



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

**REGULAR ACTION (Public Hearing):** Consideration and Recommendation of General Plan Amendments to Increase Floor Area Ratio (FAR) for Office – Research and Development Projects on Properties Fronting Old Bayshore Highway in the Bayfront Area and to Provide Additional Specificity to Sea Level Rise Goals and Policies, and 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 (Zoning), Title 21 (Historic Preservation), and Title 22 (Signs) in their entirety.

**MEETING DATE:** October 25, 2021

**AGENDA ITEM:** 8e

**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:

A RESOLUTION OF CITY COUNCIL AMENDING THE BURLINGAME GENERAL PLAN TO INCREASE THE FLOOR AREA RATIO (FAR) FOR OFFICE AND RESEARCH/DEVELOPMENT PROJECTS ON PROPERTIES FRONTING OLD BAYSHORE HIGHWAY IN THE BAYFRONT AREA AND TO PROVIDE ADDITIONAL SPECIFICITY TO SEA LEVEL RISE GOALS AND POLICIES; AND

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, please refer to the Table of Contents in the Zoning Code. The Table of Contents 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. Please refer to the attached staff report from the October 12, 2021 Planning Commission meeting for a summary of each Study Session and revisions made to the Drafts as a result of the discussion (meeting minutes for each of the Study Sessions are included for reference).

At the October 12, 2021 Planning Commission meeting, the Commission reviewed the Zoning Code Update and provided the following comments/direction (see attached October 12, 2021 Planning Commission Meeting Minutes). Each comments is followed by a response from staff.

1. *Article 3, Table 25.30-1, notes that basements and underground parking garages shall not extend into side setbacks. For the narrower lots, the minimum required side setback can be as little as 3 feet. Recently had a discussion with a structural engineer about basement locations*

*and how they may affect adjoining lots; he suggested staying at least 5 feet from the property line. Wonder if we need to be more conservative with this requirement, especially on those properties that have smaller setback requirements, and perhaps suggest a minimum setback requirement.*

- The language in Table 25.30-1 (see Article 3, page 8) has been revised as follows “Side – Shall not extend past required side setback line, and in no case be closer than 4 ft to side property line”. Four (4) feet was chosen since the most common residential lot width is 50 feet which requires a 4-foot side setback. The purpose of this requirement is to provide adequate ground space for landscape growth, natural rain water drainage, and to reduce impacts on adjacent properties.
2. *Has SB 9 and SB 10 been factored in the Zoning Code Update? How does SB9 get factored into the Zoning Code now? . (Gardiner: Standards to comply with SB9 will be reviewed at the October 25th Planning Commission meeting.)*
- Section 25.20.080 has been added to provide basic objective development standards to comply with SB 9. Standards are based on existing R-1 standards for building size, lot coverage, setbacks, and building height so that new projects would retain the “house scale” of the neighborhoods. Starting in 2022, there will be a second phase that will involve refinement of the basic standards to reflect the building patterns particular to Burlingame’s neighborhoods. This phase will focus on detailed objective design standards, and will involve community engagement. Implementation of SB 10 is discretionary, and the City Council has indicated it will not be pursuing implementation at this time.
3. *I’m assuming that the minimum required 150 square feet of work space for live/work units was determined prior to COVID-19 when we had a different concept of what working at home meant? I think that it is rather small and should we think about increasing the size.*
- 150 square feet is a minimum standard, intended to provide sufficient space for a functional work space or office. This is a minimum standard, but projects may provide larger work areas if desired.
4. *Have always considered live/work project as the loft model often seen in San Francisco. The live/work project we’ve recently seen in Burlingame feel more like condominiums with an open space. I don’t disagree that it’s hard to define live/work space. If live/work and residential condominiums are not the space, then there needs to be enough of a difference to then validate the advantage they’re getting by calling it a live/work unit. I like that projects are now pushing for community rooms and meeting spaces on the ground floor that weren’t there before, because if you are working remotely, where do you have a meeting?*
- There are many models of development that combine living and working spaces, either within the same unit or within the same development. The Zoning Code is intended to allow a range of approaches. Some projects may combine living and working spaces together into one unit, in the model seen in San Francisco. Other developments may provide more conventional residential units, but also offer substantial business centers, meeting spaces, and lounges for working that are shared by residents.

