

Article 2
Zoning Districts, Allowable Uses, And Development Standards

CHAPTER 25.10
RESIDENTIAL ZONING DISTRICTS (R-1, R-2, R-3, R-4)

§ 25.10.010. Purpose and Applicability.

- A. Residential Zoning Districts Purpose. The purpose of the residential zoning districts is to:
 1. Provide for a full range of housing types and densities consistent with the General Plan;
 2. Preserve, protect, and enhance the character of Burlingame's different residential neighborhoods;
 3. Ensure adequate light, air, privacy, and open space for each dwelling;
 4. Ensure that the scale and design of new development and alterations to existing structures are compatible with the scale, mass, and character of their neighborhoods; and
 5. Provide sites for public and semi-public land uses, such as parks and public safety facilities, that will serve City residents and will complement surrounding residential development.
- B. Low Density Residential Zoning District (R-1) Purpose. The R-1 zoning district is intended to provide areas for detached single-unit and accessory dwelling units and ancillary structures. This zoning district implements the General Plan Low Density Residential designation.
- C. Medium Density Residential Zoning District (R-2) Purpose. The R-2 zoning district is intended to provide areas for detached and attached housing units, with no more than two separate residential units in a structure, and ancillary structures. This zoning district implements the General Plan Medium Density Residential designation.
- D. Medium/High Density Residential Zoning District (R-3) Purpose. The R-3 zoning district is intended to provide areas for a variety of medium/high density multi-unit housing types (e.g., row houses, townhouses, condominiums, and apartments) and ancillary structures, generally located along or with immediate access to arterial streets and/or near major activity centers. This zoning district implements the General Plan Medium/High Density Residential designation.
- E. High Density Residential Zoning District (R-4) Purpose. The R-4 zoning district is intended to provide areas for a variety of high-density multi-unit housing types and ancillary structures, generally located in targeted locations near transit or with immediate access to arterial streets and/or near major activity centers. This zoning district implements the General Plan High Density Residential designation.

(Ord. 2000 § 2, (2021))

§ 25.10.020. Land Use Regulations.

- A. Allowed Uses. Table 25.10-1 (Residential Zoning Districts Use Regulations) indicates the uses allowed within each residential zoning district and any permits required to establish the use, pursuant to Article 6 (Permit Processing Procedures). Land uses are defined in Article 8 (Definitions). Uses defined in Article 8 and not listed in Table 25.10-1 are prohibited.
- B. Director Determination. Land uses are defined in Article 8 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.
- C. Specific Use Regulations. Where the last column in Table 25.10-1 (Residential Zoning Districts Use Regulations) includes a section, subsection, or chapter number, the regulations in the referenced section, subsection, or division shall apply to the use.

Table 25.10-1: Residential Zoning Districts Use Regulations

	P Permitted	CUP Conditional Use Permit	MUP Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted
Land Use	R-1	R-2	R-3	R-4	Specific Use Regulations
Residential Housing Types					
Dwellings					
Single-Unit Dwelling	P	P	--	--	In the R-3 zoning district, bungalow courts, court apartments, and similar uses may be composed of two or more detached dwellings on the same lot. In the R-3 and R-4 zoning districts, additions to existing single-unit dwellings are allowed, provided such additions conform with the standards for the zoning district in which they are located.
Two-Unit Dwellings	--	P	P	P	
Multi-Unit Dwellings	--	--	P	P	Within the boundaries of the Downtown Specific Plan, average maximum unit size shall not exceed 1,250 sq. ft.
Accessory Dwelling Unit	A	A	A	A	See Chapter 25.48.030
Special Residential Uses					
Communal Housing	--	--	P	P	See Chapter 25.48.080
Emergency Shelters - Permanent	--	--	--	--	See Chapter 25.48.100
Emergency Shelters - Temporary	--	--	CUP	CUP	Allowed as an accessory use only. See Chapter 25.48.110
Residential Care Facilities					
Limited	P	P	P	P	Section 25.48.220
General	--	--	CUP	CUP	Section 25.48.220
Senior	--	--	CUP	CUP	Section 25.48.220

