

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BURLINGAME
ESTABLISHING INTERIM ZONING REGULATIONS FOR THE NORTH ROLLINS ROAD
MIXED USE DISTRICT AND NORTH BURLINGAME MIXED USE DISTRICT TO IMPLEMENT
THE GENERAL PLAN
PURSUANT TO GOVERNMENT CODE SECTION 65858(a)**

The City Council of the City of Burlingame **ORDAINS** as follows:

Division 1 – Findings.

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, the General Plan is an update of the 1969 Burlingame General Plan and includes changes to land use classifications and also includes new policies not contained in the 1969 General Plan; 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 must update the Zoning Ordinance to be consistent with the General Plan land use designations; and

WHEREAS, pursuant to General Plan Implementation Program IP-1, City staff will review the current Zoning Ordinance (Title 25 of the Municipal Code) and 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, because the comprehensive update of the Zoning Ordinance is anticipated to take approximately one year to complete, this interim ordinance is necessary to allow development that is consistent with the new land use classifications and policies in the General Plan to be considered for approval during that interval; and

WHEREAS, the City Council finds that it is necessary for the City Staff, Planning Commission, and City Council to study, develop, and adopt regulations within a reasonable time regarding the implementation of the General Plan; and

WHEREAS, the North Rollins Road Mixed Use District (designated in the General Plan as the “Live/Work” land use) and North Burlingame Mixed Use District (designated in the General Plan as the “North Burlingame Mixed Use” land use) have been identified in the General Plan as “areas of change,” involving substantial changes to land use classifications and new policies for development; and

WHEREAS, Government Code Section 65858 authorizes the City Council to protect the public health, safety, and welfare by adopting an interim ordinance as an urgency measure to allow development that is consistent with the land use classifications and policies for the North Rollins Road Mixed Use District and North Burlingame Mixed Use District; and

WHEREAS, the City Council finds and declares that there is a current and immediate threat to the public peace, health, welfare, and safety, 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 Mixed Use District and North Burlingame Mixed Use District; and

WHEREAS, on January 7, 2019, the City Council, pursuant to Government Code Section 65858(a), imposed an interim urgency ordinance for forty-five (45) days, issuing interim regulations for the North Rollins Road Mixed Use District and North Burlingame Mixed Use District; and

WHEREAS, the City Council desires to enact this ordinance to extend interim development regulations for the North Rollins Road Mixed Use District and North Burlingame Mixed Use District; and

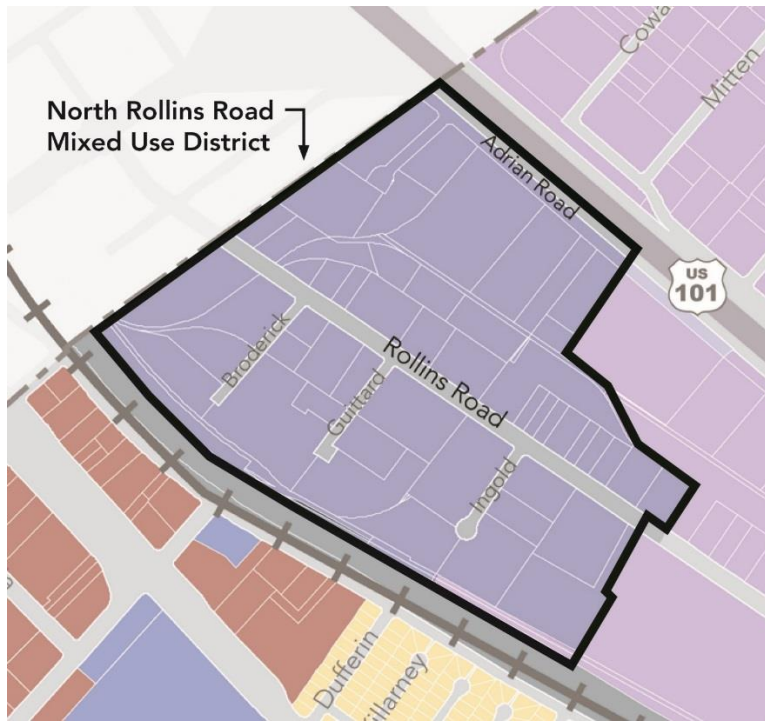
WHEREAS, the City Council directs City staff to continue to review the current Zoning Ordinance (Title 25 of the Municipal Code) and prepare a comprehensive update for City Council adoption in order to align with the guiding principles, goals, and policies of the General Plan.

Division 2 – Regulation.

Section 1. Burlingame Municipal Code Chapter 25.39 is repealed in its entirety and replaced with the following:

25.39.010 Purpose and Applicability

- A. The purpose of the North Rollins Road Mixed-Use Zone (RRMU) is to implement the General Plan Live/Work land use designation by creating and sustaining a new neighborhood of creative live/work units and developments, small-scale support commercial businesses, and other employment uses within easy walking distance to the Millbrae multimodal transit station. Long-established industrial uses are permitted to remain as conforming uses, provided they comply with all applicable standards and operational conditions.
- B. The provisions of this chapter shall apply to the areas in the city with the "Live/Work" land use designation as shown on the Land Use Plan, Figure CC-1 of the Burlingame General Plan.



25.39.020 Land Use Regulations

- A. Table 25.39-1 identifies the land use regulations for the RRMU zone. Any use not listed below shall be prohibited, unless the Director finds that the proposed uses is similar in characteristics to allowed uses.

TABLE 25.39-1: RRMU LAND USE REGULATIONS		
	P CUP MCUP TUP A --	Permitted Conditional Use Permit Minor Conditional Use Permit Temporary Use Permit Accessory Use Not Permitted
Land Use	Permit Requirement	Specific Use Regulations
COMMERCIAL - RETAIL		
Eating and Drinking Establishments <ul style="list-style-type: none"> • Bars, Taverns • Night Club • Restaurant – Drive-through 	MCUP -- P	
Food and Beverage Sales <ul style="list-style-type: none"> • General Market • Convenience Store • Liquor Store 	P MCUP --	
Nurseries and Garden Centers	--	
Retail Sales <ul style="list-style-type: none"> • General • Large Format 	P --	No outdoor storage or sales permitted in conjunction with any permitted use,

TABLE 25.39-1: RRMU LAND USE REGULATIONS	P	Permitted	
	CUP	Conditional Use Permit	
	MCUP	Minor Conditional Use Permit	
	TUP	Temporary Use Permit	
	A --	Accessory Use Not Permitted	
Land Use	Permit Requirement		Specific Use Regulations
<ul style="list-style-type: none">Specialized	CUP		except for permitted temporary sales.
Vehicle Fuel Sales and Accessory Service	--		
Vehicle Sales <ul style="list-style-type: none">Auto and Light Truck – NewAuto and Light Truck – UsedHeavy Equipment Sales and Rental	-----		
COMMERCIAL – SERVICES AND RECREATION			
Adult Entertainment Businesses	--		
Animal Care Services <ul style="list-style-type: none">Boarding/KennelsGroomingVeterinarian	-- P MCUP		Grooming - No overnight animal stays permitted.
Banks and Financial Institutions	P		
Check Cashing and Pay Day Loan Establishments	--		
Commercial Recreation	CUP		
Day Care Centers	CUP		
Food Preparation (catering)	MCUP		
Funeral Services and Cemeteries	--		
Office – Medical or Dental	CUP		Limited to 5,000 square feet.
Office – Professional	P		Limited to 5,000 square feet.
Personal Services – General	P		
Personal Services - Specialized	CUP		
Theaters <ul style="list-style-type: none">LiveMovie or similar	CUP CUP		
Vehicle Service, Repairs, and Rentals <ul style="list-style-type: none">Car WashMajor Repair/Body WorkMinor Repair/Body Work	-- -- -- --		

