

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME AMENDING
TITLE 25 (ZONING CODE) – CODE SECTION 25.36.020 OF THE BURLINGAME MUNICIPAL
CODE TO ALLOW MULTIFAMILY RESIDENTIAL USES ABOVE THE FIRST FLOOR ON
PROPERTIES LOCATED NORTH OF DONNELLY AVENUE THAT HAVE SOLE FRONTAGE
ON DONNELLY AVENUE AS A PERMITTED USE IN THE DONNELLY AVENUE
COMMERCIAL (DAC) DISTRICT**

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

Division 1. Factual Background

WHEREAS, on May 16, 2016, John Britton filed an application with the City of Burlingame Community Development Department – Planning Division requesting approval of the following requests:

- Amendment to the Downtown Specific Plan (Donnelly Avenue Area) and Donnelly Avenue Commercial (DAC) District to allow multifamily residential uses above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue;
- Design Review for construction of a new three-story, mixed use commercial/residential building with at-grade parking (C.S. 25.36.045, 25.57.010 (c)(1) and Chapter 5 of the Downtown Specific Plan);
- Conditional Use Permit for building height (43'-10" to top of parapet and 54'-3" to top of stairway enclosure proposed, where a Conditional Use Permit is required for any building exceed 35'-0"; 55'-0" maximum building height allowed) (C.S. 25.36.055);
- Condominium Permit for 14 residential condominium units (each unit to be privately owned) (C.S. 26.30.020); and
- Lot Combination to combine three existing lots (1214, 1218 and 1220 Donnelly Avenue) into one lot; and

WHEREAS, the proposed zoning amendment would allow multifamily residential uses, including live/work, above the first floor in the Donnelly Avenue Commercial (DAC) District, limited to properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue; as reflected in the amendment to Title 25, Code Section 25.36.020; and

WHEREAS, after considering all written and oral testimony presented at the August 10, 2020 public hearing, the Planning Commission voted 6-0-0-1 to recommend to the City Council adoption of an ordinance amending Title 25 (Zoning Code) - Section 25.36.020 of the Burlingame Municipal Code, to allow multifamily residential uses above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue; and

WHEREAS, at its regular meeting of September 21, 2020 the Burlingame City Council conducted a duly noticed public hearing to consider the Planning Commission's recommendation to amend Title 25 (Zoning Code) - Section 25.36.020 of the Burlingame Municipal Code, to allow multifamily residential uses above the first floor on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue, and following conclusion of the public hearing and consideration of all written and oral testimony provided during the hearing, introduced the ordinance, by title only, waiving further reading.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES ORDAIN AS FOLLOWS:

Division 2. Burlingame Municipal Code Section 25.36.020 is amended and shall be enacted as follows:

Chapter 25.36 DAC (DONNELLY AVENUE COMMERCIAL) DISTRICT REGULATIONS

25.36.020 Permitted uses.

The following uses are permitted in the DAC District:

- (a) Retail uses which achieve contiguous, pedestrian-oriented, retail frontage such as drug, liquor, variety stores, paint and hardware, apparel, accessory, stationery, florists, household furnishings, and furniture;
- (b) Personal services, such as barber and beauty shops, photographic studios, shoe repair and laundry and dry cleaning services which do not include on-site processing;
- (c) Business services, such as printing services, mailing services and post office box services;
- (d) Grocery stores and markets;
- (e) Travel agencies;
- (f) Government agencies;
- (g) Offices, including health services and real estate, with parking as required by Chapter 25.70;
- (h) Financial institutions;
- (i) Hotels.

(j) Above the first floor only:

- (1) Multifamily residential uses, including live/work, on properties located north of Donnelly Avenue that have sole frontage on Donnelly Avenue, with an average maximum unit size of one thousand two hundred fifty (1,250) square feet. Average maximum unit size is defined as the maximum value allowed when averaging the square footage of gross floor areas of all residential units in a project.

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.

Emily Beach, 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 21st day of September, 2020, and adopted thereafter at a regular meeting of the City Council held on the _____ day of _____ 2020, by the following vote:

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

Meaghan Hassel-Shearer, City Clerk