Table 25.10-1: Residential Zoning Districts Use Regulations

	P Permitted	CUP Conditional Use Permit	MUP Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted
Land Use	R-1	R-2	R-3	R-4	Specific Use Regulations
<u>Supportive and Transitional Housing</u>	<u>See Section 25.48.240 (Supportive and Transitional Housing)</u>				
<u>Supportive and Transitional Hosing</u>	P	P	P	P	
Other Uses					
Urban Agriculture	A	A	A	A	See Section 25.48.290
Community Assembly Facilities	--	--	--	--	
Family Day Care - Small	P	P	P	P	
Family Day Care - Large	P	P	P	P	
Government Buildings and Facilities	P	P	P	P	
Home Occupations	A	A	A	A	See Section 25.72
Limited Corner Store Retail	--	--	--	--	See Section 25.48.160
Park and Recreation Facilities, Public	P	P	P	P	
Religious Assembly Facilities	CUP	CUP	CUP	CUP	
Schools, Primary and Secondary	CUP	CUP	CUP	CUP	
Utility Structures and Service Facilities, Small	MUP	MUP	MUP	MUP	
Utility Structures and Service Facilities, Large	--	--	--	--	
Wireless Communications Facilities	See Section 25.48.300				

§ 25.10.030. Development Standards—General.

The general property development standards for the R-1, R-2, R-3, and R-4 zoning districts shall be as set forth in Table 25.10-2 (Residential Zoning Districts Development Standards).

Table 25.10-2: Residential Zoning Districts Development Standards

Development Standards	R-1	R-2	R-3	R-4	Additional Regulations
Density - Maximum	8 du/ac	20 du/ac	50 du/ac	80 du/ac	
Height - Maximum	30 ft. (36 ft. with Special Permit)	30 ft. (36 ft. with Special Permit)	Tier 1: 46 ft. Tier 2: 55 ft.	Tier 1: 46 ft. Tier 2: 75 ft.	See Sections 25.10.035 and 25.10.040 for exceptions. See Section 25.30.040 for measurement.
Plate Height – Maximum	1 st Story: 9 ft. <u>6 in.</u> Upper Stories: 8 ft. <u>6 in.</u>	1 st Story: 9 ft. <u>6 in.</u> Upper Stories: 8 ft. <u>6 in.</u>	--	--	Measured from finished floor. See Section 25.10.035 for requests to exceed maximum plate height.

Table 25.10-2: Residential Zoning Districts Development Standards

Development Standards	R-1	R-2	R-3	R-4	Additional Regulations
FAR - Maximum	See Section 25.10.060	n/a <u>See Section 25.10.60</u>	n/a	n/a	See Section 25.30.060 for measurement and exceptions.
Setbacks - Minimum					
Front 1 st Story 2 nd Story	15 ft. 20 ft.	15 ft. 15 ft.	15 ft. 15 ft.	15 ft. 15 ft.	See Section 25.10.045 for special front setback requirements.
Side		Lot widths of 42 ft. or less: 3 ft. Lots wider than 42 ft., but less than 51 ft.: 4 ft. Lots 51 ft. wide or more, but less than 54 ft.: 5 ft. Lots 54 ft. wide or more, but less than 61 ft.: 6 ft. Lots 61 ft. wide or more: 7 ft.			See Section 25.10.050 for special side setback requirements.
Side Upper Stories			<u>See Section 25.10.050</u> <u>See Section 25.10.050</u> <u>See Section 25.10.050</u> See Section 25.10.050		See Section 25.30.080 for setback measurement and exceptions.
Corner Lot: Street Side 1 st Story 2 nd Story	7.5 ft. 12 ft. average	7.5 ft. 7.5 ft.	7.5 ft. 7.5 ft.	7.5 ft. 7.5 ft.	
More than 2 Stories	12 ft. average	7.5 ft.	See Section 25.10.050.C		
Rear 1 st Story 2 nd Story More than 2 Stories	15 ft. 20 ft. 20 ft.	15 ft. 15 ft. 15 ft.	15 ft. 15 ft. 20 ft.	15 ft. 15 ft. 20 ft.	
Public and Institutional Uses – All Setbacks (Minimum)	Comply with standards of the applicable zoning district				
Lot Coverage - Maximum	40%		Interior lots 5060% Corner lots: 6070%	Interior lots 5060% Corner lots: 6070%	See Section 25.30.070 for lot coverage exceptions.
Unit Size - Maximum	8,000 sq. ft.	--			Average maximum unit size of 1,250 sq. ft. for multifamily-unit residential uses located within Downtown Specific Plan
Front Setback Impervious Surfaces - Maximum	40%		50%		See Chapter 25.36 for additional landscape requirements.
Open Space - Minimum	n/a	n/a	175 sq. ft. per unit		See Section 25.36.030.
2 nd Floor Decks/Balconies Minimum Side Setback	Up to 75 sf maximum per lot with approval of Special Permit Two times minimum required side setback		--		Does not apply to lots located within the Hillside Overlay. Special Permit required for 2 nd floor decks/balconies (75 SF maximum per lot). Special Permit application may be filed to exceed minimum required side setback.