5. *Regarding the definition of Personal Services - General, in support of allowing treatments by a medical practitioner as ancillary to the permitted primary use. Would help bring additional activity to our downtown commercial areas. Need to consider the changing face of retail over the last couple of years. Would much rather see a day spa with these ancillary treatments than empty storefronts. Opposed to medical uses as a primary use on the ground floor.*

- Based on the direction and support provided by the Commission to allow treatments by a medical practitioner as an ancillary use, staff is proposing to revise the language for the definition of Personal Services – General (see Article 8, page 12) as follows (the previous language has been stricken and replaced with the underlined language):

**Personal Services, General.** Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas (~~excluding services administered by a doctor or similar certified health professional and associated with the a permitted medical business~~ including non-surgical and minimally invasive treatments ancillary to the day spa use such as injectable fillers, photorejuvenation, facials and skin peels, microneedling, laser skin resurfacing and hair removal and other similar treatments related to beauty and wellness), massage services (where massage practitioners are certified pursuant to the Business and Professions Code Section 4612), dry cleaning agents (excluding large-scale bulk dry cleaning plants), shoe repair shops, photocopying, photo finishing services, tattoo and body piercing services, and travel agencies mainly serving the general public.

Staff would note that there are definitions provided for “Medical Clinic” and “Office - Medical or Dental” which describe medical uses, rather than treatments that are related to beauty and wellness.

6. *We have large some large tenant spaces, such as the space formerly occupied by Anthropology. Agree that we need to maintain retail storefronts, but have we considered allowing office uses at the rear of those spaces so the retail spaces doesn't have to be so large?*
- It had been discussed previously; one of the questions that came up was what should the depth of the retail space be and the timing of the leases. We can continue to study this issue as one of our follow up items that would come back in the future. The Economic Development Subcommittee is also discussing health service uses on the ground floor under different circumstances.

The attached Draft Zoning Update Ordinance now also includes Chapter 25.43 - Transportation Demand Management (TDM) in Article 3. A TDM Plan is required for new multi-unit residential developments of 10 units or more and commercial developments of 10,000 square feet or more, which requires these projects to incorporate TDM strategies that achieve a 20% reduction in vehicle trip generation rates below the standard rates as established in the most recent edition of the Institute of Transportation Engineers (ITE) trip generation manual.

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.

## General Plan Amendments

Adoption of the Zoning Update Ordinance also involves two amendments to the General Plan:

1. Increase in Floor Area Ratio (FAR) for office and research/development projects fronting Old Bayshore Highway in the Innovation Industrial district. This was considered by the City Council on March 1, 2021, and at the joint City Council/Planning Commission meeting on April 24, 2021. Per direction from the joint meeting, a General Plan Amendment has been prepared to amend the Innovation Industrial (I/I) Land Use Development Standards to specify up to 2.75 FAR for office and research/development uses fronting Old Bayshore Highway. The 2.75 FAR is also reflected in Table 25.12-2 of the Draft Zoning Code.
2. Additional specificity to Sea Level Rise (SLR) goals and policies. On August 11, 2021 the San Mateo County Civil Grand Jury released a report entitled, “California’s Ground Zero for Sea Level Rise.” The report examined the risk of SLR in San Mateo County, noting “more people and property are at risk from rising seas in San Mateo County than any other California county,” and recommends collaboration among affected cities, the County, and private entities in order to find solutions to the complex, long-term problem of SLR. The report included 13 findings and four recommendations. Grand Jury Recommendation R4 recommends that the County Board of Supervisors and each city and town council should ensure that their general plans regarding SLR protection include transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites.

Burlingame General Plan Community Safety Element includes Goal CS-5, which specifies protecting vulnerable areas and infrastructure from flooding related to rising sea levels in the San Francisco Bay. Supporting Goal CS-5, Policy CS-5.6 (Sea Level Rise Defense Strategy) is recommended to be amended to read: “Develop and implement a local sea level rise defense strategy for Burlingame that includes protection for transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites, and include identification of funding mechanisms.”

**Staff Comments:** Staff would note that comment letters to the Planning Commission were received from Chris Homs, date stamped October 12, 2021, and Jennifer Pfaff, date stamped October 21, 2021. Mr. Homs’ letter concerning the definition of Personal Services addressed in comment 5 on page 4 of the staff report. Staff will review Ms. Pfaff’s letters and will provide a response at the meeting.

Prepared by:

Kevin Gardiner  
Community Development Director

Ruben Hurin  
Planning Manager

Attachments:

October 12, 2021 Planning Commission Meeting Minutes  
Letter submitted by Chris Homs, Lockhouse Retail Group, date stamped October 12, 2021  
Letters submitted by Jennifer Pfaff, date stamped October 21, 2021  
October 12, 2021 Planning Commission Staff Report and Attachments  
Burlingame Zoning Ordinance - Articles 1 through 8  
Zoning Map  
Planning Commission Resolutions  
CEQA Resolutions  
City of Burlingame Map of Future Conditions