



**BURLINGAME CITY COUNCIL  
Unapproved Minutes  
Regular City Council Meeting on December 2, 2024**

**1. CALL TO ORDER**

A duly noticed meeting of the Burlingame City Council was held on the above date in person and via Zoom at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge of allegiance was led by Art Morimoto.

**3. ROLL CALL**

**MEMBERS PRESENT:** Brownrigg, Colson, Lee, Pappajohn, Stevenson

**MEMBERS ABSENT:** None

**4. REQUEST FOR AB 2249 REMOTE PARTICIPATION**

There was no request.

**5. REPORT OUT FROM CLOSED SESSION**

There was no closed session.

**6. UPCOMING EVENTS**

Mayor Colson reviewed upcoming events in the city.

**7. PRESENTATIONS**

**a. PROCLAMATION RECOGNIZING ASSISTANT PUBLIC WORKS DIRECTOR ART MORIMOTO**

Mayor Colson read a proclamation recognizing Assistant Public Works Director Art Morimoto's 17-year career in Burlingame.

Assistant Public Works Director Morimoto thanked Council and staff for their kind words.

**8. PUBLIC COMMENTS**

There were no public comments.

**9. APPROVAL OF CONSENT CALENDAR**

Mayor Colson asked the Councilmembers and the public if they wished to remove any item from the Consent Calendar. Councilmember Brownrigg pulled items 9a and 9c.

Vice Mayor Stevenson made a motion to adopt items 9b and 9d; seconded by Councilmember Pappajohn. The motion passed unanimously by roll call vote, 5-0.

**a. ADOPTION OF A RESOLUTION ACCEPTING THE BURLINGAME BICYCLE BOULEVARD AND MERCY NEIGHBORHOOD TRAFFIC CALMING, CITY PROJECT NO. 86640, BY BAYSIDE STRIPE & SEAL, INC.**

Councilmember Brownrigg asked if the work was done on Alvarado Avenue. DPW Murtuza replied in the affirmative. Hoe noted that this work was previously finalized.

Councilmember Brownrigg asked if the speedbumps on the street were temporary. DPW Murtuza replied that the current speedbumps were temporary, and that the final speedbumps would be smoother.

Mayor Colson opened the item for public comment. No one spoke.

Councilmember Brownrigg made a motion to adopt Resolution Number 144-2024; seconded by Councilmember Lee. The motion passed unanimously by roll call vote, 5-0.

**b. ADOPTION OF A RESOLUTION ACCEPTING THE CITY-WIDE PEDESTRIAN SAFE ROUTES AND MOBILITY IMPROVEMENTS, CITY PROJECT NO. 86510, BY RAY'S ELECTRIC**

DPW Murtuza requested Council adopt Resolution Number 145-2024.

**c. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 TO EXTEND THE TERM OF THE PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES & STOKES, INC. (ICF) TO DECEMBER 31, 2027, TO PERFORM ENVIRONMENTAL REVIEW SERVICES FOR THE PROPOSED DEVELOPMENT OF A NEW PUBLIC NATURE/RECREATION PARK AND EDUCATION CENTER BUILDING AT 410 AIRPORT BOULEVARD**

Councilmember Brownrigg asked if this is similar to other environmental review work, where the applicant ultimately pays for the work. CDD Zayer replied in the affirmative.

Councilmember Brownrigg asked about the scenarios in which the City would not be reimbursed by the applicant. CDD Zayer replied that the applicant prepays.

Mayor Colson asked when the environmental review was scheduled to start. She also suggested bringing SPHERE Institute in for an update on the project. CDD Zayer replied that the applicant informed staff that they have funding for the environmental review. She added that the planning and hearing phase would take about a year.

City Manager Goldman stated that staff would ask the SPHERE Institute to present to Council in the first part of 2025.

Mayor Colson opened the item for public comment. No one spoke.

Councilmember Brownrigg made motion to adopt Resolution Number 146-2024; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

**d. ADOPTION OF A RESOLUTION AUTHORIZING AN ELEVENTH AMENDMENT OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT AND APPROVING THE CITY OF BURLINGAME PAY RATES AND RANGES (SALARY SCHEDULES)**

Human Resources Director Saguisag-Sid requested Council adopt Resolution Number 147-2024.

**10. PUBLIC HEARINGS**

**a. INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME AMENDING BURLINGAME MUNICIPAL CODE CHAPTER 25.40 OF ARTICLE 3; CHAPTER 25.48 OF ARTICLE 4; CHAPTER 25.60 OF ARTICLE 6; CHAPTER 25.88 OF ARTICLE 6; CHAPTER 25.98 OF ARTICLE 6; AND CHAPTER 25.100 OF ARTICLE 7, RELATED TO ACCESSORY DWELLING UNITS; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15282, 15378, AND 15061(B)(3)**

Planning Manager Hurin stated the proposed ordinance brings the City into compliance with State law.