§ 25.10.035. Special Permit Requirements in R-1 Zoning District.

Applicability. The following structures and development approaches are allowed in the R-1 zoning district with a ~~s~~pecial ~~p~~ermit. In granting such a permit, the Review Authority shall make the findings required in Section 25.78.020.B (Required Findings).

1. Attached garages for single-unit dwellings, ~~except. A special permit shall not be required~~ for replacement of an existing attached garage ~~or and~~ for existing attached garages that are extended no more than 10 feet in length. In all cases the attached garage shall comply with the minimum required front setback requirements in Section 25.10.050 (Special Front Setback Requirements).
2. Construction exceeding the limits of the declining height envelope.
3. Building height exceeding 30 feet, but not to exceed 36 feet.
4. ~~A detached garage or other accessory structure, other than an accessory dwelling unit, exempt from setback restrictions when located within the rear 40 percent of the lot.~~
- 5.4. A detached garage or other accessory structure, other than an accessory dwelling unit, that is in the rear of the lot and that is more than 28 feet in width or depth.
- 6.5. Plate height exceeding maximum indicated in Table 25.10-2 [\(Residential Zoning Districts Development Standards\)](#).
- 7.6. ~~Except in the Hillside Overlay, a~~Any second-floor deck or balcony up to a maximum of 75 square feet and/or to exceed the minimum required side setback for a second-floor deck or balcony. Second-floor decks and balconies shall not be designed as viewing platforms and shall be designed to ~~considering~~ surrounding context, including window location of adjacent properties.

(Ord. 2000 § 2, (2021))

§ 25.10.040. Structures and Development Approaches in the R-2 Zoning District Requiring a Special Permit.

Applicability. The following structures and development approaches are allowed in the R-2 zoning district with a ~~s~~pecial ~~p~~ermit. In granting such a permit, the Review Authority shall make the findings required in Section 25.78.030.B (Required Findings).

1. Building height exceeding 30 feet, but not to exceed 36 feet.
2. Construction exceeding the limits of the declining height envelope.

(Ord. 2000 § 2, (2021))

§ 25.10.045. Special Permit Requirements in the R-3 and R-4 Zoning Districts.

- A. Additional Special Permit Requirements for the R-3 Zoning District within the Anita Road Overlay and within the Rollins Road Residential Overlay, and R-4 Zoning District within the R-4 Incentive Overlay can be found in ~~See~~ Sections 25.20.010, 25.20.060, and 25.20.070, respectively.
- B. Circular Drives. In the R-3 and R-4 zoning districts, if a circular drive is provided, a reduction of the required front setback landscaping to 45 percent of the lot area within the required front setback shall be allowed with approval of a ~~s~~pecial ~~p~~ermit.
- C. Community Benefits Option. A developer may elect to develop consistent with either Tier 1

or Tier 2 development standards. Projects using Tier 2 standards shall provide community benefits pursuant to this subsection and shall require a ~~s~~Special ~~p~~Permit.