TABLE 25.39-1: RRMU LAND USE REGULATIONS		
	P CUP MCUP TUP A --	Permitted Conditional Use Permit Minor Conditional Use Permit Temporary Use Permit Accessory Use Not Permitted
Land Use	Permit Requirement	Specific Use Regulations
• Rental Facilities		
EDUCATIONAL SERVICES		
Class or School Uses	CUP	
Trade Schools	--	
INDUSTRIAL, MANUFACTURING, PROCESSING, WAREHOUSING, AND WHOLESALING USES		
Food Processing and Production	CUP	
Laboratories/Research and Development	P	
Light Industrial	MCUP	
Personal Storage	CUP	
Warehousing/Logistics	CUP	
Wholesaling	A	Accessory to a permitted industrial or live/work use.
LODGING		
Bed and Breakfast	--	
Emergency Shelters	P	Limited in size to 24 beds. See also Section 25.44.045 (Additional Uses for Properties in the Northern Rollins Road Area).
Hostels	--	
Hotels and Motels	--	
PUBLIC AND QUASI-PUBLIC USES		
Community Open Space	P	
Hospitals	--	
Medical Clinics	CUP	No 24-hour clinics.
Public Assembly Facilities	CUP	
Public Parks	P	
Places of Religious Assembly	CUP	
RESIDENTIAL USES		
Live/Work	P	See Section 25.39.030.B.1.
Multi-Family Residential	P	
Residential Care Facilities	--	
Supportive and Transitional Housing	P	
MIXED USES		

TABLE 25.39-1: RRMU LAND USE REGULATIONS		
	P Permitted CUP Conditional Use Permit MCUP Minor Conditional Use Permit TUP Temporary Use Permit A Accessory Use -- Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations
Mixed Use Developments	P	With individual specific uses subject to land use regulatory requirements set forth in this Table 25.39-1.
TRANSPORTATION AND UTILITIES		
Air courier, delivery, or other transshipment services	--	
Parking facilities, including parking garages	A	
Transit Facilities	--	
Utilities	MCUP	
Vehicle Storage	--	
DRAINAGE RIGHTS-OF-WAYS		
Publicly Owned and Operated Drainage Facilities and Improvements	P	
Privately Owned and Operated Electric Transmission Lines	P	
Supplemental Parking for Permitted or Conditional Uses in the District	CUP	
Storage of Operable Vehicles	CUP	a) Vehicles must be in operable condition and must be managed at all times by a single, responsible person with access to the keys for all vehicles. b) Vehicles shall be moved by appointment only and shall not be moved during a.m. and p.m. peak hour traffic periods as defined by the city engineer. c) Site size must be a minimum of .7 acres. d) Site must have approved access to a public street. e) No customers shall visit the site.

TABLE 25.39-1: RRMU LAND USE REGULATIONS		
	P CUP MCUP TUP A --	Permitted Conditional Use Permit Minor Conditional Use Permit Temporary Use Permit Accessory Use Not Permitted
Land Use	Permit Requirement	Specific Use Regulations
Storage of Recreational Vehicles and Boats		Vehicles shall not be moved during a.m. and p.m. peak hour traffic periods as defined by the city traffic engineer.
Outdoor Storage	CUP	Must be related to immediately abutting uses which are permitted or conditional in the district.
Fencing	CUP	
Uses Similar in Nature to Those Allowed in This Section	CUP	Must have frontage on a public street and which proposed use and siting meets all the requirements established by the city engineer.
Long Term Airport Parking	--	
SPECIFIC AND TEMPORARY USES		
Outdoor Temporary and Seasonal Sales	TUP	
Temporary Uses	TUP	
Outdoor Dining	A	

B. Maximum Retail Sales Building Size. No retail sales establishment shall exceed 15,000 square feet of gross floor area. An applicant may request a retail sales building larger than 15,000 square feet, but in no case larger than 30,000 square feet, through the Conditional Use Permit process.

C. Stand-alone Residential, Commercial, and Light Industrial Uses. Stand-alone commercial, residential, and light industrial developments are permitted.

D. Limitations on Use. The following uses and activities shall be prohibited:

1. New manufacturing and industrial uses except those specifically allowed in Table 25.39-1, except nonconforming uses as allowed in subsection 25.39.020.F.
2. Vehicle/equipment repair (e.g., body or mechanical work, including boats and recreational vehicles, vehicle detailing and painting, upholstery, or any similar use).
3. In any residential or live/work unit, storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.

4. Any other activity or use, as determined by the Community Development Director, to be incompatible with residential activities and/or to have the possibility of affecting the health or safety of residents due to the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.

E. Nonconforming Industrial Uses.

1. **General.** The purpose of this subsection is to recognize and allow for the continued use of industrial activities that become nonconforming with the adoption of this Chapter. Except as provided in this subsection, the nonconforming use regulations set forth in Chapter 25.50 (Nonconforming Uses and Structures) shall apply.
2. **Discontinuance of nonconforming uses.** If a nonconforming use of a lot, building, or structure is discontinued for a continuous period exceeding three years, the right to continue the nonconforming use shall expire.
3. **Allowed expansion of nonconforming industrial uses.** Expansion of a legally established nonconforming industrial use is permitted on the same site with the issuance of a Conditional Use Permit.
4. **Change from a nonconforming industrial use to another nonconforming industrial use.** The Community Development Director may authorize a change from a legally established nonconforming industrial use to another nonconforming industrial use upon making the finding that the new use is similar in character to the existing nonconforming use and does not have the potential to result in adverse impacts on surrounding uses.

25.39.030 Development Standards

A. Development Standards Generally; Calculation of FAR and Density.

1. Development projects shall comply with the development standards set forth in Table 25.39-2 (RRMU Development Standards). The floor area ratio (FAR) standards shall apply to the non-residential component on a development on a site; the density standards shall apply to any residential component. The non-residential (FAR) and residential (density) components may be additive.
2. A developer may elect to develop consistent with either Tier 1, Tier 2, or Tier 3 development standards for live/work and any other non-industrial or non-institutional development. Projects using Tiers 2 or 3 standards shall provide community benefits pursuant to subparagraph 25.39.030.C, below.