Planning Manager Hurin began with an overview of the different types of Accessory Dwelling Units (“ADU”):

- Interior ADU: When a portion of an existing single-family residence is converted into an ADU.
- Attached ADU: When an addition to a single-family residence is constructed to be used as an ADU.
- Detached ADU: When a new stand-alone structure is constructed to be used as an ADU, or an existing stand-alone accessory structure or portion of a structure is turned into an ADU.
- Junior Accessory Dwelling Unit (JADU): When up to 500 square feet of an existing or proposed single-family residence is converted into a JADU.

Planning Manager Hurin stated that in 2016, the State created statewide regulations that required local jurisdictions to allow ADUs on most residential lots as a response to California's statewide housing shortage. He added that these laws preempted local zoning ordinances and permitting processes in an effort to reduce regulatory barriers commonly found in local zoning ordinances. He noted that since 2016, the State has passed additional laws to further relax regulations around ADUs.

Planning Manager Hurin reviewed some of the State ADU regulations:

- 2016 (A.B. 2299, S.B. 1069, A.B. 2406): established statewide regulations allowing the development of ADUs including:
  - Mandated that local governments approve ADU building permit requests if the ADU meets certain standards
  - Reduced, and in some cases eliminated, ADU parking requirements
  - Prohibited local governments from discretionary approval of ADUs
  - Voided all local government ADU-related ordinances that do not fully comply with State law
  - ADU permits in non-compliant jurisdictions must be reviewed under California law until the local government adopts a California-compliant ADU ordinance
  - Allowed local governments to adopt an ordinance permitting JADUs, subject to certain requirements. JADUs are ADUs that do not exceed 500 square feet and are completely contained within an existing residential structure
- 2017 (SB 229 and AB 494): gave the California Department of Housing and Community Development ("HCD") greater oversight over how local jurisdictions administered ADU permitting and clarified various ambiguities in the law, including:
  - Clarified an ADU can be created through the conversion of a garage, carport, or covered parking structure
  - Reduced the maximum number of parking spaces for an ADU to one space
  - Allowed replacement parking spaces to be located in any configuration as a result of a parking structure conversion to an ADU
- 2019 (AB 68, AB 670, SB 9, SB 13):
  - Exempted ADUs/JADUs from restrictions in HOAs/CC&Rs
  - Established Statewide Exemption ADUs for ADUs up to 800 square feet meeting specific criteria
  - Eliminated impact fees for ADUs under 750 square feet
  - Allowed ADUs to be constructed at the same time as the primary unit
  - Reduced time approvals from 120 days to 60 days
  - Prohibited cities from:
    - Requiring minimum lot sizes
    - Requiring replacement parking for garage conversions
    - Banning short-term rentals in ADUs
    - Requiring owner occupancy of an ADU
- 2021 (AB 3182): further streamlined ADU permitting

- 2022 (AB 2221 and SB 897): increased the height of ADUs, allowed the construction of state exempt ADUs within front yard setback areas, reduced local jurisdictions' ability to deny ADUs, expanded where JADUs could be built, and streamlined application review processes
- 2023 (AB 976): permanently exempted ADUs from owner-occupancy mandates

Planning Manager Hurin stated that in 2017, 2018, and 2020, the Council adopted code amendments in response to the State laws regarding ADUs. However, he noted that earlier this year, HCD reviewed the City's ADU regulations and found that they do not comply with current State law. He explained that HCD sent a letter requiring the City to update its ADU regulations to comply with State legislation.

Planning Manager Hurin reviewed the proposed changes to the City's existing ADU regulations:

- ADU Permit Requirement – an applicant would only be required to apply for and obtain a building permit, which would be reviewed by all applicable City divisions. This will help:
  - Remove regulatory barriers by streamlining the ADU review and approval process
  - Reduce a homeowner's permitting time from going through two almost identical permitting processes
  - Reduce staff time reviewing ADUs
- Statewide Exemption ADUs – the proposed ordinance would clarify the regulations for Statewide Exemption ADUs including:
  - JADUs
  - ADUs in spaces converted from within an existing single-unit or multi-unit dwelling, or existing accessory structure, or within a proposed single-unit dwelling
  - A new detached ADU with four-foot side and rear setbacks, a maximum size of 800 square feet, and within the height limit allowed by State law
- Side and Rear Setback Requirements – amends the ADU regulations to require four-foot side and rear setbacks for construction of a new detached ADU or an addition to an existing detached structure
- Maximum Height Limits – amends ADU regulations to allow the following building heights, including a new detached two-story ADU or an ADU above an existing or proposed detached garage:
  - 18 feet if the lot is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor; an additional two feet is allowed if needed to match the roof pitch of the primary dwelling unit
  - 18 feet for a detached ADU on a lot with an existing or proposed multi-unit, multi-story dwelling

