



# STAFF REPORT

AGENDA NO: 9a

MEETING DATE: April 15, 2019

**To: Honorable Mayor and City Council**

**Date: April 15, 2019**

**From: Kevin Gardiner, Community Development Director – (650) 558-7253  
Ruben Hurin, Planning Manager – (650) 558-7256  
Kathleen Kane, City Attorney – (650) 558-7204**

**Subject: Public Hearing to Consider Proposed Amendments to Title 25, Code Sections 25.32.030 (Burlingame Avenue Commercial District) and 25.70.090 (Off-Street Parking) to Allow Commercial Recreation as a Conditional Use in the Burlingame Avenue Commercial (BAC) District.**

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## **RECOMMENDATION**

Staff recommends that the City Council consider proposed amendments to the Burlingame Municipal Code regarding allowing commercial recreation as a Conditional Use in the Burlingame Avenue Commercial (BAC) District. In order to do so, the City Council should:

1. Request the City Clerk to read the title of the proposed ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME, AMENDING TITLE 25 – CODE SECTIONS 25.32.030 (BURLINGAME AVENUE COMMERCIAL DISTRICT) AND 25.70.090 (OFF-STREET PARKING) TO ALLOW COMMERCIAL RECREATION AS A CONDITIONAL USE IN THE BURLINGAME AVENUE COMMERCIAL (BAC) DISTRICT.

2. By motion, waive further reading and introduce the proposed ordinance.
3. Conduct a public hearing on the proposed ordinance.
4. Following closure of the public hearing, discuss the proposed ordinance and provide any direction to staff; if no changes are requested, then direct that the ordinance be placed on the May 6, 2019 City Council Agenda for adoption.
5. Direct the City Clerk to publish a summary of the ordinance at least five days before proposed adoption.

If so directed by Council, the ordinance along with a resolution verifying that the actions of the City Council are in compliance with the provisions of the California Environmental Quality Act (CEQA) will be presented for adoption at the May 6, 2019 regular meeting of the City Council.

## **BACKGROUND**

At its August and October meetings, the City Council's Economic Development Subcommittee discussed the retail environment in the City's two commercial business districts, Downtown Burlingame Avenue and Broadway. The meeting in August included discussion with a commercial broker representing a large vacant storefront on Burlingame Avenue in which she shared her perspective about which uses may be attracted to Burlingame Avenue in general. For the October meeting, property owners were invited to attend and share their perspectives. The August 17, 2018 and October 11, 2018 Economic Development Subcommittee meeting minutes are attached.

As part of the discussion, commercial recreation was discussed as a potential use to add to the Burlingame Avenue Commercial (BAC) district. Currently, commercial recreation is allowed as a Conditional Use in the Bayswater Mixed Use (BMU), Howard Mixed Use (HMU), Donnelly Avenue Commercial (DAC), Chapin Avenue Commercial (CAC), and Broadway Commercial Districts. Commercial recreation is not permitted in the BAC district. Since the discussion, staff has been contacted by several other property owners expressing interest in allowing Commercial Recreation within the Burlingame Avenue Commercial district.

As part of "Envision Burlingame," the Zoning Ordinance including the BAC District will be reviewed and updated. The timeframe for the full update is anticipated to take approximately one year. However, the consideration and potential addition of commercial recreation as a Conditional Use is a focused effort that provides a more immediate benefit.

On November 19, 2018, the City Council gave direction to staff to proceed with preparation of amendments to the land use restrictions allowing commercial recreation as a Conditional Use in the BAC District.

## **DISCUSSION**

Burlingame Avenue has traditionally been focused on retail, restaurant, and service uses. However, given the evolving nature of all of those uses (particularly retail), many business and shopping districts are finding a need to introduce additional new uses in order to remain vibrant and competitive. Some communities are finding that active commercial recreation uses can be an appropriate addition to their business and shopping districts. In particular, commercial recreation can generate regular "foot traffic", which can benefit neighboring retailers, restaurants, and services.

As noted above, commercial recreation is allowed as a Conditional Use in the areas surrounding Burlingame Avenue (specifically the BMU, HMU, DAC, and CAC Districts), but is not permitted in the BAC District. As a Conditional Use, conditions can be imposed on a business to ensure it is compatible with the surrounding area. Suggestions in the subcommittee meetings included consideration of requiring a retail or food service component at the front of a commercial recreation business, and requiring that storefront windows be maintained clear rather than obscured.