TABLE 25.39-2 RRMU DEVELOPMENT STANDARDS					
Development Standards	Live/Work, Residential, Mixed Use and Commercial Development			Industrial and Institutional Development	Additional Regulations
	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)		
a. Density – Maximum	30 du/ac	50 du/ac	70 du/ac	N/A	Tiers 2 and 3 must provide community

TABLE 25.39-2
RRMU DEVELOPMENT STANDARDS

Development Standards	Live/Work, Residential, Mixed Use and Commercial Development			Industrial and Institutional Development	Additional Regulations
	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)		
(applies to residential component)					benefits per subparagraph C below.
b. Floor Area Ratio – Maximum (applies to non-residential component) ¹	0.50	0.75	1.0	1.0 ²	Tiers 2 and 3 must provide community benefits per subparagraph C below.
c. Height (Unless otherwise controlled by maximum heights established by the Federal Aviation Administration for parcels affected by airport safety zones)	3 stories/40 ft. maximum	5 stories/55 ft. maximum	7 stories/80 ft. maximum	50 ft.	Tiers 2 and 3 must provide community benefits per subparagraph C below.
d. Setbacks					
• Front: Mixed-Use Arterial (Rollins Road)	0 - 15 ft.	0 - 15 ft.	0 – 15 ft.	20 ft.	Subject to streetscape frontage standards in Table 25.39-3
• Front: All other streets	12 ft. from edge of curb	12 ft. from edge of curb	15 ft. from edge of curb	15 ft. from edge of curb	Subject to streetscape frontage standards in Table 25.39-3
• Side – Interior	10 ft.	10 ft.	10 ft.	0 ft. adjacent to industrial use/20 ft. adjacent to all other uses	Setbacks for industrial uses apply only to new construction; established industrial uses shall be considered conforming with regard to

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RRMU DEVELOPMENT STANDARDS**

Development Standards	Live/Work, Residential, Mixed Use and Commercial Development			Industrial and Institutional Development	Additional Regulations
	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)		
					required setbacks.
• Side – Street	10 ft.	10 ft.	10 ft.	10 ft.	Subject to streetscape frontage standards in Table 25.39-3
• Rear	20 ft.	20 ft.	20 ft.	0 ft. adjacent to industrial use/20 ft. adjacent to all other uses	Setbacks for industrial uses apply only to new construction; established industrial uses shall be considered conforming with regard to required setbacks.
• Alley	5 ft.	5 ft.	5 ft.	10 ft.	If alley is used for direct access to a garage, setback shall be 20 ft. to allow vehicle access.
e. Edge condition between industrial and residential use		See Section 25.39.030.B.4.			
f. Lot Dimensions – Minimum					
• Size	• Mixed use development: 10,000 sf • Residential subdivision: 3,500 sf	• Mixed use development: 10,000 sf • Residential subdivision : 3,500 sf	• Mixed use development: 10,000 sf • Residential subdivision: 3,500 sf	10,000 sf	
• Width at street frontage	• Mixed use development: 100 ft.	• Mixed use development: 100 ft.	• Mixed use development: 100 ft.	50 ft.	

**TABLE 25.39-2
RRMU DEVELOPMENT STANDARDS**

Development Standards	Live/Work, Residential, Mixed Use and Commercial Development			Industrial and Institutional Development	Additional Regulations
	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)		
	<ul style="list-style-type: none"> Residential subdivision: 40 ft. 	<ul style="list-style-type: none"> Residential subdivision: 40 ft. 	<ul style="list-style-type: none"> Residential subdivision: 40 ft. 		
g. Lot Coverage – Maximum ²	60%	60%	60%	70%	
h. Open Space for residential units per unit – Minimum	<ul style="list-style-type: none"> Live/work units: 100 sf Multifamily housing or mixed use: 125 sf Open space may be either private, common, or include both 	<ul style="list-style-type: none"> Live/work units: 100 sf Multifamily housing or mixed use: 125 sf Open space may be either private, common, or include both 	<ul style="list-style-type: none"> Live/work units: 100 sf Multifamily housing or mixed use: 125 sf Open space may be either private, common, or include both 	N/A	<p>Minimum dimensions of open space:</p> <ul style="list-style-type: none"> Private: 5 ft. deep, 8 ft. wide Common: 15 ft. in any direction <p>Any required pedestrian plaza/public space, as set forth in subsection B.3, below, may count toward up to 50% of the common open space.</p>
i. Percent landscape coverage - Minimum	15%	20%	20%	15%	
<p>Notes:</p> <p>¹ Above-ground parking structures shall be exempt from Floor Area Ratio (FAR) calculations.</p> <p>² FAR of Industrial, Manufacturing, Processing, Warehousing, and Wholesale uses may be increased to 1.5 with a Conditional Use Permit.</p> <p>³ Lot coverage may be increased if additional useable common open space equivalent to the additional lot coverage (in square feet) is provided on a podium-level landscaped courtyard or plaza.</p>					

B. Additional Regulations.

1. Live/Work Standards.

- a. **Purpose and Applicability.** The provisions in this section shall apply to live/work units.
- b. **Intent.** The development standards of this section are intended to facilitate the creation of new, adaptable live/work units in a manner that preserves the surrounding industrial and artistic character, supports enhanced street level activity, maintains a consistent urban streetwall, and orients buildings and pedestrians toward public streets. Live/work Units are intended to be designed with adequate workspace, higher ceilings, larger doors, sufficient natural light, open floor plans, and equipped with non-residential finishes and features that support arts and production activities.
- c. **Density/Floor Area Allocation.** Live/work units consistent with the provisions of this section may be apportioned from either the Residential (as specified by Density standards in Table 25.39-2) and/or Nonresidential (as specified by Floor Area Ratio/FAR standards in Table 25.39-2) allocations for a property.
- d. **Limitations on Use.** The nonresidential component of a live/work unit shall be limited in use to those uses set forth in Table 25.39-1 (RRMU Land Use Regulations). Nonresidential/work is not required; however, each unit shall be designed to be adaptable and facilitate work activities per the provisions in this section.
- e. **Floor Area Requirement.** A live/work unit shall have a minimum floor area of at least 750 square feet. At least 150 square feet of a live/work unit shall be designated as suitable for workspace, and measure not less than 15 feet in at least one dimension and no less than 10 feet in any dimension. The area suitable for workspace for each unit shall be clearly demarcated on approved building plans.
- f. **Separation of and Access to Individual Units.** Access to each individual live/work unit shall be provided from shop fronts, directly from the sidewalk parallel to the primary or secondary street, or from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the building.
- g. **Location of Living Space – Ground Floor Units.** Ground floor live/work units shall designate the front 20 feet of the unit as area suitable for workspace, in order to maintain activity and commercial access along the frontage. Dedicated living space may be located in the rear portion of the ground level, provided the front 20 feet of the unit is designated as suitable for work.
- h. **Ceiling Height.** Ground floor live/work units shall have floor to ceiling height of 15 feet or greater, measured from top of floor to bottom of ceiling. Upper floor live/work units shall have floor to ceiling height of 10 feet or greater. A mezzanine space shall not be included in the calculation of minimum height for any floor or level.
- i. **Integration of Living and Working Space.** Areas within a live/work unit that are designated as living space shall be an integral part of the live/work unit and not separated (or occupied and/or rented separately) from the area designated for workspace.
- j. **Client and Customer Visits.** Client and customer visits to live/work units are permitted.

