



CITY OF BURLINGAME PLANNING COMMISSION STAFF REPORT

Agenda Item: 8b	Hearing Date: December 8, 2025
Project No.	ZOA25-0001
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PROJECT DESCRIPTION

Consideration of Text Amendments to Title 25 (Zoning) and Chapter 26.32 (Condominium Conversion Permits) of the Burlingame Municipal Code to correct references and typographic errors, correct inconsistencies and ambiguous language, update definitions, streamline procedures and development review processes, implement Housing Element policies and programs, and implement Metropolitan Transportation Commission Transit Oriented Communities policies.

RECOMMENDATION

That the Planning Commission review the proposed Municipal Code amendments to Title 25 (Zoning) and Chapter 26.32 (Condominium Conversion Permits).

The Municipal Code amendments are intended to be brought back to the Planning Commission on January 12, 2026 for Planning Commission's recommendation to City Council. The City Council will consider the Municipal Code amendments in February 2026.

BACKGROUND

The proposed Municipal Code amendments to Title 25 (Zoning) can be organized into the following categories:

1. **Code Clarifications:** Correct inconsistencies and ambiguous language, and add clarifications to text and references; and
2. **Housing Element Implementation:** Implement Housing Element programs and policies identified in the 2023-2031 6th Cycle Housing Element; and
3. **Permit and Process Amendments:** Amend development review procedures and requirements to streamline processes for simpler application types; and
4. **TOC Policy:** Implement Metropolitan Transportation Commission (MTC) Transit-Oriented Communities (TOC) policies, as part of Plan Bay Area 2050.

This staff report outlines the proposed amendments in each category in the Discussion section below. For reference, an overview of the key changes within each article of Title 25 (Zoning) is also provided below. The more complex substantive changes are explained in greater detail in the Discussion section under their corresponding categories. A strikeout (deleted text) and underlined (added text) red-lined version of the proposed amendments to Title 25 (Zoning) are attached to this report.

- **Article 1 (General Provisions)** – General text clean up and clarifications.
- **Article 2 (Zoning Districts, Allowable Uses, Development Standards)** – General text clean up and clarifications. The substantive changes include:
 - Increasing the maximum plate height allowed in R-1 and R-2 zoning districts.
 - Adding new Community Benefits for tiered development.
 - Reorganizing several land uses to require a Conditional Use Permit (CUP), Minor Use Permit (MUP), or be permitted by right based on the potential impact of the land use.
- **Article 3 (Regulations and Standards Applicable to all Zoning Districts)** - General text clean up and clarifications. The substantive changes include:
 - Simplifying parking requirements for single-unit dwellings.
 - Adding a 5-foot covered porch projection allowance into the required front setback for residential zoning districts.
 - Adding a section on local incentives for affordable housing projects.
 - Adding a section on affordable housing to implement No Net Loss policy.
 - Adding “unbundled parking” as a parking alternative.
 - Modifying the Residential Impact Fee alternatives requirements and options.
- **Article 4 (Regulations for Special Land Uses and Activates)** – General text clean up and clarifications. No substantive changes.
- **Article 5 (Nonconformities)** – General text clean up and clarifications. The substantive change is the addition of an exemption for nonconforming setbacks for single-unit dwellings. This is described below in the Permit and Process Amendments section of the staff report.
- **Article 6 (Permit Processing Procedures)** – General text clean up and clarifications. The substantive changes include:
 - Increasing maximum plate height allowed in R-1 and R-2 zoning districts.
 - Changing the requirement for Study session for Major Design Review.
 - Changing the requirement for Design Review Panel and Consultant for Major Design Review.
 - Shifting review authority for several minor planning application types from the Planning Commission to Administrative review.
 - Creating a Permit Amendment process.
- **Article 7 (Zoning Code Administration)** – General text clean up and clarifications. The substantive changes include:
 - Changing the requirement for Design Review Panel and Consultant.
 - Clarifying the Call for Review process and requirements.
 - Removing the pre-application requirement for Development Agreements.
- **Article 8 (Definitions)** – General text clean up and clarifications. The substantive changes include:
 - Updating and adding several definitions for clarification and cross reference.
 - Adding new definitions to address Housing Element Implementation items.

