



# STAFF REPORT

AGENDA NO: 9b

MEETING DATE: January 7, 2019

**To:** Honorable Mayor and City Council

**Date:** January 7, 2019

**From:** Kathleen Kane, City Attorney – (650) 558-7204  
Kevin Gardiner, Community Development Director – (650) 558-7253

**Subject:** Adoption of an Urgency Ordinance Providing Interim Zoning Standards for the North Rollins Road Mixed Use District and North Burlingame Mixed Use District

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## **RECOMMENDATION**

Staff recommends that the City Council consider adoption of an interim urgency ordinance providing interim zoning standards for the North Rollins Road Mixed Use District and North Burlingame Mixed Use District. In order to do so, the Council should:

- Receive the staff report and ask any clarifying questions.
- Ask the Clerk to read the title of the proposed ordinance.
- By motion, waive further reading and introduce the ordinance.
- Hold a public hearing.
- Discuss the ordinance and determine whether to adopt it.
- By motion, approve the temporary ordinance. This motion would require four affirmative votes.

## **BACKGROUND**

“Envision Burlingame” is the combined update of the Burlingame General Plan and Zoning Ordinance. The Draft General Plan was released in August 2017, and the Environmental Impact Report (EIR) in July 2018. A public hearing to consider adoption of the General Plan and certification of the EIR is scheduled for January 7, 2019.

State law requires zoning ordinances to be consistent with the respective general plan. Given the amount of time that will be required to prepare the complete Zoning Ordinance Update, staff has directed the consultant team to initially focus on interim regulations applicable to the most significant “change areas” identified in the Draft General Plan. These include:

- North Rollins Road Mixed Use Zone (“Live/Work” land use designation in the General Plan, comprising the northern portion of the Rollins Road corridor)
- North Burlingame Mixed Use Zone (“North Burlingame Mixed Use” land use designation in the General Plan, in proximity to Burlingame Plaza and the Millbrae Transit Center)

The approach will allow interim zoning for these two areas to be adopted concurrently with the General Plan, so that consistent zoning would be in place for the areas with the most significant changes to land use and building form. State law allows interim zoning to be extended for up to two years, which can be effective when a general plan revision or major rezoning is underway in order to achieve general plan consistency. New or updated specific plans for the respective areas could also be developed while the interim zoning is in place.

A subcommittee of the Planning Commission consisting of Commissioners Kelly, Loftis, and Terrones has been formed to evaluate the interim chapters, as well as the full zoning code as it is developed. The subcommittee met twice to review drafts of the North Burlingame and North Rollins Road chapters, and the full Planning Commission reviewed the chapters at its November 13, 2018 meeting. In that meeting, the Planning Commission recommended that the City Council adopt the interim chapters as proposed, with the provision that the North Burlingame Mixed Use standards reflect the Council's direction to establish a maximum density of 140 dwelling units per acre (rather than 120 units per acre as shown in the draft).

The City Council subsequently reviewed the Planning Commission recommendation and discussed the interim standards as part of the General Plan public hearing in its November 19, 2018 meeting.

A recent California Supreme Court case has created the potential that, if zoning in change areas lags behind the General Plan, the City's ability to review and approve applications in the change areas could be at risk. In order to avoid this problem, interim zoning for the primary land use change areas is being introduced concurrently with the General Plan.

In order to allow zoning regulations in the North Rollins Road Mixed Use and North Burlingame Mixed Use Districts to be consistent with the respective General Plan, staff suggests that the City enact the attached temporary urgency ordinance. The North Rollins Road Mixed Use regulations would be a new chapter in the Municipal Code (Chapter 25.39), specific to the "Live/Work" land use designation in the General Plan. Conversely, the North Burlingame Mixed Use chapter would repeal Municipal Code Chapters 25.40 (Trousdale West of El Camino Real – TW) and 25.41 (El Camino North – ECN) as "North Burlingame Mixed Use" land use designation in the General Plan encompasses both of those districts.

## **DISCUSSION**

While the North Burlingame Mixed Use and North Rollins Road chapters have been developed to be adopted on an interim basis as an urgency ordinance, much thought has been given to the approach and standards. This includes an innovative "tiered" approach to development, in which the highest residential densities and commercial floor areas would require provision of community benefits such as affordable housing, open space, and enhanced streetscapes.

As drafted, affordable units would be a requirement to achieve the highest residential densities. The affordability provisions have been drafted to be consistent with the "on-site" option proposed by the City Council for the upcoming Residential Impact Fee ordinance.

The proposed regulations have had minor revisions since initial review by the Planning Commission and City Council, primarily involving refinements to the land use regulations in Table 25.39-1 and Table 25.40-1 to address inconsistencies and better align with policies in the updated General Plan. The revisions are shown in the attached chapters as tracked changes.

Councilmembers and community members have shown strong interest in developing a specific area plan for the Rollins Road Mixed Use area that would provide greater direction for new private and public development, particularly with regards to design. Staff will be proposing a work plan for a specific plan and a Request for Proposals (RFP) to the City Council in the first quarter of 2019. Meanwhile, the interim zoning incorporates some elements more typically found in a specific plan, in particular streetscape standards with sidewalk and street tree specifications that would be aligned with the hierarchy of street types provided in the General Plan.

It is necessary to enact the attached interim urgency ordinance in order to protect the public health, safety, and welfare, specifically including possible permanent damage to the City's aesthetic, health and safety, and economic interests arising from the potential gap in regulation between adoption of the General Plan and the comprehensive update of the Zoning Ordinance with regards to the North Rollins Road and North Burlingame Mixed Use Districts.

### **FISCAL IMPACT**

None.

Exhibits:

- North Rollins Road Mixed Use District Interim Standards – tracked changes
- North Burlingame Mixed Use District Interim Standards – tracked changes
- Proposed Interim Urgency Ordinance
- Proposed Resolution – CEQA