



# STAFF REPORT

AGENDA NO: 9a

MEETING DATE: February 19, 2019

**To: Honorable Mayor and City Council**

**Date: February 19, 2019**

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

**Subject: Re-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 extending the 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 urgency ordinance. This motion would require 4 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. The City Council certified the EIR and adopted the General Plan on 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 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 has allowed interim zoning for these two areas to be adopted concurrently with the General Plan, so that consistent zoning is in place for the areas with the most significant changes to land use and building form. At its meeting on January 7, 2019, the City Council adopted a temporary urgency ordinance providing interim zoning for these two areas (January 7, 2019 meeting minutes excerpt attached).

Under Government Code § 65858, an initial urgency ordinance runs for 45 days, and then must be renewed in order to remain in effect. After notice and a hearing, a local government may by a four-fifths vote extend the interim ordinance for 22 months and 15 days. The development regulations in the proposed interim ordinance are identical to the urgency ordinance adopted on January 7, 2019. The interim ordinance may be repealed and replaced with permanent regulations at any time during the extension period.

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 was introduced concurrently with the General Plan as an urgency ordinance, and with the attached ordinance would be extended on an interim basis for up to 22 months and 15 days. This staff report constitutes the required status update for extension of the ordinance under the Government Code.

## **DISCUSSION**

The full update of the Zoning Ordinance is currently underway. Ultimately, the entire zoning code will be rewritten, and it is anticipated to take approximately one year. During this time, the interim zoning regulations will provide development standards for the North Rollins Road Mixed Use and North Burlingame Mixed Use Districts to be consistent with the respective General Plan. 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 (Trousedale 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.

While the North Burlingame Mixed Use and North Rollins Road chapters have been developed to be adopted on an interim basis, 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 Residential Impact Fee ordinance was reviewed by the Planning Commission on February 11, 2019, and is anticipated to be introduced to the City Council in March 2019.

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.

Since the original adoption of the attached ordinance in January, staff and the City's consultants have been working to chart out the community process for a potential specific plan and have continued to work on permanent zoning code amendments.

It is necessary to enact the attached interim 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:

- City Council Meeting Minutes Excerpt – January 7, 2019
- Proposed Ordinance
- Proposed Resolution – CEQA