DISCUSSION

Code Clarifications

In 2015, the City launched “Envision Burlingame”, a multi-year, community-driven effort to comprehensively update the City’s General Plan and Zoning Code (Title 25). This process culminated in the City Council’s adoption of the 2040 General Plan on January 7, 2019, followed by adoption of the updated Zoning Code on December 6, 2021.

The 2021 Zoning Code update, the first comprehensive overhaul in more than 20 years, introduced new zoning districts, updated requirements, and a restructured format. Now, several years since its adoption, staff has identified areas in need of refinement. These updates fall into the following categories:

- **Typographical and reference corrections:** Non-substantive errors have been identified throughout the code and corrected.
- **Clarification of conflicting language:** Similar requirements appeared with different wording in multiple sections, creating confusion. These have been standardized for consistency.
- **Elimination of ambiguity:** Certain provisions lacked clarity or detail, leaving them open to interpretation. Additional language has been added to improve transparency and support consistent application for both the public and applicants.

These clarifications are not described in detail because they do not represent substantive changes; rather, they reinforce existing requirements and improve the clarity and usability of the code. While some larger sections, such as Chapter 25.70 (Hillside Area Construction Permits), have undergone more extensive reorganization, no new requirements have been introduced, and all revisions remain non-substantive.

Housing Element Implementation

The 2023-2031 6th Cycle Housing Element includes Implementation Programs to respond to new and emerging housing needs with specific objectives, funding sources, responsible agencies and time frames for implementation within the 8-year period.

The Municipal Code amendments include required changes to the Burlingame Municipal Code to implement the programs and policies identified for years 2023, 2024, and 2025. More information on each of the programs and how they have been incorporated into Municipal Code is included below.

Program H(A-4)	Program Language	Municipal Code Section	Changes
Zero Net Loss of Housing Units	Require new housing developments that replace existing units to build equal to or more than the number of units previously on the site, in compliance with density regulations.	Article 3: 25.33.40	No Net Loss policies were incorporated into the zoning code in this new code section, advancing TOC Policy and affirming the City’s compliance with SB 330.
Program H(A-5)	Program Language	Municipal Code Section	Changes
Missing Middle Housing Units	Expand the applicability of the duplex overlay (SB 9) to the R-2 zoning district in addition to the R-1 district.	Article 2: 25.20.80	The Two Unit Residential Overlay was expanded to apply to R-1 and R-2 zoning districts.

Program H(A-7)	Program Language	Municipal Code Section	Changes
Lot Consolidation	<p>The City will help facilitate lot consolidations to combine small residential lots (lots 0.5 acres or smaller) into larger developable lots by providing information on development opportunities and incentives for lot consolidation to accommodate affordable housing units.</p> <p>As developers/owners approach the City interested in lot consolidation and development on small lots for the development of affordable housing, the City will offer the following incentives:</p> <ul style="list-style-type: none"> ▪ Allow affordable projects to exceed the maximum height limits, ▪ Lessen setbacks, and/or ▪ Reduce parking requirements. 	Article 3: Section 25.33.030	A new “Incentive Menu” has been created allowing developers to choose up to 2 incentives for eligible projects (including lot consolidation). The two incentives proposed are height increase up to 10 feet and setback reduction up to 10 feet.
Program H(B-4):	Program Language	Municipal Code Section	Changes
Commit to revise the Zoning Code and update to allow additional streamlining and allowances for residential development.	Review and revise lot coverage standards in the R-3 and R-4 zoning districts	Article 2: Section 25.10.030 and Table 25.10-2	The R-3 and R-4 zoning district lot coverage standards from 50% for interior lots and 60% for corner lots to 60% for interior lots and 70% for corner lots. This aligns with the Rollins Road Mixed Use (RRMU) district.
	Eliminate parking requirements for ADA-accessible homes.	N/A	The City already complies with State law concerning eliminated parking requirements for ADA-accessible homes and did not add a specific clause in the zoning code to prevent conflicts between local ordinances and any future updates to state legislation.

