.030(F), the parking requirements are located in section 25.48.030(H). The City code therefore impermissibly subjects section 66323 ADUs to parking requirements.

From page 20 of the January 2025 HCD ADU [Handbook](#) (emphasis added):

A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, **parking**, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should amend its ADU ordinance to exempt section 66323 ADUs from parking requirements, as is required by state law.



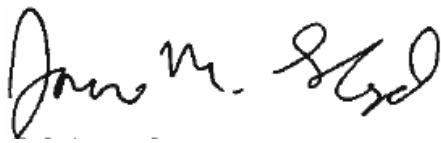
It is laudable that the City is updating its ADU regulations as state law changes. However, the City should make sure that its zoning regulations comply with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dylan Casey', with a stylized, flowing script.

Dylan Casey  
CalHDF Executive Director

A handwritten signature in black ink, appearing to read 'James M. Lloyd', with a stylized, flowing script.

James M. Lloyd  
CalHDF Director of Planning and Investigations