2. **Pedestrian Plaza/Public Space.** Where total lot area or development site equals 50,000 square feet or greater, a pedestrian plaza or other public open space/gathering space shall be provided that meets the following design criteria:
 - a. Is a minimum of 1,500 square feet in size;
 - b. Has a minimum dimension at least 30 feet on any side;
 - c. Is at least 50 percent open to the sky;
 - d. Is located at ground level with direct pedestrian and ADA access to the adjacent public street;
 - e. Is unenclosed by any wall, fence, gate, or other obstruction across the subject property;
 - f. Is open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety; and
 - g. Includes at least one gathering space with a fountain or other focal element.
3. **Mid-Block Plazas and Paseos.** Where blocks (measured from curb face to curb face) are longer than 400 feet, and where a development has more than 300 feet of frontage, at least one plaza, pedestrian pathway or paseo shall be provided perpendicular to the block face. All such plazas shall meet the design criteria outlined in 25.39.030.B.2. All such paseos shall meet the following design criteria:
 - a. Be open to the public and remain so during daylight hours;
 - b. Be at least 15' wide, and 15' deep if a plaza;
 - c. Have a clear line of sight to the back of the paseo, gathering place, or focal element; and
 - d. Be at least 50% open to the sky or covered with a transparent material.
5. **Industrial/Residential Interface.** Any live/work unit or other residential unit on a site abutting an industrial use on an adjoining site shall be set back a minimum of 15 feet from the lot line shared by the property with the industrial use. A minimum six-foot-high masonry wall or other buffering feature suitable to the review authority shall be provided along the shared property line.
6. **Residential Notice.** Residents of new live/work, mixed-use, and stand-alone residential development projects, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban-type environment, that the noise levels may be higher than in a strictly residential area, and that there may be odors associated with commercial and industrial uses. The covenants, conditions, and restrictions of any development with a residential use shall require that prospective residents acknowledge the receipt of the written noise notification. Such written noise notification shall be provided in residential leases. Signatures shall confirm receipt and understanding of this information.

C. Community Benefit Bonuses – Tiers for Increased FAR, Density, and Height.

1. **Purpose and Applicability.** To provide an incentive for development, and in partnership with the City to provide community benefits that would not otherwise be created, the Planning Commission may grant increased FAR, density, and/or height in return for provision of specific community benefits, as listed below or subsequently identified by the City Council, if doing so is in the City's interest and will help implement the General Plan and further, if these benefits cannot be realized without granting increased FAR, height, and/or density. A variety of objectives are listed to ensure that proposed project features are appropriate for the site and surroundings, and to allow for a wide range of possible project types.

2. **Tier 2 – Number of Community Benefits.** The Planning Commission may approve Tier 2 projects if it determines that the project includes at least two community benefits from subsection 4 of this Section (Community Benefits Objectives). At least one affordable and workforce housing objective from 4.a shall be chosen.
3. **Tier 3 – Number of Community Benefits.** The Planning Commission may approve Tier 3 projects if it determines that the project includes at least three community benefits from subsection 4 of this Section (Community Benefits Objectives). At least one affordable and workforce housing objective from 4.a shall be chosen.
4. **Community Benefit Objectives.**
 - a. **Affordable and Workforce Housing.**
 - i. The project provides affordable housing at the rate of five percent for low-income households, or 10 percent for moderate-income households, as a percentage of the total number of housing units built, for a period of 55 years or greater.
 - ii. The project qualifies for, and utilizes, a density bonus in compliance with the City's affordable housing incentives (Chapter 25.63).
 - b. **Pedestrian Amenities.** The project includes major pedestrian connections in excess of minimum paseo requirements.
 - c. **Public Plazas Beyond Minimum.** Public plazas or other publicly accessible open spaces at least 50 percent larger than the minimum required. Where provided, such public plazas and open spaces shall be subject to the following:
 - i. The public plaza shall be owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
 - ii. Each part of the public plaza shall be accessible from other parts of the open space without leaving the open space area;
 - iii. The public plaza shall be on the ground level and directly accessible from the sidewalk, and be accessible to persons with disabilities;
 - iv. The public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety; and
 - v. At a minimum, the following elements shall be included: trees and landscaping, seating, bicycle racks, trash and recycling receptacles, and signage that include hours of operation.
 - d. **Off-Site Streetscape Improvements.** Does not include improvements along the frontage of a development site that would normally be required. Examples include:
 - i. Enhanced pedestrian and bicycle-oriented streetscapes;
 - ii. Protected bicycle lanes and pedestrian pathways, improved bicycle and pedestrian crossings/signals, bicycle racks/shelters;

- iii. New pedestrian and bicycle connections to transit facilities, neighborhoods, trails, commercial areas, etc.;
 - iv. Removal of existing pedestrian and bicycle barriers (e.g. dead-ends and cul-de-sacs);
 - v. Upgrading traffic signals to enhance pedestrian and bicycle safety.
- e. **Cultural Arts Space.** Includes space for visual arts, performing arts, artist housing, and other activities that support arts and culture.
 - f. **Pedestrian and Similar Paths and Connections between Adjacent Properties.** To effectuate the goal of creating walkable and bikeable environments, improved pedestrian ways and other paths open to the public that accommodate easy movement across and between properties under separate ownership.
 - g. **Historic Preservation (Off-Site).** Where there are no historic resources on the project site, the project provides for the permanent preservation of a building off site that is listed in the City's inventory of historical resources through the recordation of a historic preservation agreement.
 - h. **Mode Split.** The project provides for a permanent mobility mode shift towards alternative transportation of up to 25 percent for building occupants through a Transportation Demand Management Program. Prior to the issuance of building permits, a covenant agreement shall be recorded that discloses the required Transportation Demand Management provisions. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property of any ongoing programmatic requirements.
 - i. **Zero Net Energy.** The project provides 100 percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.
 - j. **Publicly Accessible Park Space.** Contribution towards the provision of public parks in the North Rollins Road area. Contribution can be in the form of dedication of land, provisions of improvements, or payment of fee in excess of that normally required for parks.
 - k. **Public Parking Facilities.** The project provides publicly accessible parking to serve area-wide parking needs. To qualify, the parking spaces should be permanently available for public use and subject to easements or restrictions acceptable to the City.
 - l. **Flexible (Miscellaneous) Benefit.** The applicant agrees to provide a currently undefined community benefit approved by the City Council that is significant and substantially beyond normal requirements. Examples are inclusion of a child care center or community event space in a new development project, off-site utility infrastructure improvements above and beyond those required to serve the development, additional funding for City programs such as contribution to a local façade improvement program, or subsidy for existing commercial tenants or other local small businesses.

25.39.040 Design Standards and Objective Design Criteria.

A. Design Standards. All new development shall be designed to achieve the following objectives:

1. The overall design intent of the RRMU zone is to provide for an eclectic mix of residential, live/work, commercial, and light industrial development that has an industrial and contemporary look in terms of materials used, architectural styles, and building forms.
2. Site and building design shall provide for internal compatibility among the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, use of open space, and similar operating characteristics.
3. Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
4. The design of any live/work or mixed-use project shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.
5. The design of the mixed-use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.
6. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, courtyards, walkways, and street furniture.
7. Site planning and building design shall be compatible with and enhance the adjacent and surrounding built environment in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

B. Building Orientation, Entrances, and Articulation.

1. **Building Design.** Recognizing the varied commercial and industrial character of the area, new development and redevelopment projects should be encouraged to feature a blend of both commercial and residential design features, including modern, industrial type building design.
2. **Orientation.** The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. For all residential, retail, and office uses, at least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Ground-related entrances include entrances to ground-floor uses.
3. **Ground Floor Transparency.** At least 45 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.
4. **Nonresidential Entrances.** Entries shall be clearly defined features of front façades and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance while maintaining a pedestrian scale.
5. **Transitional Space at Residential Entries.** New residential buildings shall provide transitional spaces in the form of stoops, overhangs, and porches between public areas

fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units, but no less than one of this type of element shall be provided.

6. **Building Articulation.** Except for buildings housing industrial uses, no street frontage wall may run in a continuous plane for more than 25 feet without an opening (door or window) or offsets, or as approved by the review authority if the project is constrained by unusual parcel size, shape, use, or other features that the responsible review authority accepts as rendering this requirement infeasible. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces. Offsets shall vary in depth and/or direction of at least 18 inches, or a repeated pattern of offsets, recesses, or projections of similar depth.
7. **Structured Parking.** Structured parking facing public streets should be fronted or wrapped with actively occupied spaces such as storefronts, live/work units, residential community amenities, and lobbies. Access to parking shall be designed so that it is not prominent and ties into the adjacent architectural style.

