

# City of Burlingame

BURLINGAME CITY HALL 501 PRIMROSE ROAD BURLINGAME, CA 94010

# Meeting Minutes Planning Commission

Tuesday, October 12, 2021 7:00 PM Online

g. Consideration and Recommendation of a Proposed Ordinance to Amend Title 25 (Zoning) of the Burlingame Municipal Code Providing a Comprehensive Update of Title 25 (Zoning), Adoption of the City of Burlingame Zoning Map, and Repealing Title 21 (Historic Preservation) and Title 22 (Signs). Staff Contact: Kevin Gardiner and Ruben Hurin

<u>Attachments:</u> Staff Report - Zoning Ordinance

Attachments - Zoning Ordinance

Burlingame Zoning Ordinance

**Zoning Map** 

Laura Stetson with MIG, the consultant assisting the City with the Zoning Code Update, provided a summary presentation.

Chair Schmid opened the public hearing.

#### Public Comments:

Jennifer Pfaff: Regarding basements and underground garages in side setbacks, I appreciate Commissioner Tse's comments about her discussion with the engineer. While there are narrow lots that have smaller setback requirements, there are also lots that have larger side setback requirements. We had a discussion about this a few weeks ago; purpose of keeping basements out of side setback areas was to allow for more room for landscaping to grow, so that people can retain their privacy through landscape screening. Would be careful to not make it a 4-foot requirement, but rather that a basement should not extend into the side setback, and in any case should not be less than 4 feet.

Chair Schmid closed the public hearing.

#### Commission Discussion/Direction:

- > 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 low 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.
- > 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.
- > Has SB9 and SB10 been factored in the Zoning Code Update? How does SB9 get factored into the Zoning Code now? I think with SB9, the Low Density Zoning District and Medium Density District

descriptions in Article 2 may need to be worded differently. (Gardiner: Standards to comply with SB9 will be reviewed at the October 25th Planning Commission meeting.)

- > 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?
- > 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.
- > We have large some large tenant spaces, such as the space formerly occupied by Anthropology. I 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? (Schmid: Recall discussing this in the past; would need to figure out how to allow it without having the applicant needing to go through a lengthy approval process). (Gardiner: 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.)

Christopher Homs Senior Vice President Lockehouse Retail Group



City of Burlingame Planning Commission

Re: Burlingame Zoning Ordinance Updates

Via Email to: PlanningCommissioners@Burlingame.org

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CITY OF BURLINGAME CDD-PLANNING DIV.

Dear Planning Commissioners:

First off, I would like to say I appreciate all the time and effort that staff and the City have put into preparing the zoning updates.

For some brief background to qualify my comments, I currently represent three landlords in the Downtown Burlingame market. I also represent landlords and developers in nearly all Bay Area counties. I represent several tenants in multiple markets as well.

I am respectfully writing to request the definition of "Personal Services, General" be amended to remove the medical services exclusion for day spas and similar uses as it excludes a number of hybrid businesses that are categorized as day spas but offer ancillary medical services related to beauty and wellness.

I agree that a pure medical use on the ground floor of a thriving downtown is not accretive to the vibrancy of the downtown. That said, if the goal is to encourage a lively mix of retailers, restaurants, and personal services tenants, particularly in the core downtown areas zoned Burlingame Avenue Commercial (BAC) and Howard Mixed Use (HMU), the permitted uses should allow the flexibility needed to attract modern tenants that can deliver on those goals.

Day Spas that provide ancillary medical services for health, beauty, and wellness – and other similar hybrid businesses – are becoming more and more common in the modern retail environment and can positively contribute to the downtown with repeated visits to the trade area. Many of these customers will cross-shop other business in the area which is beneficial to the entire community.

Warm regards,

Chris Homs 650-548-2687

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Notes re: Burlingame Muni Code Title 25 Draft Jennifer Pfaff 650-348-7961 <u>CLEANUP NOTES /edits:</u>

CITY OF BURLINGAME CDD-PLANNING DIV.