Planning Manager Hurin reviewed SB 1211, which takes effect on January 1, 2025. He explained that this law does the following:

- Cannot require replacing uncovered parking spaces if they are demolished for or replaced with an ADU
- Adds 'livable space' definition for multifamily units
- Allows up to eight detached ADUs on existing multifamily lots, or as many primary dwellings units as exist, whichever is less

Planning Manager Hurin reviewed AB 2533, which takes effect on January 1, 2025. He explained that this law does the following:

- Prohibits the City from denying permits to legalize an unpermitted ADU/JADU if built before January 1, 2020
- City may deny permit for unpermitted ADU/JADU if it finds that correcting violation(s) is necessary to comply with the California Health and Safety Code
- Inspector may inspect ADU for compliance with the Health and Safety Code and provide recommendations to comply

Planning Manager Hurin stated that if the City does not have a compliant ADU ordinance by January 1, 2025, then the City's ADU regulations will become null and void.

Councilmember Lee asked what it would mean for the City's ADU laws to be 'null and void'. Planning Manager Hurin replied that the regulations would default to the State regulations.

Councilmember Lee asked if the City had statistics on the number of ADUs built since 2016 and how they are being used. Planning Manager Hurin replied in the negative. However, he noted that in the first few years, the City received between 60 to 70 ADU permit applications a year, and in 2023, the City issued 40 ADU permits.

Vice Mayor Stevenson asked if ADUs are counted towards the City's Regional Housing Needs Allocation ("RHNA"). Planning Manager Hurin replied in the affirmative.

Councilmember Brownrigg asked if the setbacks outlined in the proposed ordinance were State requirements or a staff recommendation. Planning Manager Hurin replied that under State law, cities can require no more than a four-foot side and rear setback.

Councilmember Brownrigg stated that he supports ADUs and the update but had a few concerns. He voiced concern about how the setbacks would affect tree planting and impact residents with an easement on their boundary.

Vice Mayor Stevenson asked if there was flexibility with the setback requirements. CDD Zayer replied that the ordinance as written does not allow for setback flexibility. She explained that if there was flexibility, it would make it more challenging for the staff to make decisions on a case-by-case basis in the ministerial process.

Mayor Colson voiced support for the proposed ordinance.

Councilmember Brownrigg acknowledged the various viewpoints on this topic and wanted to see some discretion allowed. City Attorney Guina replied that the point of the State regulation is to remove discretion.

Mayor Colson asked if an ADU can be built on top of an existing garage. CDD Zayer replied in the affirmative.

Mayor Colson suggested that since the ordinance needs to get passed before the new year, that Council pass it as is and then collect data on new ADUs.

Mayor Colson opened the public hearing.

Mr. Paul commented on the setback distance being needed for emergency reasons.

A member of the public commented that this isn't an easy decision and that she has had trouble with an ADU in San Francisco.

Mayor Colson closed the public hearing.

Vice Mayor Stevenson made a motion to bring the ordinance back for a second reading; seconded by Councilmember Brownrigg. The motion passed unanimously by roll call vote, 5-0.

- b. **INTRODUCTION AND FIRST READING OF UPDATED TREE ORDINANCE – REPEALING CHAPTERS 11.04 AND 11.06 OF THE BURLINGAME MUNICIPAL CODE TITLE 11 (TREES AND VEGETATION) AND ADOPTING A NEW CHAPTER 11.06 (URBAN REFORESTATION AND TREE PROTECTION); CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15307 AND 15308 ADOPTION OF A RESOLUTION AMENDING THE MASTER FEE SCHEDULE TO ADOPT A TREE REPLACEMENT IN-LIEU FEE AND FEE INCREASE FOR APPEALS OF BEAUTIFICATION COMMITTEE DECISIONS; AND AUTHORIZING THE FINANCE DIRECTOR TO MAKE SUCH AMENDMENTS TO THE MASTER FEE SCHEDULE; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15078, 15061(B)(3)**

ACA Spansail explained that the proposed ordinance has come before Council before and has been reviewed at the following meetings:

- November 3, 2023 – Beautification Commission
- November 20, 2023 – City Council
- May 2, 2024 – Beautification Commission
- May 28, 2024 – Planning Commission
- June 17, 2024 – City Council
- October 7, 2024 – City Council

Mayor Colson opened the public hearing. No one spoke.

Councilmember Brownrigg made a motion to bring the ordinance back for a second reading; seconded by Councilmember Lee. The motion passed unanimously by roll call vote, 5-0.