	Eliminate parking requirements for development within 0.5 miles of transit as specified by AB 2097.	Article 3: Section 25.40.40	A section has been added to reflect the absence of parking requirements within 0.5 miles of qualifying transit stops and makes direct reference to Government Code sections specified in AB 2097. This also satisfies a TOC Policy below.
Program H(C-2)	Program Language	Municipal Code Section	Changes
Provide incentives for developers to include additional affordable units in new residential projects.	Amend the zoning code to allow additional affordable units to be counted as a community benefit in the tiered zoning structure.	Article 2: Sections 25.10.045.C.3, 25.12.040.C, and 25.14.050.C	The proposed new code section includes incentives to exceed maximum height limits or lessen setbacks for developments providing either (or both) additional affordable units and larger units.
	Adopt incentives to encourage larger unit sized affordable units suitable for families (i.e. two-bedroom and three-bedroom units).	Article 3: Section 25.33.030	The proposed new code section includes incentives to exceed maximum height limits or lessen setbacks for developments providing either (or both) additional affordable units and larger units.
	Amend the Density Bonus Ordinance and Residential Impact Fee in-lieu option to extend the affordability time restrictions on subsidized housing.	Article 3: Section 25.45.070	Amended to extend the deed restriction on properties subject to an affordable housing agreement from 55 years to in perpetuity. This section has also been amended to require that projects opting out of the residential impact fee must provide 10% of a project's units to low-income households (80% Area Median Income, or AMI)) and 5% to very-low income (50% AMI) households. By extending the timeframe to in perpetuity, the City satisfies the Housing Element program requirement and ensures that affordable housing opportunities are available and no longer at risk to converting to market-rate units at the expiration of a property's affordable housing agreement. By lowering the affordability thresholds required for projects seeking to provide units onsite as an alternative to paying the residential impact fee, the City satisfies TOC Policy requirements, reaches lower-income households not historically served by the current 10% moderate alternative option, and better complements State Density Bonus Ordinance law (that provides additional density in projects meeting deeper affordability targets).

Program H(D-2)	Program Language	Municipal Code Section	Changes
Improve livability of housing units for persons with disabilities.	Include the definition of family to be “One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit”.	Article 8: Section 25.106.070	A new definition for “Family” has been added.
	Permit supportive housing by-right in multifamily zones and mixed use and nonresidential zones allowing multifamily, consistent with Government Code 65651 (AB 2162).	Throughout Article 2	The zoning district tables allowing multifamily and mixed-use zones previously made reference to code section 25.48.240 in Article 4. This section noted that supportive housing developments were allowed in any multifamily, mixed-use or nonresidential zones allowing multifamily without imposing any development standards that would be more stringent than other developments in the district (pursuant to State law). These tables now explicitly mention supportive and transitional housing as a Permitted use, though reference is still made to the existing code section for clarity.
	Allow for modifications for required parking for units occupied by supportive housing residents that are located within one - half mile of a public transit stop.	Article 3: Section 25.40.40	A section has been added to reflect the absence of parking requirements within 0.5 miles of qualifying transit stops (including for supportive housing developments and residents) and makes direct reference to Government Code sections specified in AB 2097.
	Add specific definitions for group homes and amend land use provisions to allow group homes of seven (7) or more persons only subject to those restrictions that apply to residential uses of the same type in the same zone.	Article 8: Section 25.106.190	A new definition for “Group Homes” has been added. Existing definitions and development standards for Residential Care Facilities of 7 or more persons are allowed without further restrictions than those applied to other residential uses within the same zone.
	Allow the conversion of single-family homes into assisted living facilities for the developmentally disabled.	N/A	No existing prohibitions exist for single-family residences proposed to be converted into assisted living facilities and thus no code amendments have been proposed to satisfy this provision of the program.