- ALPINE PARK is missing from the colored 11" x 17" zoning map; should be indicated as a *green* zone (PR-Parks and Rec.)
- •ARTICLE 2 Pg. 57 top of page, "2. Commercial Uses...." Should be number #"3".
- •Suggestions re: verbiage related to ECR standards for development:

The following are a bit nit-picky, but I think it would be better (clearer and safer) to use consistent terms/verbiage in each section where ECR standards are mentioned throughout the document. Several terms have been used over time to describe the same thing:

\*See the sticky notes binder draft where I tagged the various text locations:

## Ie: ARTICLE 2 Special Front Setback requirements- R-1 thru R-4

• Chapter 25.10.045 pg. 7 Item 2d. El Camino Real:

This section mentions minimum "frontage" but not specifically sides or rears that often abut ECR, though this ordinance applies to those "frontages", too.

In other chapters, including the Standards Table for the **DSAP 25.16-030**, (Table 25.16-2 on pg. 50), the side abutting and rear are specifically mentioned, so there is no misunderstanding: "El Camino Real minimum frontage, street side or rear..."

- Chapter 25.14.060 Table 25.14-6 under BRMU pg. 41, similar issue. The table in the Draft just says "frontage", but I think it would be clearer if the descriptions were the same as on the aforementioned DSAP Table pg.50; 25.16-02; For El Camino Real the far left "Development Standards" title column reads: "El Camino Real minimum frontage, street side or rear..." so there is no confusion on lot configuration.
- -In ARTICLE 3 "Determining Setbacks" pg. 9 Section 25.30.090 item B4, middle of pg. 9, the verbiage for the reader is well clear: in this section: "On lots abutting or fronting El Camino Real..."

# Table 25.14-6: The new zone BRMU; Development Standards on pg. 41

This Table mentions "min. frontage on ECR", but not "side" nor "rear". But there could be an instance where there is a side or rear face. As an example, Bank of America already has a side face with proper setbacks along ECR; and maybe someday, there will be a Capuccino fronted property that has a rear edge along ECR. So just in case, I would think those should be covered in the BRMU table here, too.

For consistency it may be easiest and safest to use the same language on the BRMU table, as was used on the DSAP Table 25.16-2 (pg. 50). That table has verbiage that is very clear: "El Camino Real Min Frontage, Street side or Rear"

# In ARTICLE 3: 25.31.080 "A" pg. 14.

I wonder if gas meters should be included in mechanical equipment that should not be in the front setback (the meters and exposed gas pipes can be a hazard if hit or nicked by a driveway car).

Thanks for looking at these Dennifer Pfaff

Comments re: Burlingame Muni Code Title 25 Draft - If you have a chance, thanks for looking at these! © Jennifer Pfaff

To the Commissioners: I have a couple of POLICY QUESTIONS I've wondered about!

#### ARTICLE 2:

**CHAPTER 25.20 OVERLAY ZONING DISTRICTS** 

25.14-6 CMU and BRMU

pg. 42.

On the table, the "Edge Condition" category has been left blank for BRMU.

However, I'm pretty sure there are areas along (and abutting) Broadway where one building face, or another finds itself (or will find itself in the future) next to a purely residential property.

Question: Shouldn't the "Edge Conditions" standards also apply here, that was used for the BMU and the (new) CMU areas. There will certainly be abutting structures and differing uses. It allows for some kind of minimal space and breathing room between buildings-if one or the other is residential. Remember the long conflict during the project at 21 Park Road, for example; it seems like this could become an area of neighbor conflict if we aren't consistent with other, similar areas.

•25.20.020 Commercial Residential Overlay (California Drive/Edgehill) Pg. 57 Residential Uses:

## "2 c. Setback Exceptions"

This item allows extended side and rear property lines where residential is built over commercial usage.

I wonder what is meant by "commercial"? Do you think there needs to be a minimum sq. footage that would trigger the ability to diminish setback lines. For example, at an extreme, if someone opens a hole in the wall ice-cream shop in a  $10 \times 10$  ft. space, would that suffice for the rest of the building to extend its property setbacks?

Or should there be a minimum sq. footage or percentage of ground floor area defined to trigger this kind of exemption (to respect those who may live on Edgehill Ave. abutting and behind said properties, for example).

## •25.40.080 Parking Design Standards: pg. 38 C. Driveways

This describes <u>Minimum</u> driveway width, which is very generous. What about maximum width? In some residential areas of the city (like ECR) some <u>older</u> developments have driveways that are uber-wide and bleak, sometimes two sets in a row.

Thinking ahead, should maximum allowable width(s) be considered in order to enhance pedestrian safety, and importantly, to increase the creation of tree wells for future street trees?