C. Site Layout

1. **Streetscape.** Street frontages shall meet the standards set forth in Table 25.39-3 (RRMU Street Frontage Standards).

TABLE 25.39-3: RRMU STREET FRONTAGE STANDARDS		
Street Type	Frontage – Measured from Back of Curb to Building Face	
Mixed-Use Arterial (Rollins Road)	Building Frontage Setback	15 ft. minimum
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Mixed-Use Collector (Adrian Road)	Building Frontage Setback	12 feet
	Walk Zone (Public)	6 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. min
Mixed-Use Access (Adrian Court, Broderick Road, Guittard Road, Ingold Road)	Building Frontage Setback	10 feet
	Walk Zone (Public)	6 ft. minimum
	Amenity/Planter Zone	4 ft. minimum
	Tree Wells	4 ft. by 4 ft. minimum
Build-To Lines	At least sixty (60) percent of the structure shall be located at the Building Frontage Setback.	
Exceptions	Exceptions to Building Frontage Standards may be granted to accommodate conflicts with recorded easements, rights-of-ways, etc.	

2. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided per the following standards:

- a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - b. **To Circulation Network.** Regular and convenient connections between on-site walkways and the public sidewalk and other existing or planned pedestrian routes, such as safe routes to school, shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
 - c. **To Adjacent Areas.** Direct and convenient access shall be provided among adjoining residential and commercial areas and along creeks to the maximum extent feasible while still providing for safety and security. Public access easements minimum 10 feet in width shall be provided to allow for future connections.
 - d. **To Transit.** Safe and convenient pedestrian connections shall be provided from adjacent transit stops to building entrances.
3. **Location of Parking.** Any surface parking facilities shall be located to the side or rear of any proposed project. No more than 33 percent of the site area at the ground level may be used for surface parking facilities.
 4. **Service and Delivery Areas.** Unenclosed service and loading areas shall be screened from residential areas and integrated with the design of the building. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

25.39.050 Parking

- A. **Off-Street Vehicle Parking.** Parking shall be provided as set forth in Chapter 25.70 (Off-Street Parking), with the following exceptions for live/work units, stand-alone residential development, and the residential component of a mixed-use development:

TABLE 25.39-4: RRMU OFF-STREET VEHICLE PARKING	
Number of Bedrooms in a Unit	Minimum Number of Parking Spaces Required
0 (Studio or Loft)	1 space/unit
1	1 space/unit
2	1.5 spaces/unit for multifamily housing; 2 spaces/unit for live/work
3 or more	2 spaces/unit
Guest parking	None required

- B. **Vehicle Parking Stall Dimensions.** All parking stalls may be provided in a single dimension, eight and one-half feet in width by 17 feet in length, except for required accessible parking spaces which shall meet the dimensions required in the California Building Code in effect at the time a project is submitted for City review. No compact parking stalls shall be allowed if only a single dimension stall is used.
- C. **Aisle Dimensions.** All aisles within a parking area shall be as follows:

TABLE 25.39-5: RRMU PARKING AISLE DIMENSIONS	
Parking Space Angle	Required Backup Aisle
90 degree	24 feet
60 degree	18 feet
30 degree	13 feet

D. **Stacked/Mechanical Parking.** Parking utilizing stackers or mechanical systems may be approved with a Conditional Use Permit.

E. **Bicycle Parking.** Bicycle parking shall be provided as follows:

TABLE 25.39-6: RRMU BICYCLE PARKING	
Class	Minimum Number of Parking Spaces Required
Class I – Resident bicycles	0.5 spaces/unit
Class II – Guest bicycles	0.05 spaces/unit

F. **Electric Vehicle (EV) Charging Stalls.** 5 percent of all spaces shall be prepared for EV charging equipment.

G. **Parking Reductions for Transportation Demand Management (TDM) Plan.** Projects utilizing a Transportation Demand Management (TDM) Plan per Section 25.39.030.C.4.h. shall be allowed up to 20 percent reduction in required off-street vehicle parking (not including bicycle parking and EV stalls) provided the project provides for a permanent mobility mode shift towards alternative transportation of 25 percent or greater for building occupants through the TDM program.

25.39.060 Review Procedures

A. **Design Review Required.** Design review is required pursuant to Chapter 25.57 (Design Review).

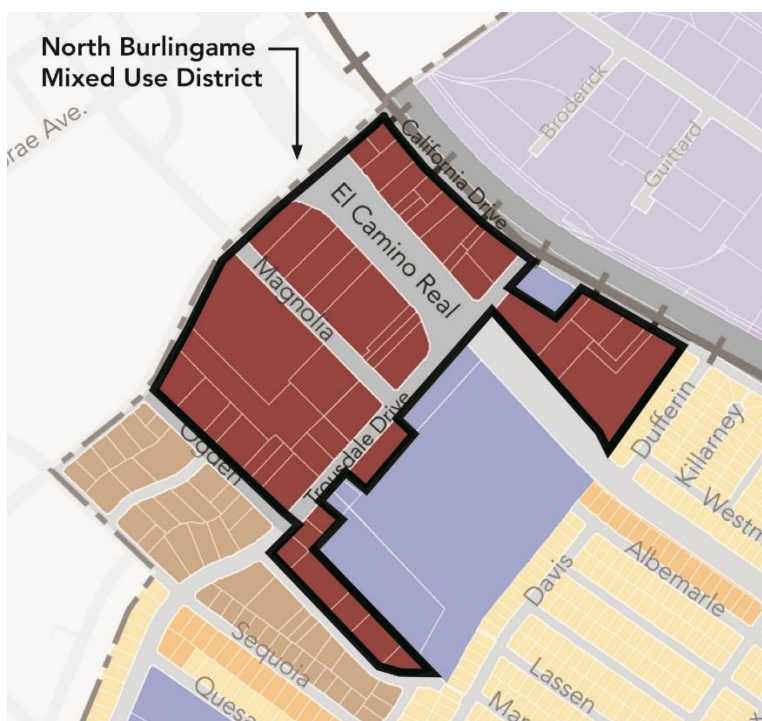
B. **Planning Commission Approval of Community Benefits Bonuses.** The Planning Commission shall be the final review authority for an application for Tier 2 and Tier 3 projects.

Section 2. Burlingame Municipal Code Chapters 25.40 and 25.41 are repealed in their entirety and replaced with the following:

25.40.010 Purpose and Applicability

A. The purpose of the North Burlingame Mixed-Use (NBMU) zone is to implement the General Plan North Burlingame Mixed Use designation by providing a distinct, defining area at the City's north gateway on El Camino Real, with housing and complementary commercial and office uses at urban-level intensities, and that takes advantage of the adjacent multimodal transit center. This transit-oriented development district accommodates housing at progressively higher densities based on the level of community benefits provided, with the goal of ensuring that new development adds value for all in the City.

- B. The provisions of this chapter shall apply to the areas in the city with the “North Burlingame Mixed Use” land use designation as shown on the Land Use Plan, Figure CC-1 of the Burlingame General Plan.



25.40.020 Land Use Regulations

- A. Table 25.40-1 identifies the land use regulations for the NBMU zone. Any use not listed below shall be prohibited, unless the Director finds that the proposed uses is similar in characteristics to allowed uses.
- B. Stand-alone commercial and residential developments are permitted.