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 height in return for provision of specific community benefits, as listed below or subsequently identified by the City Council, for a proposed residential project, if doing so is in the City's interest and will help implement the General Plan. 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. Review Authority and Tier Requirements.
 - a. Planning Commission Approval of Community Benefits Bonuses. The Planning Commission ~~is shall be the final~~ Review Authority for an application for Tier 2 projects.
 - b. Tier 2 Requirements and Number of Community Benefits. The Planning Commission may approve a ~~s~~Special ~~p~~Permit approving a Tier 2 project if it determines that the project includes at least two community benefits from subsection 3 of this section (Community Benefit Options).
3. Community Benefit Options.
 - a. Pedestrian Amenities. The project includes major pedestrian connections exceeding minimum pedestrian requirements.
 - b. Off-Site Streetscape Improvements. The project includes off-site streetscape improvements and amenities; these provisions do not include improvements along the frontage of a development site that would normally be required by law or as a condition of project approval. The provision of selected amenities may require approval of a development agreement. Examples of amenities 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.
 - v. Upgrading traffic signals to enhance pedestrian and bicycle safety.
 - vi. Enhanced crosswalk materials.
 - vii. Contribution to capital project funds that would not otherwise be required.
 - c. Near Zero Net Energy. The project provides up to 98 percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.
 - d. Net Zero Water Use. The project provides on-site and/or off-site water usage off-sets to achieve net zero water use. Water usage off-sets may include grey water systems, the retrofit of plumbing fixtures in other buildings, etc.

- e. Flexible (Miscellaneous) Benefit. The ~~applicant agrees to project~~ provides a currently undefined community benefit approved by the ~~City Council Review Authority~~ 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 park improvement funds (beyond required impact fees).
- f. Additional Affordable Units. The project provides at least 15 percent low, or 10 percent very-low, or 5 percent extremely-low deed restricted affordable units beyond those required by the onsite alternative option of the Residential Impact Fee (see Code Section 25.45.070).
- g. Public Art. The project provides funding for the maintenance or installation of public art not located on the project site or the installation and maintenance of public art in a publicly accessible space on the project site. The valuation of the public art shall equate to at least one percent of the project construction costs.

(Ord. 2000 § 2, (2021))

§ 25.10.050. Special Front Setback Requirements.

- A. Subdivision Maps. The front setback delineated on any approved subdivision map shall supersede any provision of this chapter.
- B. Residential Front Setbacks.
 - 1. Average Front Setbacks over 15 Feet. The front setback line for any new structure ~~or addition~~ in the R-1, R-2, R-3, and R-4 zoning districts shall be the average of the actual front setback of such existing structures, including the existing structure on the subject property, located on the same side of the same block, if such average exceeds 15 feet. The measurement shall be taken from the front property line to the nearest ~~first floor~~ wall or covered projection of any existing structures (e.g., house, porch, or garage). Excluded from the average front setback calculation shall be corner lots and the least and greatest existing front setbacks. For blocks that contain fewer than five parcels, the average front setback shall be based on the interior lots.
 - 2. R-1 Front Setbacks – Additional Regulations.
 - a. Second Floor and Upper Stories. For stories above the first story, the minimum front setback shall be ~~block average front setback, measured as noted above in Section B.1., or 20 feet, whichever is greater. the same as that for the portion of the first floor immediately underneath it.~~
 - b. ~~Alignment of Second Floor. If the required front setback for all or a portion of the first floor under the second floor is greater than 20 feet, then the minimum front setback of each portion of the second floor shall be the same as that for the portion of the first floor immediately underneath it.~~
 - c. Garages. The minimum front setback of an attached garage or attached covered parking structure shall be:
 - i. Single car garage: 25 feet.
 - ii. Two car garage: 35 feet. However, if the garage doors for the two-car garage are provided by two single doors, the front setback may be staggered at 20

feet for one door and 25 feet for the second door or side-by-side at 25 feet. See Figure 25.10-1: R-1 Garage Front Setbacks.

d.c. El Camino Real. The minimum front setback of all structures on lots fronting on El Camino Real shall be 20 feet; this shall apply whether the lot frontage is considered the front, street side or rear of the lot.

