

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME, AMENDING TITLE 25 – CODE SECTIONS 25.30.030 (BURLINGAME AVENUE COMMERCIAL DISTRICT) AND 25.70.090 (OFF-STREET PARKING) OF THE BURLINGAME MUNICIPAL CODE TO ALLOW COMMERCIAL RECREATION AS A CONDITIONAL USE IN THE BURLINGAME AVENUE COMMERCIAL (BAC) DISTRICT

The City Council of the City of Burlingame ordains as follows:

Division 1. Factual Background

WHEREAS, the proposed zoning amendments would allow commercial recreation uses in the Burlingame Avenue Commercial (BAC) District through approval of a Conditional Use Permit and established criteria; as reflected in the amendments to Title 25, Chapter 25.30, Code Section 25.32.030; and

WHEREAS, the proposed zoning amendments would add commercial recreation as a use that is exempt from providing off-street parking if such use is located on the first floor and within the parking sector of the Burlingame Downtown Specific Plan; as reflected in the amendments to Title 25, Chapter 25.70, Code Section 25.70.090; and

WHEREAS, the proposed amendments to the zoning code are considered minor alterations to land use limitations, which are Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), per Section 15305 of the CEQA Guidelines; and

WHEREAS, the City Council of the City of Burlingame on November 19, 2018 directed staff to proceed with preparation of amendments to the land use restrictions allowing commercial recreation as a Conditional Use in the BAC District; and

WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on February 25, 2019, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing and recommended to the City Council that it adopt amendments to Title 25 (zoning code) of the Burlingame Municipal Code to amend the BAC District and Off-Street Parking regulations to allow commercial recreation through approval of a Conditional Use Permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME ORDAINS AS FOLLOWS:

Division 2. Burlingame Municipal Code Sections 25.32.030 and 25.70.090 are amended and shall be enacted as follows:

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Chapter 25.32 BAC (BURLINGAME AVENUE COMMERCIAL) DISTRICT REGULATIONS

25.32.030 Conditional uses requiring a conditional use permit.

The following are conditional uses requiring a conditional use permit in the BAC District:

- (a) Instructional classes incidental to retail or service use;
- (b) Grocery stores and markets;
- (c) Schools, above or below the first floor only, which operate outside of peak retail hours only;
- (d) Above the first floor only:
 - (1) Real estate offices,
 - (2) Health services,
 - (3) Financial institutions;
- (e) Public utility and public service buildings and facilities;
- (f) Drive-in services or take-out services associated with permitted uses;
- (g) Food establishments on certain sites, subject to the criteria established in Section 25.32.070;
- (h) Any building or structure which is more than thirty-five (35) feet in height, up to a maximum building height of fifty-five (55) feet.
- (i) Commercial recreation use which meets all of the following criteria:
 - (1) Active visible uses including retail, waiting/reception or lounge areas associated with the business, measuring at least fifteen (15) feet in depth, shall be provided along the business frontage abutting the sidewalk; and
 - (2) Storefront windows or doors shall not be obscured and shall provide a clear view into the business.

Chapter 25.70 OFF-STREET PARKING

25.70.090 Vehicle parking in the parking sector of the Burlingame Downtown Specific Plan.

Notwithstanding any other provision of this code, the following shall apply to vehicle parking requirements in the parking sector of the Burlingame Downtown Specific Plan, as shown on the Parking Sector Boundaries Map, Figure 3-3 of the Burlingame Downtown Specific Plan:

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- (a) Retail, personal service, food establishment, and commercial recreation uses located on the first floor within the parking sector shall be exempt from providing off-street parking. Any other uses on the first floor, and all uses above or below the first floor shall provide off-street parking as required by this chapter.
- (b) Any new development, except reconstruction because of catastrophe or natural disaster, shall provide on-site parking, except that the first floor of such new development in the parking sector shall be exempt from parking requirements if the first floor is used for retail, personal service or food establishment uses.
- (c) Buildings reconstructed after catastrophe or natural disaster shall be required to provide parking only for the square footage over and above the square footage existing at the time of the disaster. This parking shall be provided on-site.

Division 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Division 4: This Ordinance shall be published in a newspaper of general circulation in accordance with California Government Code Section 36933, published, and circulated in the City of Burlingame, and shall be in full force and effect thirty (30) days after its final passage.

Donna Colson, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a public hearing at a regular meeting of the City Council held on the 15th day of April, 2019, and adopted thereafter at a regular meeting of the City Council held on the _____ day of _____ 2019, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Meaghan Hassel-Shearer, City Clerk