



Community Development Department
PLANNING COMMISSION STAFF REPORT

REGULAR ACTION (Public Hearing): *Proposed Amendments to Title 25, Chapters 25.32 and 25.70 to Amend the Burlingame Avenue Commercial (BAC) Zoning Regulations to Allow Commercial Recreation as a Conditional Use.*

MEETING DATE: February 25, 2019
AGENDA ITEM: 8a

ENVIRONMENTAL STATUS: The proposed change to the Zoning Code to allow commercial recreation as a Conditional Use in the Burlingame Avenue Commercial District is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15305 of the CEQA Guidelines which states that minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, are exempt from environmental review. The proposed change does not represent a change to the intensity of use allowed within the current zoning for the area, and would be considered minor alterations to land use limitations, which are exempt from environmental review.

ACTION REQUESTED

The Planning Commission shall review the proposed amendments to the Zoning Code, 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, or alternatively, provide direction to staff regarding modifications to the ordinance prior to formulation of a recommendation to the City Council:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME, AMENDING TITLE 25 – CHAPTERS 25.32 AND 25.70 TO AMEND THE BURLINGAME AVENUE COMMERCIAL (BAC) ZONING REGULATIONS TO ALLOW COMMERCIAL RECREATION AS A CONDITIONAL USE

BACKGROUND

At its August and October meetings, the City Council's Economic Development Subcommittee discussed the retail environment in the City's two commercial business districts, Downtown Burlingame Avenue and Broadway. The meeting in August included discussion with a commercial broker representing a large vacant storefront on Burlingame Avenue in which she shared her perspective about which uses may be attracted to Burlingame Avenue in general. For the October meeting, property owners were invited to attend and share their perspectives. The August 17, 2018 and October 11, 2018 Economic Development Subcommittee meeting minutes are attached.

As part of the discussion, commercial recreation was discussed as a potential use to add to the Burlingame Avenue Commercial (BAC) district. Currently, commercial recreation is allowed as a Conditional Use in the Bayswater Mixed Use (BMU), Howard Mixed Use (HMU), Donnelly Avenue Commercial (DAC), Chapin Avenue Commercial (CAC), and Broadway Commercial Districts. Commercial recreation is not permitted in the BAC district.

As part of “Envision Burlingame,” the Zoning Ordinance including the BAC District will be reviewed and updated. The timeframe for the full update is anticipated to take approximately one year. However, the consideration and potential addition of commercial recreation as a Conditional Use is a focused effort that provides a more immediate benefit.

On November 19, 2018, the City Council gave direction to staff to proceed with preparation of amendments to the land use restrictions allowing commercial recreation as a Conditional Use in the BAC District.

DISCUSSION

Burlingame Avenue has traditionally been focused on retail, restaurant, and service uses. However, given the evolving nature of all of those uses (particularly retail), many business and shopping districts are finding a need to introduce additional new uses in order to remain vibrant and competitive. Some communities are finding that active commercial recreation uses can be an appropriate addition to their business and shopping districts. In particular, commercial recreation can generate regular “foot traffic”, which can benefit neighboring retailers, restaurants, and services.

As noted above, commercial recreation is allowed as a Conditional Use in the areas surrounding Burlingame Avenue (specifically the BMU, HMU, DAC, and CAC Districts), but is not permitted in the BAC District. As a Conditional Use, conditions can be imposed on a business to ensure it is compatible with the surrounding area. Suggestions in the subcommittee meetings included consideration of requiring a retail or food service component at the front of a commercial recreation business, and requiring that storefront windows be maintained clear rather than obscured.

The attached Draft Ordinance sets forth text amendments to the City’s existing BAC District regulations to allow commercial recreation as a Conditional Use. The Draft Ordinance also sets forth text amendments to the Off-Street Parking regulations to exempt commercial recreation uses from providing off-street parking, if located on the first floor and within the parking sector of the Burlingame Downtown Specific Plan (retail, personal service and food establishment uses located on the first floor and within the parking sector are currently exempt). Staff has provided a summary of the proposed changes below:

Proposed Amendment to Code Section 25.32.030 (BAC District Regulations): Staff has prepared an amendment to the BAC District regulations that allows commercial recreation uses the opportunity to request approval of a Conditional Use Permit and establishes criteria for approval of such requests, including:

- Requiring active visible uses such as retail, waiting/reception or lounge areas associated with the business along the business frontage abutting the sidewalk. The active area must measure at least fifteen (15) feet in depth; and
- Maintaining a clear view into the business by not allowing storefront windows or doors to be obscured.

Proposed Amendment to Code Section 25.70.090 (Off-Street Parking): Retail, personal and food establishment uses located on the first floor that are located within the parking sector are currently exempt from off-street parking requirements (Code Section 25.70.090 (a)). The basis for this exemption originated when the City acquired and built public parking lots in the downtown area, by way of assessments (60% of cost) collected from property owners within the Burlingame Avenue Off-street Parking District (created in 1962).

The Planning Division previously has determined that for uses located within the parking sector, the net increase calculation for parking should be based on the most intensive use that would otherwise be exempt (in this case food establishments at 1 space per 200 SF of floor area) rather than strictly the existing use. Therefore, commercial recreation uses (parking ratio of 1 space per 200 SF of floor area) would not require any additional parking (or a Parking Variance) based on this determination, since there would be no intensification of use based on the most intensive use permitted.

Staff has prepared an amendment to the off-street parking regulations for vehicle parking in the parking sector of the Burlingame Downtown Specific Plan. The proposed amendment to Code Section 25.70.090 (a) adds commercial recreation as an exempt use from providing off-street parking, if located on the first floor and within the parking sector of the Burlingame Downtown Specific Plan. This amendment is being proposed in order to facilitate the City Council's directive of allowing commercial recreation as a Conditional Use in the BAC District by removing Parking Variances and parking in-lieu payment requirements, which would deter commercial recreation type businesses from considering the BAC District as a potential location.

The Draft Ordinance is provided as an Attachment to this report. Text to be added are bold and text to be deleted are in strikeout, both in red font.

PLANNING COMMISSION ACTION

The Planning Commission should review the summary in this report and the attachments, conduct a public hearing, and consider public input. Following the public hearing the Commission may consider two alternatives:

1. Recommend the proposed ordinance to the City Council for action; or
2. Direct staff to make adjustments to the ordinance and refer it back to the Commission for reconsideration and action.

Prepared by:

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Attachments:

- Zoning Code Sections 25.32.030 and 25.70.090 – Redlines with Proposed Amendments
- November 19, 2018 City Council Minutes
- August 17, 2018 and October 11, 2018 Economic Development Subcommittee Minutes
- Proposed Resolution Amending Title 25 of the Burlingame Municipal Code (Zoning Code)
- Public Hearing Notice – published February 14, 2019