#### Lastly-

•Commercial-retail/mixed commercial design standards BRMU and DSAP: Is now an opportunity to define how much (or little) of a storefront in downtown areas should be opaqued (or translucent) in the future, so that the ped. experience continues to be interesting?

Thank you all for your time and devotion to work on the PC

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RESOLUTION NO.
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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO 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

### THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, on January 7, 2019, the City Council adopted the Burlingame General Plan (hereinafter "General Plan") following the certification of a Final Environmental Impact Report (hereinafter "EIR") and adoption of findings and a Statement of Overriding Considerations pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Government Code Section 65356, the General Plan was adopted by resolution, and took effect on February 7, 2019; and

WHEREAS, State Law allows the legislative body of a county or city to amend any mandatory element of the General Plan up to four (4) times a year; and

WHEREAS, an increase in the Floor Area Ratio (FAR) for office and research/development projects on properties fronting Old Bayshore Highway was considered by the City Council on March 1, 2021, and at a joint City Council/Planning Commission meeting on April 24, 2021; and

WHEREAS, The General Plan includes the Innovation Industrial Land Use District, which is intended to accommodate light industrial and logistics uses, with complementary commercial businesses; and

WHEREAS, properties fronting Old Bayshore Highway face the Bayfront Commercial Land Use District, which permits uses including entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses including both general office and life sciences/lab offices; and

WHEREAS, an increased FAR for office and research/development projects on properties fronting Old Bayshore Highway would be compatible with both the Innovation Industrial and Bayfront Commercial Land Use Districts because the Old Bayshore Highway properties are situated between both districts; and

WHEREAS, an increased FAR for office and research/development projects on properties fronting Old Bayshore Highway to up to 2.75 would be compatible with comparable development in the adjacent Bayfront Commercial Land Use District, which allows an FAR of up to 3.0 for office and research/development projects; and

WHEREAS, the San Mateo County Civil Grand Jury released a report entitled, "California's Ground Zero for Sea Level Rise" on August 11, 2021; and

WHEREAS, the report examined the risk of Sea Level Rise (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; and

WHEREAS, the report included 13 findings and four recommendations; and

WHEREAS, 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;

WHEREAS, 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; and

WHEREAS, Burlingame General Plan 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." as outlined in Exhibit "A" attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council that it adopt an Resolution to amend 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.

	Chairperson
I,	, Secretary of the Burlingame Planning Commission, do
hereby certif	that the foregoing resolution was introduced and adopted at a regular meeting of
the Planning	Commission held on the 25 <sup>th</sup> day of October, 2021, by the following vote:
AYES:	COMMISSIONERS:
ATLO.	COMMISSIONERS.
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

Secretary

## **EXHIBIT "A"**

### Amendments to the 2040 General Plan:

- Amend Innovation Industrial (I/I) Land Use Development Standards:
  - Maximum Intensity: 0.75 FAR for industrial and commercial uses; <u>2.75 FAR</u> for office/research & development uses fronting Old Bayshore Highway; 3.0 FAR for hospitality uses
- Amend General Plan Policy CS-5.6 Sea Level Rise Defense Strategy: 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."

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME FINDING
THAT ADOPTION OF AMENDMENTS TO 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 IS IN
ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

#### THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, An Environmental Impact Report (EIR) was prepared and certified on January 7, 2019, in accordance with the California Environmental Quality Act (CEQA) for the Update to the Burlingame General Plan; and

WHEREAS, the analysis contained in the EIR assumed a projected buildout of 3,035,333 square feet of commercial uses; 4,749,337 square feet of office uses; and 4,292,814 square feet of industrial uses throughout the city; and

WHEREAS, the analysis contained in the EIR assumed a projected buildout 1,169,834 square feet of commercial uses; 2,924,584 square feet of office uses; and 1,698,988 square feet in the Bayfront area (as defined by Traffic Analysis Zones (TAZ) 1948, 1949, 11725, 12278, and 12279); and

WHEREAS, an increase in allowed floor area for office and research/development uses on properties fronting Old Bayshore Highway does not assume an increase in the projected buildout evaluated in the EIR, but rather assumes that the total buildout for the total Bayfront area (as defined by Traffic Analysis Zones (TAZ) 1948, 1949, 11725, 12278, and 12279) will be tracked over time and remain within the projections evaluated in the EIR; and

WHEREAS, the amendment to General Plan Policy CS-5.6 (Sea Level Rise Defense Strategy) provides additional description in that the amended policy specifies that a local sea level rise defense strategy for Burlingame shall include protection for transportation and utility infrastructure, schools, public safety facilities, and hazardous material sites, but that the amended policy in itself does not introduce any new potential environmental impacts; and

WHEREAS, 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).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council finds that a Resolution of the City of Burlingame providing amendments to 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 does not materially alter the mix of land-uses policies evaluated in the EIR, and that no further environmental analysis is required pursuant to the California Environmental Quality Act (CEQA).