The proposed ordinance sets forth text amendments to the City's existing BAC District regulations to allow commercial recreation as a Conditional Use. The proposed ordinance also sets forth text

amendments to the Off-Street Parking regulations to exempt commercial recreation uses from providing off-street parking, if located on the first floor and within the parking sector of the Burlingame Downtown Specific Plan (retail, personal service, and food establishment uses located on the first floor and within the parking sector are currently exempt). Staff has provided a summary of the proposed changes below:

**Proposed Amendment to Code Section 25.32.030 (BAC District Regulations):** Staff has prepared an amendment to the BAC District regulations that allows commercial recreation uses the opportunity to request approval of a Conditional Use Permit and establishes criteria for approval of such requests, including:

- Requiring active visible uses such as retail, waiting/reception, or lounge areas associated with the business along the business frontage abutting the sidewalk. The active area must measure at least fifteen (15) feet in depth; and
- Maintaining a clear view into the business by not allowing storefront windows or doors to be obscured.

**Proposed Amendment to Code Section 25.70.090 (Off-Street Parking):** Retail, personal, and food establishment uses located on the first floor that are located within the parking sector are currently exempt from off-street parking requirements (Code Section 25.70.090 (a)). The basis for this exemption originated when the City acquired and built public parking lots in the downtown area, by way of assessments (60% of cost) collected from property owners within the Burlingame Avenue Off-street Parking District (created in 1962).

The Planning Division previously has determined that for uses located within the parking sector, the net increase calculation for parking should be based on the most intensive use that would otherwise be exempt (in this case food establishments at 1 space per 200 SF of floor area) rather than strictly the existing use. Therefore, commercial recreation uses (parking ratio of 1 space per 200 SF of floor area) would not require any additional parking (or a Parking Variance) based on this determination, since there would be no intensification of use based on the most intensive use permitted.

Staff has prepared an amendment to the off-street parking regulations for vehicle parking in the parking sector of the Burlingame Downtown Specific Plan. The proposed amendment to Code Section 25.70.090 (a) adds commercial recreation as an exempt use from providing off-street parking, if located on the first floor and within the parking sector of the Burlingame Downtown Specific Plan. This amendment is being proposed in order to facilitate the City Council's directive of allowing commercial recreation as a Conditional Use in the BAC District by removing Parking Variances and parking in-lieu payment requirements, which would deter commercial recreation type businesses from considering the BAC District as a potential location.

The proposed ordinance is provided as an attachment to this report. Text to be added is in bold and text to be deleted is in strikeout, both in red font.

**Comparison to Similar Cities:**

With respect to allowing commercial recreation uses in downtown core areas, Planning staff reviewed regulations in cities with similar downtowns, including the City of San Mateo and City of San Carlos.

San Mateo's downtown core area is larger than Burlingame's, and its primary downtown streets include 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, and B Street, which are all under the same zoning district. Commercial recreation uses in San Mateo's downtown core area are allowed with approval of a Special Use Permit (similar to a Conditional Use Permit).

The main street through the downtown core of San Carlos is Laurel Street (approximately three blocks in length). Commercial recreation uses are not permitted in the downtown core along Laurel Street, but are allowed with approval of a Conditional Use Permit in some surrounding zoning districts, primarily in the area north of the downtown core, as well as south of the downtown core along Laurel Street and El Camino Real.

**Planning Commission Review and Recommendation:** The Planning Commission reviewed the proposed amendments at its February 25, 2019 meeting (meeting minutes attached). In their discussion, they noted the following:

- Conditional Use Permit process provides the level of protection in case an application presents possible negative impacts.
- At City Council and subcommittee levels, the issue has been vetted and discussed in regards to the changing face of retail, and the need to open ourselves up in terms of what types of uses are going to continue to make our downtown vibrant. We have to think about how downtowns are going to remain alive with e-commerce. Commercial recreation uses will continue to bring people downtown; don't see a reason not to allow it.
- The 15-foot buffer is a potential retail area, so it will add to the retail feel on Burlingame Avenue.

For these reasons the Planning Commission expressed support of the proposed amendments and recommended approval to the City Council.

**FISCAL IMPACT**

None.

Exhibits:

- Proposed Ordinance
- Zoning Code Sections 25.32.030 and 25.70.090 – Redlines with Proposed Amendments
- November 19, 2018 City Council Minutes
- August 17, 2018 and October 11, 2018 Economic Development Subcommittee Minutes
- February 25, 2019 Planning Commission Minutes
- Public Hearing Notice – published April 5, 2019