3. R-2 Front Setbacks – Garages. The minimum front setback to the face of any garage or covered parking shall be 20 feet.
4. R-3 and R-4 Front Setbacks – Front Setbacks on Certain Streets. Front setbacks on certain streets shall be as indicated in Table 25.10-3: Front Setbacks on Certain Streets.

Figure 25.10-1: R-1 Garage Front Setbacks

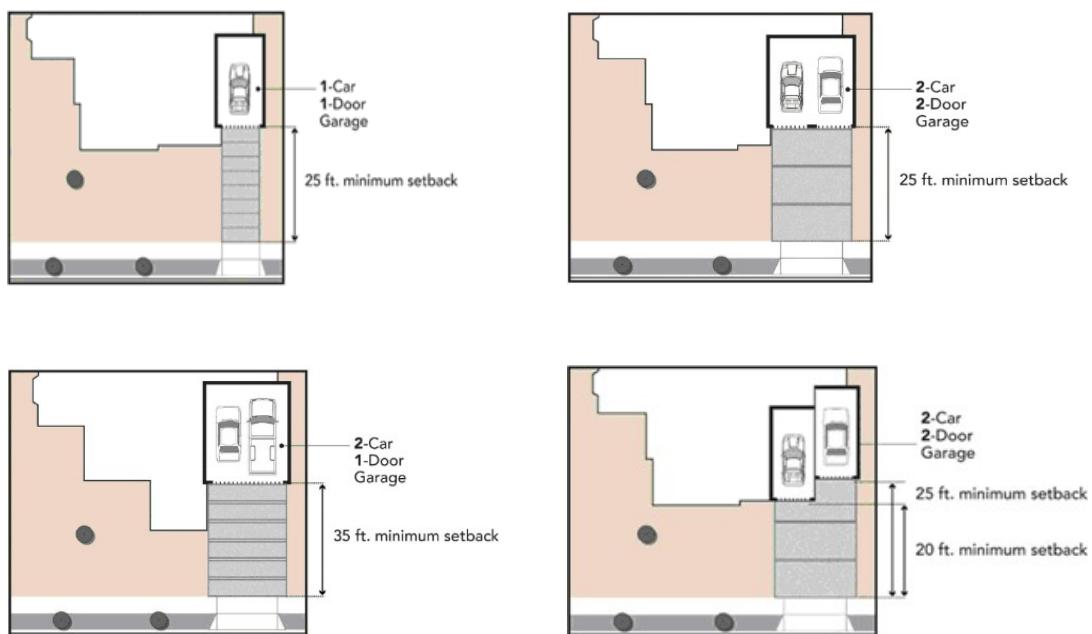


Table 25.10-3: Front Setbacks on Certain Streets

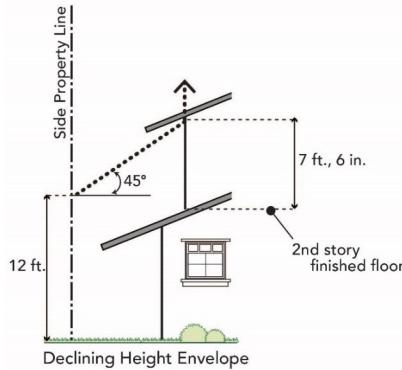
Street	Front Setback
Park Road, between Howard and Peninsula Avenues	5 ft.
Primrose Road, between Howard and Bayswater Avenues	10 ft.
El Camino Real Frontage (includes street side or rear of lot)	20 ft.

(Ord. 2000 § 2, (2021))

§ 25.10.055. Special Side Setback Requirements.