TABLE 25.40-1: NBMU LAND USE REGULATIONS		
	P	Permitted
	CUP	Conditional Use Permit
	MCUP	Minor Conditional Use Permit
	TUP	Temporary Use Permit
	A	Accessory Use
	--	Not Permitted
Land Use	Permit Requirement	Specific Use Regulations
COMMERCIAL - RETAIL		
Eating and Drinking Establishments <ul style="list-style-type: none"> • Bars, Taverns • Night Club • Restaurant – Drive-through 	MCUP CUP P	
Food and Beverage Sales <ul style="list-style-type: none"> • General Market 	P	

TABLE 25.40-1: NBMU LAND USE REGULATIONS	P	Permitted	
	CUP	Conditional Use Permit	
	MCUP	Minor Conditional Use Permit	
	TUP	Temporary Use Permit	
	A	Accessory Use	
	--	Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations	
<ul style="list-style-type: none"> Convenience Store Liquor Store 	CUP		
Nurseries and Garden Centers	--		
Retail Sales <ul style="list-style-type: none"> General Large Format Specialized 	P -- CUP		
Vehicle Fuel Sales and Service	CUP		
Vehicle Sales <ul style="list-style-type: none"> Auto and Light Truck – New Auto and Light Truck – Used Heavy Equipment Sales and Rental 	-- ---- --		
COMMERCIAL – SERVICES AND RECREATION			
Adult Entertainment Businesses	--		
Animal Care Services <ul style="list-style-type: none"> Boarding/Kennels Grooming Veterinarian 	-- P MCUP	Grooming - No overnight animal stays permitted.	
Banks and Financial Institutions	P		
Check Cashing and Pay Day Loan Establishments	--		
Commercial Recreation	CUP		
Day Care Centers	CUP		
Food Preparation (catering)	MCUP		
Funeral Services and Cemeteries	--		
Office – Medical or Dental	P		
Office – Professional	P		
Personal Services – General	P		
Personal Services - Specialized	CUP		
Light Research/Development and Laboratories	P		
Theaters <ul style="list-style-type: none"> Live 	CUP		

TABLE 25.40-1: NBMU LAND USE REGULATIONS	P	Permitted	
	CUP	Conditional Use Permit	
	MCUP	Minor Conditional Use Permit	
	TUP	Temporary Use Permit	
	A	Accessory Use	
	--	Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations	
• Movie or similar	CUP		
Vehicle Service, Repairs, and Rentals	--		
• Car Wash	--		
• Major Repair/Body Work	--		
• Minor Repair/Body Work	A		
• Rental Facilities			
EDUCATIONAL SERVICES			
Class or School Uses	CUP		
Trade Schools	--		
LODGING			
Bed and Breakfast	--		
Emergency Shelters	--		
Hostels	--		
Hotels and Motels	CUP		
PUBLIC AND QUASI-PUBLIC USES			
Community Open Space	P		
Hospitals and Clinics	CUP		
Public Assembly Facilities	--		
Public Parks	P		
Places of Religious Assembly	CUP		
RESIDENTIAL USES			
Multi-Family Residential	P		
Residential Care Facilities	CUP		
Supportive and Transitional Housing	P		
MIXED USES			
Mixed Use Developments	P	With individual specific uses subject to land use regulatory requirements set forth in this table.	
TRANSPORTATION AND UTILITIES			
Parking facilities, including parking garages	--		
Transit Facilities	CUP		
Utilities	MCUP		
SPECIFIC AND TEMPORARY USES			

TABLE 25.40-1: NBMU LAND USE REGULATIONS		
	P CUP MCUP TUP A --	Permitted Conditional Use Permit Minor Conditional Use Permit Temporary Use Permit Accessory Use Not Permitted
Land Use	Permit Requirement	Specific Use Regulations
Outdoor Temporary and Seasonal Sales	TUP	
Temporary Uses	TUP	
Vending machines	A	
Outdoor dining	A	

25.40.030 Development Standards

A. Development Standards Generally; Calculation of FAR and Density.

1. Development projects shall comply with the development standards set forth in Table 25.40-2 (NBMU Development Standards). The floor area ratio (FAR) standards shall apply to the non-residential component on a development on a site; the density standards shall apply to any residential component. The non-residential (FAR) and residential (density) components are additive.
2. A developer may elect to develop consistent with either Tier 1, Tier 2, or Tier 3 development standards. Projects using Tier 2 or Tier 3 standards shall provide community benefits pursuant to subparagraph 25.40.030.D, below.

TABLE 25.40-2 NBMU DEVELOPMENT STANDARDS				
Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
a. Density – Maximum (applies to residential component)	40 du/ac	80 du/ac	140 du/ac	Tier 2 and 3 must provide community benefits per subparagraph B, below.
b. Floor Area Ratio (FAR) – Maximum (applies to non-residential component) ¹	0.50 Office 0.25 Commercial	1.25 Office 0.50 Commercial	2.0 Office 1.0 Commercial	Tier 2 and 3 must provide community benefits per subparagraph B, below.
c. Height (Unless otherwise controlled by maximum heights established by the Federal Aviation Administration for parcels)	4 stories/ 45 ft. maximum	5 stories/ 55 ft. maximum	7 stories/ 75 ft. maximum For properties on the east	Tier 2 and 3 must provide community benefits per subparagraph B, below.

**TABLE 25.40-2
NBMU DEVELOPMENT STANDARDS**

Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
affected by airport safety zones)			side of El Camino Real, 9 stories/ 100 ft. subject to additional setback standards, below	<p>Special Requirements and Exceptions:</p> <p>1. Building frontages facing Trousdale Drive (west of El Camino Real), Murchison Drive (west of El Camino Real), Magnolia Drive, Ogden Drive, and Marco Polo Way:</p> <p>a. 35% of the linear frontage above 35 feet must step back a minimum 5 feet, in the form of insets, balconies, or stepbacks, or</p> <p>b. 80% of a building's linear frontage above 55 feet stories must step back a minimum of 10 feet, in the form of insets, balconies, or stepbacks</p>
d. Setbacks				
<ul style="list-style-type: none"> For any building adjacent to properties zoned R-1 or R-2 	Any building façade that faces the adjacent R-1 or R-2 property line and that is above 15 feet in height shall have additional setback distance added to the required setback. That additional setback shall apply to any portion of the building above 15 feet in height and shall be a minimum horizontal distance of one foot for every one foot of building height above 30 feet.			
<ul style="list-style-type: none"> Front: El Camino Real 	0 to 10 ft. for first 35 ft.			Subject to streetscape

**TABLE 25.40-2
NBMU DEVELOPMENT STANDARDS**

Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
				frontage standards in Table 25.40-3
<ul style="list-style-type: none"> • Front: Mixed-Use Arterial (Trousdale Drive, Murchison Drive, California Drive) 	0 to 10 ft., with at least 60 percent of the structure located at the streetscape frontage line per Table 25.40-3			Subject to streetscape frontage standards in Table 25.40-3
<ul style="list-style-type: none"> • Front: Mixed-Use Collector (Magnolia Drive) and Neighborhood Access (Ogden Drive, Marco Polo Way) 	0 to 10 ft., with at least 40 percent of the structure located at the streetscape frontage line per Table 25.40-3			Subject to streetscape frontage standards in Table 25.40-3
<ul style="list-style-type: none"> • Side – Interior: El Camino Real 	10 ft.			
<ul style="list-style-type: none"> • Side – Interior: Trousdale Drive, Murchison Drive, California Drive, Ogden Drive, and Marco Polo Way 	10 ft.			
<ul style="list-style-type: none"> • Side – Street 	0 to 10 ft., with at least 40 percent of the structure located at the streetscape frontage line per Table 25.40-3			Subject to streetscape frontage standards in Table 25.40-3
<ul style="list-style-type: none"> • Rear 	15 ft. minimum 20 ft. minimum if abutting a lot zoned R-1 or R-2			
e. Lot Dimensions – Minimum <ul style="list-style-type: none"> • Size • Width at street frontage 	20,000 sf 150 ft.			Minimum applies to new subdivisions of land; legally established lots of smaller size may be developed consistent with the requirements of this Chapter 25.40.
f. Lot Coverage – Maximum ²	80%			Lot coverage may be increased if additional, usable common open space generally equivalent to the additional lot coverage (in square feet) is provided on a rooftop garden and hardscape.