Program H(D-3)	Program Language	Municipal Code Section	Changes
Add affordable housing units for larger households	Adopt incentives to encourage larger unit sized affordable units suitable for larger households (i.e. two-bedroom and three-bedroom units).	Article 3: Section 25.33.030	A new code section has been added to include incentives to exceed maximum height limits or lessen setbacks for developments providing either (or both) additional affordable units and larger units.
Program H(D-5)	Program Language	Municipal Code Section	Changes
Provide local share of support for Countywide programs	Amend the performance standards, specifically spacing requirements for emergency shelters in the Zoning Ordinance so that they are consistent with Government Code Section 65583(a)(4)(B).	Article 4: Section 25.48.100 (B)(7)	Code has been amended to comply with Government Code Section 65583(a)(4)(B), changing the distance requirement between emergency shelters from 0.5 miles to 300 feet.
	Update the definition of emergency shelter to ensure it includes other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.	Article 8: Section 25.106.060	Code has been amended to more explicitly note that emergency shelters also include the referenced types of interventions.

Permit and Process Amendments

The Municipal Code amendments include several changes to the development review procedures and requirements to streamline processes for simpler application types. These include:

- **Planning Commission Hearings**

- Study Session (Code Section 25.68.060.A): The current Planning Commission hearing process requires all Major Design Review applications to first be reviewed by the Planning Commission at a study meeting prior to an action hearing. These regulations would be amended to eliminate the requirement for a study meeting allowing for applications to be brought forward directly for action, rather than first going to a study meeting, followed by a second action hearing. This would streamline the process for projects that are well designed and are not triggering design modification or minor adjustments that can be specified in Conditions of Approval.

For projects requiring more design adjustments or consideration, the project can be continued to a future hearing for further discussion. This would save staff, the Planning Commission, and the applicant's time by moving through the process more quickly when a project is designed well. Applications could still be brought forward to a study meeting first for larger projects or on a case-by-case basis but would not be required of all projects.

This is the typical development review process in most cities for Planning Commissions.

- Design Review Consultants (Code Section 25.68.060.B): The City's existing regulations allow the Planning Commission at a hearing to require a project to receive further design guidance from a Design Review Consultant on an established list. The applicant then works with staff, the project designer or architect, and the consultant to revise the project plans in order to address the design concerns expressed by the Commission before the project is brought back to a hearing for Planning Commission consideration.

The Design Review Consultant and/or Panel requirement is proposed to be removed as this is not frequently used, the Commission is made up of design professionals that can and do provide clear design guidance/direction, and staff can work with project applicant/architects to make the design changes requested by the Commission before it is brought back to a hearing. If the Planning Commission is not satisfied with the design modifications, the project can be continued to a future hearing with further direction to refine the project. The proposed changes would reduce the amount of additional costs for applicants and could potentially save project processing time.

- **Minor Planning Applications** (Code Sections 25.68.020 and 25.78): Several minor Planning application types are proposed to be reclassified from Planning Commission review to Administrative review. These application types are generally straightforward in scope, have historically generated limited public interest, and typically receive minimal discussion or revision during Planning Commission hearings. Examples include Master Sign Programs, Small-Scale Commercial Recreation Uses, setback regulations for detached garages located in the rear 40 percent of the lot, and other low-impact application types.

- **Single-Unit Dwelling Requirements**

- Nonconforming Setbacks (Code Section 25.54.010): The City's existing nonconforming regulations require all existing nonconforming setbacks to be removed and brought into compliance with existing regulations when "substantial construction" is proposed, which includes the removal and replacement of more than 50% of existing exterior walls or building a new structure. A new exception is proposed to allow existing nonconforming setbacks for single-unit dwellings to remain or be reconstructed in the same location and up to the same dimensions even when a project involves substantial construction.