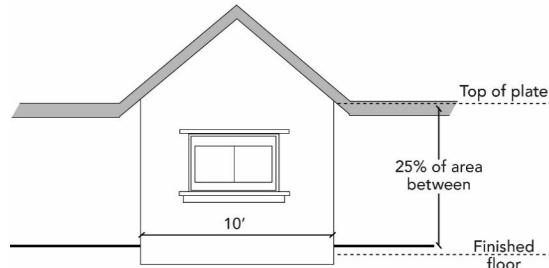
- A. R-1 and R-2 Side Setbacks – Additional Regulations for Interior Lots.
- B. Declining Height Envelope. In addition to complying with the minimum side setback requirements in Table 25.10-2, structures on interior lots in the R-1 and R-2 zoning districts shall not extend above or beyond the second story declining height envelope. The declining height envelope shall depart from 12 feet above original existing grade at each side property line and extend at an angle of 45 degrees. The declining height envelope line shall extend until it intersects with a point seven feet six inches **feet** above the second story finished floor, then the line shall extend vertically. The original existing grade shall be determined by the average of the elevations at the front and rear property line corners at each side.

Figure 25.10-2: R-1 and R-2 Declining Height Envelope



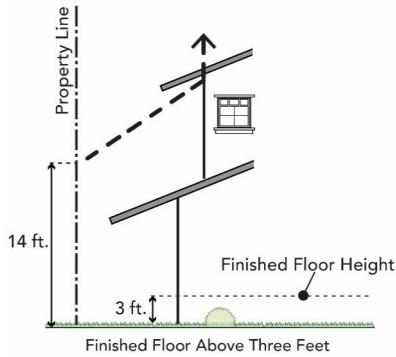
1. Exemptions. In addition to allowed projections in Section 25.30.080 (Determining Setbacks), the following are exempt from the declining height envelope:
 - a. Window Enclosures. Window enclosures that create no more than 35 square feet of floor area per side and have a length no greater than 10 feet. At least 25 percent of the face of such enclosure as measured between the finished floor and the plate line shall be window area.

Figure 25.10-3: R-1 and R-2 Window Enclosure Exception for Declining Height Envelope



- b. Sloping Lots. Where the slope on a lot between the front setback and rear setback lines on either side property line varies by two feet or more, the measurement for the declining height envelope point of departure shall be the average elevation as taken at the intersection of the adjacent side property lines with the 15-foot front setback line and the 15-foot rear setback line.
- c. Elevated Finished First Floor. Where the finished first floor of a house is more than three feet above average finished grade, as determined by the average elevations at the four exterior corners of the existing house, and the area below or basement is not improved area, the measurement for the declining height envelope shall be 14 feet above the side property line.

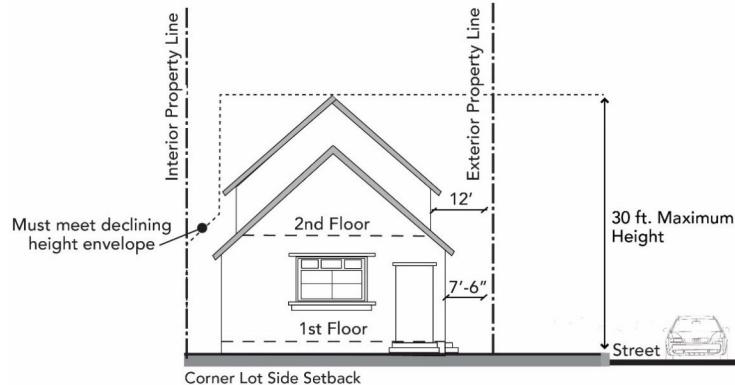
Figure 25.10-4: R-1 and R-1 Finish First Floor Exception for Declining Height Envelope



C. R-1 Side Setbacks – Additional Regulations for Corner Lots.

1. Interior Side Setback. The second-floor side setback along the interior side of a corner lot shall comply with the minimum side setback requirement in Table 25.10-2 and the declining height envelope requirements.
2. Street Side Setback. The second-floor side setback on a corner lot shall average at least 12 feet from the street side property line. No more than 25 percent of the length of the second-floor wall shall be placed in the area between 12 feet and seven feet six inches from the street side property line.

