



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 polices 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 polices 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.

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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