Many projects indicate existing walls with nonconforming setbacks will not be removed and through the course of the project, the walls end up being removed for various reasons. This causes complications through the construction phase and many after-the-fact revisions and variance requests to maintain nonconforming setbacks.

This exception would eliminate these complications and allow the nonconforming setbacks to remain as long as they are not exacerbated. Current setback regulations would continue to apply to any addition outside of the existing building footprint.

- Plate Height (Code Section 25.10.030 Table 25.10-2): The maximum allowable plate height in the R-1 and R-2 zoning districts is proposed to increase from 9 feet to 9 feet 6 inches for first stories and from 8 feet to 8 feet 6 inches for upper stories. Many older residential dwellings in Burlingame were originally constructed with these taller plate heights which are nonconforming under current regulations, creating challenges when additions and modifications are proposed to the dwellings. The proposed plate height increase would alleviate these existing nonconformities and provide additional flexibility for modern construction practices and trends. The City often receives Special Permit applications

requesting a few inches in additional plate height. This modification would provide for design flexibility that property owners are requesting for first floor ceiling heights without requiring vaulted ceiling designs or Special Permit applications.

- Parking (Code Section 25.40.030.B): The parking requirements are being simplified from a per bedroom requirement to a standard requirement of one covered parking space and one uncovered parking space requirement for all single-unit dwellings. This would simplify the requirement for additions that increase the number of bedrooms and do not have sufficient space to enlarge or add a garage.

Additionally, because recent State laws have eliminated parking requirements in many parts of the City and allow Accessory Dwelling Units to be built within existing garages without requiring replacement parking, this modification aligns with the broader trend toward reduced parking requirements for residential projects.

- **Community Benefits** (Code Sections 25.10.045.C.3, 25.12.040.C, and 25.14.050.C): Additional options are included in the existing menu of community benefits for tiered development in the R-3 (Medium/High Density Residential), R-4 (High Density Residential), BFC (Bayfront Commercial), I-I (Innovation Industrial), NBMU (North Burlingame Mixed Use) and RRMU (North Rollins Road Mixed Use) zoning districts. These options include additional affordable units beyond what is required and public art.

Transit-Oriented Communities (TOC) Policy

The Metropolitan Transportation Commission (MTC) introduced the Transit-Oriented Communities (TOC) Policy to implement Plan Bay Area 2050, the Bay Area's long-range plan for transportation, housing, economy, and the environment. The TOC Policy supports transit-oriented development principles, and advance various housing policies related to production, preservation, and protection. While compliance with TOC Policy is voluntary, MTC has indicated that the OBAG-4 funding cycle will be tied to TOC Policy compliance.

At the July 7, 2025 City Council meeting, the City Council reviewed the TOC Policy categories and staff's recommendations and provided direction on which items the City already met, which aligned with Housing Element Implementation, and which items to pursue to develop a path to compliance. Based on Council direction, the following Municipal Code amendments have been drafted to meet compliance. More information on the TOC Policy and the implementation items that have been selected can be found in the [City Council staff report](#) for the item.

The following implementation items listed below have been selected and require Municipal Code amendment to implement:

- *Protection Policy 2: No Net Loss and Right to Return to Demolished Homes*
- *Protection Policy 4: Condominium Conversion Restrictions*
- *Parking Management Policy*

Protection Policy 2: No Net Loss and Right to Return to Demolished Homes

Protection Policy 2 requires the City to formally adopt the provisions of SB 330, Housing Crisis Act, requiring a 1:1 replacement of demolished units with units of comparable size and affordable restrictions, if applicable, and tenant relocation assistance requirements outlined in the Housing Crisis Act.

This policy was selected as it fulfills Housing Element Implementation Program (A-4) and the City already complies with SB 330.