		Chairperson
•	0 0	_, Secretary of the Burlingame Planning Commission, do hereby was introduced and adopted at a regular meeting of the Planning October, 2021, by the following vote:
AYES:	COMMISSIONERS:	
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	
		Secretary

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY OF BURLINGAME 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)

## THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, on January 7, 2019, the City Council adopted the Burlingame General Plan (hereinafter "General Plan") following the certification of a Final Environmental Impact Report (hereinafter "EIR") and adoption of findings and a Statement of Overriding Considerations pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Government Code Section 65356, the General Plan was adopted by resolution, and took effect on February 7, 2019; and

WHEREAS, to ensure consistency between the Zoning Ordinance (Title 25 of the Municipal Code) and the General Plan, the City is required to update the Zoning Ordinance to be consistent with the General Plan land use designations; and

WHEREAS, the City Council has directed City staff to prepare a comprehensive update for City Council adoption in order to align with the guiding principles, goals, and policies of the General Plan; and

WHEREAS, the Zoning Ordinance is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan; and

WHEREAS, it is intended that all provisions of the Zoning Ordinance be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with the regulations will also be consistent with the General Plan; and

WHEREAS, The City is divided into zoning districts to allow for orderly, planned development and to implement the General Plan; and

WHEREAS, the Zoning Ordinance identifies all zoning districts; and

WHEREAS, the boundaries, designations, and locations of the zoning districts established by the Zoning Ordinance shall be shown upon the map(s) entitled "City of Burlingame Zoning Map" and referred to in the Zoning Ordinance as the Zoning Map; and

WHEREAS, the Zoning Ordinance, together with the zoning map, shall be in compliance with current State planning, zoning, and development laws; and

WHEREAS, the draft Zoning Ordinance (attached as Exhibit A) and Zoning Map were presented to the Planning Commission of the City of Burlingame on October 12, 2021 and October 25, 2021, at which time the commission reviewed and considered the staff report and all other written materials and testimony presented at said hearing:

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council that it adopt an Ordinance of the City of Burlingame Providing a Comprehensive Update of Title 25 (Zoning) of the Burlingame Municipal Code and adoption of the City of Burlingame Zoning Map

			Cha	airperson
•	0 0	, Secretary of the Burlirn was introduced and adopt of October, 2021, by the follow	oted at a regular	Commission, do hereby meeting of the Planning
AYES:	COMMISSIONERS:	:		
NOES:	COMMISSIONERS:	:		
ABSENT:	COMMISSIONERS:	:		
				Secretary

# **EXHIBIT "A"**

Burlingame Municipal Code Title 21 (Historic Resource Preservation), Title 22 (Signs) and Title 25 (Zoning) are repealed in their entirety and replaced with the following:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURLINGAME FINDING
THAT ADOPTION OF AN ORDINANCE OF THE CITY OF BURLINGAME 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) IS IN ACCORDANCE WITH THE REQUIREMENTS OF
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE PLANNING COMMISSION OF THE CITY OF BURLINGAME HEREBY FINDS:

WHEREAS, An Environmental Impact Report (EIR) was prepared and certified on January 7, 2019, in accordance with the California Environmental Quality Act (CEQA) for the Update to the Burlingame General Plan; and

WHEREAS, 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); and

WHEREAS, the comprehensive update of Title 25 (Zoning) of the Burlingame Municipal Code and City of Burlingame Zoning Map are an implementation of the Update to the Burlingame General Plan; and

WHEREAS, it is intended that all provisions of the Zoning Ordinance and Zoning Map be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with the regulations will also be consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council finds that an Ordinance of the City of Burlingame Providing a 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 that no further environmental analysis is required pursuant to the California Environmental Quality Act (CEQA).

		Chairperson
•	• •	_, Secretary of the Burlingame Planning Commission, do hereby was introduced and adopted at a regular meeting of the Planning October, 2021, by the following vote:
AYES:	COMMISSIONERS:	
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	

Secretary