**TABLE 25.40-2
NBMU DEVELOPMENT STANDARDS**

Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
<p>g. Open Space and Landscaping</p> <ul style="list-style-type: none">• Open space for residential units – Minimum• Percent landscape coverage - Minimum	<p>100 sf per unit of open space per unit. Open space may be either private, common, or include both.</p> <p>10% of entire site; see also 25.40.040.</p>			<p>Minimum dimensions of open space:</p> <ul style="list-style-type: none">• Private: 5 ft. deep, 8 ft. wide• Common: 15 ft. in any direction
<p>h. Parking</p>	<ol style="list-style-type: none">1. Parking shall be provided as set forth in Chapter 25.70.2. Garages may be constructed entirely below ground level, and such underground garages may project into any required yard or building setback area.3. No at-grade parking shall be visible or accessed from El Camino Real.			
<p>Notes:</p> <p>¹ Above-ground parking structures shall be exempt from Floor Area Ratio (FAR) calculations.</p> <p>² Lot coverage may be increased if additional useable common open space equivalent to the additional lot coverage (in square feet) is provided on a podium-level landscaped courtyard or plaza.</p>				

B. Community Benefits – Required Enhancements for Tier 2 and 3 Increased FAR, Density, and Height.

- Purpose and Applicability.** The community benefits program is established to provide incentives for higher intensity development not otherwise allowed by these zoning regulations, and to create new community benefits that may not otherwise result from development activity. The Planning Commission, through a discretionary review and public hearing process, may grant increased FAR, density, or building height in return for provision of specific community benefits, as listed below or subsequently identified by the City Council, if doing so is in the City's interest and will help implement the General Plan, and in finding that these benefits cannot be realized without granting increased FAR, height, and/or density. A variety of objectives are listed to ensure that proposed project features are appropriate for the site and surroundings, and to allow for a wide range of possible project types.
- Tier 2 - Number of Community Benefits.** The Planning Commission may approve Tier 2 projects if it determines that the project includes at least **two** community benefits from subsection 4 of this Section (Community Benefits Objectives). At least one affordable and workforce housing objective from 4.a shall be chosen.
- Tier 3 - Number of Community Benefits.** The Planning Commission may approve Tier 3 projects if it determines that the project includes at least **three** community benefits from subsection 4 of this Section (Community Benefits Objectives). At least one affordable and workforce housing objective from 4.a shall be chosen.

8. Community Benefit Options.

m. Affordable and Workforce Housing.

- i. The project provides affordable housing at the rate of five percent for low-income households, or 10 percent for moderate-income households, as a percentage of the total number of housing units built, for a period of 55 years or greater.
- ii. The project qualifies for, and utilizes, a density bonus in compliance with the City's affordable housing incentives (Chapter 25.63).

n. Pedestrian Amenities. The project includes major pedestrian connections in excess of minimum pedestrian requirements.

o. Public Plazas.

- vi. The minimum area of any public plaza shall be 2,000 square feet;
- vii. The public plaza is owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;
- viii. Each part of the public plaza shall be accessible from other parts of the open space without leaving the open space area;
- ix. The public plaza shall be on the ground level and directly accessible from the sidewalk, and be accessible to persons with disabilities;
- x. The public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety; and
- xi. At a minimum, the following elements shall be included within the open space: trees and landscaping, seating, bicycle racks, trash and recycling receptacles, and signage that include hours of operation.

p. Off-Site Streetscape Improvements. These provisions do not include improvements along the frontage of a development site that would normally be required. Examples of amenities include:

- vi. Enhanced pedestrian and bicycle-oriented streetscapes.
- vii. Protected bicycle lanes and pedestrian pathways, improved bicycle and pedestrian crossings/signals, bicycle racks/shelters.
- viii. New pedestrian and bicycle connections to transit facilities, neighborhoods, trails, commercial areas, etc.
- ix. Removal of existing pedestrian and bicycle barriers (e.g. dead-ends and cul-de-sacs).
- x. Upgrading traffic signals to enhance pedestrian and bicycle safety.

q. Cultural Arts Space. Includes space for visual arts, performing arts, artist housing, and other activities that support arts and culture.

- r. **Pedestrian and Similar Paths and Connections between Adjacent Properties.** To effectuate the goal of creating walkable and bikeable environments, improved pedestrian ways and other paths open to the public that accommodate easy movement across and between properties under separate ownership.
- s. **Historic Preservation (Off-Site).** Where there are no historic resources on the project site, the project provides for the permanent preservation of a building off site that is listed in the City's inventory of historical resources through the recordation of a historic preservation agreement.
- t. **Mode Split.** The project provides for the permanent mode shift towards alternative transportation for building occupants through a Transportation Demand Management Program that achieves the objectives of General Plan Chapter VI: Mobility. Prior to the issuance of building permits, a covenant agreement shall be recorded that discloses the required Transportation Demand Management provisions. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property of any ongoing programmatic requirements.
- u. **Zero Net Energy.** The project provides 100 percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.
- v. **Public Parking Facilities.** The project provides publicly accessible parking to serve area-wide parking needs. To qualify, the parking spaces should be permanently available for public use and subject to easements or restrictions acceptable to the City.
- w. **Flexible (Miscellaneous) Benefit.** The applicant agrees to provide a currently undefined community benefit approved by the City Council that is significant and substantially beyond normal requirements. Examples are inclusion of a child care center or community event space in a new development project, off-site utility infrastructure improvements above and beyond those required to serve the development, additional funding for City programs such as contribution to a local façade improvement program, or subsidy for existing commercial tenants or other local small businesses.

25.40.040 Design Standards and Objective Design Criteria. In addition to the development standards in Section 25.40.030, the following design standards and criteria shall apply to all new development projects.

- D. Design Standards.** All new development shall be designed to achieve the following objectives:
- 8. The design shall provide for internal compatibility between the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, use of open space, and other operating characteristics that affect quality of life.
 - 9. Potential noise, odors, glare, pedestrian traffic, and other impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.