To implement Protection Policy 2, a new section, Code Section 25.33.040 (Affordable Housing), has been added to Article 3 of the Zoning Code. This new section establishes language directly required by TOC Protection Policy 2, including:

- Requiring a 1:1 replacement of demolished residential units during a new development project.
- Providing tenants with the right to return to a comparable unit in any new residential development.
- Establishing certain notification requirements for projects demolishing existing residential units.
- Creating definitions for terms relevant specifically to replacement housing developments.
- Establishing application processes and eligibility criteria for these new requirements.

Preservation Policy 4: Condominium Conversion Restrictions

Preservation Policy 4 requires residential units converted to condominiums be replaced at a 1:1 ratio with comparable rental units or in-lieu fee, unless purchased by current long-term tenants or converted to permanently affordable housing with protections for existing tenants as existing tenants are allowed the first right to purchase. At the time of conversion, applicants require a Tenant Relocation Assistance Plan spelling out tenant protections, benefits, and relocation payments for any temporarily or permanently displaced residents.

This policy was selected as the City currently has condominium conversion requirements and restrictions. This TOC Policy requires several amendments to the existing policy that would require less staff time to develop and implement compared to other policy options.

To implement Protection Policy 4, Chapter 26.32 (Condominium Conversion Permits) will be updated. This is the only Chapter of Title 26 proposed to be amended at this time. Due to the comprehensive nature of the changes and process clarifications, the entire chapter is proposed to be repealed and replaced in its entirety. Changes to Chapter 26.32 will include:

- Incorporating rental unit replacement requirements unless a project meets certain affordability criteria or allows existing tenants the first right to purchase a unit.
- The addition of a requirement to provide a Tenant Relocation Assistance Plan for any existing tenants temporarily or permanently displaced by the conversion.
- Clarifying the Chapter's purpose and application processes.

It is important to note that condominium conversions will still be prohibited to residential projects and properties of 20 or fewer units, as that prohibition existed prior to 2020 and therefore complies with the provisions of SB 330. This maintains the City's commitment to preserving naturally occurring affordable housing and adheres to Housing Element Implementation Program H(E-2): Discourage large-scale condominium conversions.

The amendments to the language of Chapter 26.32 are not included at this time with this staff report. They will be attached and included when the item is brought back in January for recommendation to the City City Council.

Parking Management Policy

The TOC Policy includes a Parking Management Policy category that includes several parking related policies. To implement the Parking Management Policy, Municipal Code section 25.40.040 and 050 in Article 3 of the Zoning Code has been amended to satisfy several TOC Policy parking requirements. This includes:

- The addition of code section 25.40.040.A to create a definition and process requirements for unbundled parking arrangements in new developments. Unbundled parking means that parking may be leased under a separate contract, and the cost of parking may not be included in the price of rent.
- The addition of code section 25.40.040.E referring to the elimination of parking requirements for projects within 0.5 miles of a qualifying transit stop, consistent with State law AB 2097.
- Minor clarifications to code section 25.40.040.B for shared parking arrangements.
- Code section 25.40.050 has been amended to include new standards for long-term bicycle parking facilities.

The above Municipal Code amendments along with other existing requirements and policies the City has in place will be submitted to MTC to demonstrate compliance with the TOC Policy.

Summary

Overall, the intent of the proposed Zoning Code text amendments is to clarify existing regulations, streamline processes where appropriate, and ensure consistency. Additionally, the proposed changes advance the City's compliance with the mandates of the adopted and certified 2023-2031 Housing Element. Changes to advance TOC Policy requirements also position the City to be eligible for future allocations of One Bay Area Grant (OBAG) 4 funds.

It is important to note that no new design requirements have been introduced for housing projects. The proposed amendments are limited to clarifying existing requirements or providing more flexibility, and are objective in nature.

Attachments:

Revised Title 25 (Articles 1-8) – Redlined Version