Councilmember Pappajohn made a motion to adopt Resolution Number 148-2024; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

**c. INTRODUCTION AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME AMENDING CHAPTER 8.19 OF TITLE 8 OF THE BURLINGAME MUNICIPAL CODE TO ALLOW EXISTING TOBACCO RETAILER PERMIT HOLDERS AN EXEMPTION FROM CERTAIN RELOCATION DISTANCE REQUIREMENTS FOR A PERIOD OF TWO YEARS, ELIMINATING CERTAIN RESTRICTIONS ON RETAILER PERMIT TRANSFERS AND DISCONTINUING THE ISSUANCE OF NEW TOBACCO RETAILER PERMITS; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378 AND 15061(B)(3)**

ACA Spansail explained that under the proposed ordinance, a tobacco retailer can transfer their permit to a new physical location for a short period of time. He continued that to be effective, the retailer must not propose any additional changes to the permit (such as change of ownership), and the location may not be located within 250 feet of a youth-populated area. He noted that the new retail location must be occupied by the retailer prior to January 16, 2027, to be effective. He added that assuming these criteria are met, the retailer would not be subject to the remaining distance requirements found in section 8.19.230.

Mayor Colson asked if there is an additional hookah permit remaining. ACA Spansail replied in the affirmative. He explained that there was one hookah permit remaining, but it would have to be taken out prior to the effective date of the ordinance.

Councilmember Lee asked for the definition of a youth-populated area. ACA Spansail replied that it was originally 1000 feet from a populated area and 500 feet from another tobacco retailer, but the distance from another tobacco retailer was eliminated for the relocation purposes. He stated that the 1000 feet from a youth-populated area was reduced to 250 feet.

ACA Spansail read the definition of a youth-populated area: it is a private or public school that educates children in grades kindergarten through high school; a library; a playground; a youth center, which is a facility where ages six to 17 come together like a Boys and Girls Club; a recreation center open to the public; a public or private college or university; and a licensed child care facility or preschool. He noted some exceptions to the licensed childcare facility or preschool, such as a family daycare home or large family daycare home, which are defined by the California Health and Safety Code, don't count in the definition.

Mayor Colson opened the public hearing.

Mr. Gross thanked Council for engaging with tobacco retailer permit holders on this ordinance.

Mayor Colson closed the public hearing.



Mayor Colson made a motion to bring back the proposed ordinance for a second reading; seconded by Vice Mayor Stevenson. The motion passed unanimously by roll call vote, 5-0.

**11. STAFF REPORTS AND COMMUNICATIONS**

**a. CONSIDERATION OF THREE APPOINTMENTS TO THE BEAUTIFICATION COMMISSION**

City Manager Goldman stated that there are three vacancies due to the expiring terms of Commissioners Sean Chu, Richard Kirchner, and Hadia Khoury. She explained that the City received five applications, and interviewed Sean Chu, Antoinette Damico, Hadia Khoury, Richard Kirchner, and Laura Medanich. She noted that after the interviews, Commissioner Khoury withdrew her application.

Mayor Colson opened the item for public comment. No one spoke.

The City Council submitted their ballots to the City Clerk. City Clerk Hassel-Shearer read the votes.

Congratulations to Sean Chu, Richard Kirchner, and Antoinette Damico.

**b. CONSIDERATION OF TWO APPOINTMENTS TO THE PARKS & RECREATION COMMISSION**

City Manager Goldman stated that there are two vacancies due to the expiring terms of Commissioners John Brunello and Leslie Holzman. She explained that the City received four applications, and interviewed Doug Bojack, John Brunello, John Giere, and Kim Kilgo.

Mayor Colson opened the item for public comment. No one spoke.

The City Council submitted their ballots to the City Clerk. City Clerk Hassel-Shearer read the votes.

Congratulations to John Brunello and John Giere.

**12. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS**

Council reviewed their committee appointments.

**13. FUTURE AGENDA ITEMS**

Councilmember Brownrigg asked to agendize a review of the City's bond investment policy. The Council agreed.

Councilmember Brownrigg asked to agendize a discussion on whether a letter should be written to the legislature on the impacts of districting in a small City. The Council agreed.

**14. ACKNOWLEDGMENTS**

The agendas, packets, and meeting minutes for the Planning Commission, Traffic, Safety & Parking Commission, Beautification Commission, Parks & Recreation Commission, and Library Board of Trustees are available online at [www.burlingame.org](http://www.burlingame.org).

**15. ADJOURNMENT**

Mayor Colson adjourned the meeting at 9:09 p.m. in support of the young adults who lost their lives in a car accident in Piedmont, California.

Respectfully submitted,

Meaghan Hassel-Shearer  
City Clerk