10. The design of the mixed-use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.
11. The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, courtyards, walkways, and street furniture.
12. Site planning and building design shall be compatible with and enhance the adjacent and surrounding built environment in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

E. Building Orientation, Entrances, and Articulation.

8. **Orientation.** The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. For all residential, retail, service, and office uses, at least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Ground-related entrances include entrances to ground-floor uses, residential units, clusters of residential units, lobbies, or private courtyards.
9. **Ground-Floor Transparency.** At least 75 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.
10. **Nonresidential Entrances.** Entries shall be clearly defined features of front façades and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance while maintaining a pedestrian scale.
11. **Transitional Space at Residential Entries.** New residential buildings shall provide transitional spaces in the form of stoops, overhangs, and porches between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units, but no less than one of this type of element shall be provided.
12. **Building Articulation.** No street frontage wall may run in a continuous plane for more than 20 feet without an opening (door or window) or offsets, or as approved by the review authority if the project is constrained by unusual parcel size, shape, use, or other features that the responsible review authority accepts as rendering this requirement infeasible. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces. Offsets shall vary in depth and/or direction of at least 18 inches, or a repeated pattern of offsets, recesses, or projections of similar depth.
13. **Parking Lot and Structure Location.** Surface parking lots, to the greatest extent practicable, shall be located to the rear of a lot. Parking structures shall be integrated into building design unless a separate structure is required for fire safety purposes or due to the shape or configuration of a lot.

F. Site Layout

5. **Streetscape.** Street frontages shall meet the standards set forth in Table 25.40-3 (NBMU Street Frontage Standards).

TABLE 25.40-3: NBMU STREET FRONTAGE STANDARDS		
Street Type	Frontage – Measured from Back of Curb to Building Face	
El Camino Real – with frontage road	Building Frontage Setback	15 ft. minimum from frontage road curb
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. min.
El Camino Real – without frontage road	Building Frontage Setback	20 ft. minimum from frontage road curb
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Mixed-Use Arterial (Trousdale Drive, Murchison Drive, California Drive)	Building Frontage Setback	15 ft. minimum
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Mixed-Use Collector (Magnolia Avenue)	Building Frontage Setback	12 feet
	Walk Zone (Public)	6 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Neighborhood Access (Ogden Drive, Marco Polo Drive)	Building Frontage Setback	10 ft.
	Walk Zone (Public)	6 ft. minimum
	Amenity/Planter Zone	4 ft. minimum
	Tree Wells	4 ft. by 4 ft. minimum
Build-To Lines	At least sixty (60) percent of the structure shall be located at the Building Frontage Setback.	
Exceptions	Exceptions to Building Frontage Standards may be granted to accommodate conflicts with recorded easements, rights-of-ways, etc.	

- 6. Pedestrian Access.** On-site pedestrian circulation and access shall be provided per the following standards:
- e. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - f. **To Circulation Network.** Regular and convenient connections between on-site walkways and the public sidewalk and other existing or planned pedestrian routes, such as safe routes to school, shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
 - g. **To Adjacent Areas.** Direct and convenient access shall be provided from mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

h. **To Transit.** Safe and convenient pedestrian connections shall be provided from adjacent transit stops to building entrances.

7. **Service and Delivery Areas.** Service and loading areas shall be screened from residential areas and integrated with the design of the building. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

8. **Location of Residential Units.** In mixed-use developments, it is the intent that residential units not occupy the ground floor within the first 50 feet of floor area measured from each building face adjacent to the street unless the review authority finds that the project is designed in a manner that a residential ground-floor component enhances the pedestrian environment.

D. Landscaping.

1. **Front and Street Side Setbacks.** Within any required front setback area or side yard setback adjacent to a public street, at least 60 percent of the required setback area shall be landscaped to provide a transition to the sidewalk.

2. **Parking Lot Screening.** Where a surface parking lot abuts a public street, a minimum 10-foot-deep landscape buffer shall be provided between the sidewalk and the first parking row.

3. **Parking Garage.** Where the wall of a parking garage directly faces a public street, a minimum 10-foot-deep landscaped area shall be provided between the sidewalk and the parking structure wall.

25.39.50 Parking

A. **Off-Street Vehicle Parking.** Parking shall be provided as set forth in Chapter 25.70 (Off-Street Parking), with the following exceptions for live/work units, stand-alone residential development, and the residential component of a mixed-use development:

TABLE 25.40-4: NBMU OFF-STREET VEHICLE PARKING	
Number of Bedrooms in a Unit	Minimum Number of Parking Spaces Required
0 (Studio)	1 space/unit
1	1 space/unit
2	1.5 spaces/unit for multifamily housing; 2 spaces/unit for live/work
3 or more	2 spaces/unit
Guest parking	None required

B. **Vehicle Parking Stall Dimensions.** All parking stalls may be provided in a single dimension, eight and one-half feet in width by 17 feet in length, except for required accessible parking spaces which shall meet the dimensions required in the California Building Code in effect at the time a project is submitted for City review. No compact parking stalls shall be allowed if only a single dimension stall is used.

- C. Aisle Dimensions.** All aisles within a parking area shall be as set forth in Table 25.40-5 (NBMU Parking Aisle Dimensions)

TABLE 25.40-5: NBMU PARKING AISLE DIMENSIONS	
Parking Space Angle	Required Backup Aisle (minimum)
90 degree	24 feet
60 degree	18 feet
30 degree	13 feet

- D. Stacked/Mechanical Parking.** Parking utilizing stackers or mechanical systems may be approved with a Conditional Use Permit.

- E. Bicycle Parking.** Bicycle parking shall be provided as set forth in Table 25.40-6 (NBMU Bicycle Parking).

TABLE 25.40-6: NBMU BICYCLE PARKING	
Class	Minimum Number of Parking Spaces Required
Class I – Resident bicycles	0.5 spaces/unit
Class II – Guest bicycles	0.05 spaces/unit

- F. Electric Vehicle (EV) Charging Stalls.** Five percent of all spaces shall be prepared for EV charging equipment.

- G. Parking Reductions for Transportation Demand Management (TDM) Plan.** Projects utilizing a Transportation Demand Management (TDM) Plan per Section 25.40.030.B.4.h. shall be allowed up to 20 percent reduction in required off-street vehicle parking (not including bicycle parking and EV stalls), provided the project provides for a permanent mobility mode shift towards alternative transportation of 25 percent or greater for building occupants through the TDM program.

25.40.060 Review Procedures.

- A. Design Review Required.** Design review shall be required pursuant to Chapter 25.57.

- B. Planning Commission Approval of Community Benefits Bonuses.** The Planning Commission shall be the final review authority for an application for Tier 2 or 3 projects.

Division 3 – Interim Ordinance.

The City Council does hereby, pursuant to Government Code Section 65858(a), impose an interim ordinance for up to 22 months and 15 days, issuing interim regulations as stated in Sections 1 and 2, above.

Division 4 – Effective Date.

Pursuant to findings and declarations set forth in this ordinance, the City Council declares that this ordinance is necessary for the protection of public health, safety, and welfare and shall take effect upon adoption for the reasons set forth herein.

Division 5 – Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted this Ordinance and such section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

Division 6.

The purpose of this interim ordinance is to bring land use and zoning into compliance with the newly adopted General Plan. Should that Plan be struck down or otherwise invalidated, this ordinance shall have no effect and zoning shall immediately revert to the prior adopted zoning code provisions.

Division 7.

This is an interim ordinance and requires a 4/5 vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption.

Division 8.

This interim ordinance shall be published once within fifteen (15) days of its adoption. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

Donna Colson, Mayor

ATTEST:

Meaghan Hassel-Shearer, City Clerk

I certify that foregoing **Ordinance No.** _____ was adopted at a regular meeting of the Burlingame City Council on _____, 2019 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

Meaghan Hassel-Shearer, City Clerk