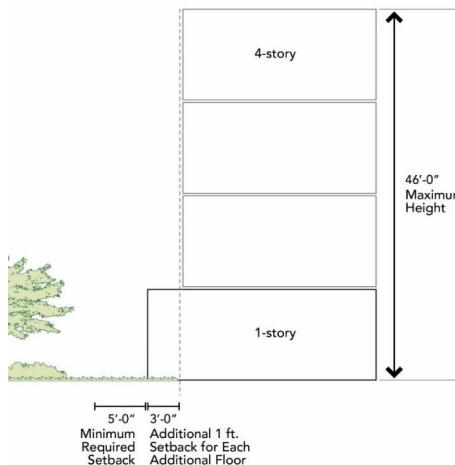
Figure 25.10-5: R-1 Corner Lot Side Setbacks



D. Special Side Setback Requirements in the R-3 and R-4 Zoning Districts.

1. Increased Setback for Upper Stories. The side setback requirement shall be increased by one foot for each story above the first story. This side setback requirement shall apply to all stories above the first story.

Figure 25.15-6: R-3 and R-4 Upper Story Side Setback Requirements



2. Corner Lots – Street Side Setback. The street side setback on a corner lot shall be seven feet six inches for a building of two stories or less and shall increase one foot for each additional story. Setback for upper stories applies only to that portion of the structure that exceeds two stories.

(Ord. 2000 § 2, (2021))

§ 25.10.060. Floor Area Ratio in the R-1 Zoning District.

In the R-1 zoning district, the maximum allowable floor area ratio (FAR) shall be as described in Table 25.10-4 (R-1 Zoning District Floor Area Ratio). See also Sections 25.30.060 (Determining Floor Area) and 25.48.030 (Accessory Dwelling Units).

In the R-2 zoning district, single-unit dwellings are also subject to the maximum allowable floor area ration (FAR) as described in Table 25.10-4 (R-1 Zoning District Floor Area Ratio).

Table 25.10-4: R-1 Zoning District Floor Area Ratio

Type of Lot	Floor Area Ratio	Structures Included
Interior lots with attached garages	32 percent plus 1,100 sq. ft	Includes attached garage, attached covered parking and other accessory structures
Interior lots with detached garages	32 percent plus 1,100 sq. ft., plus up to an additional 400 sq. ft. for detached garage and other accessory structures	Includes all accessory structures
Corner lots with attached garages	32 percent plus 900 sq. ft.	Includes attached garage, attached covered parking and other accessory structures
Corner garages lots with detached garages	32 percent plus 900 sq. ft., plus up to an additional 350 sq. ft. for detached garage and other accessory structures	Includes all accessory structures

§ 25.10.070. Interior Access in the R-1 Zoning District.

A stairway, elevator, ramp, or similar access shall be provided between all floors of improved area within a single-unit residential structure. Such access shall be located within the exterior walls of the structure.

(Ord. 2000 § 2, (2021))

§ 25.10.080. Open Space in R-3 and R-4 Zoning Districts.

Open space may be provided as either private, common, or include both private and common open space.

§ 25.10.090. Lot Frontage, Width, and Size for All Residential Zones.

- A. Lot Width. Each lot shall have an average width of not less than 50 feet.
- B. Lot Frontage. The minimum frontage for parcels shall be as indicated in Table 25.10-5.

Table 25.10-5: Minimum Lot Frontage

Lot Size	Minimum Lot Frontage
Lot Frontage on Public Street	
Less than 6,999 sf	50 ft.
7,000 – 9,999 sf	55 ft.
10,000 sf or more	60 ft.
Frontage for Lots Facing on a Curved Street	
Less than 6,999 sf	30 ft.
7,000 – 9,999 sf	35 ft.
10,000 sf or more	40 ft.

- C. Lot Sizes in Residential Zones. Minimum lot sizes in residential zones shall be as indicated on the map adopted by Ordinance 712 and as subsequently amended:
 1. 5,000 Square Feet. All lots shown in white shall have an area of not less than 5,000 square feet;
 2. 7,000 Square Feet. All lots shown within a border of horizontal crosshatching shall have an area of not less than 7,000 square feet; and
 3. 10,000 Square Feet. All lots shown within a border of vertical crosshatching shall have an area of not less than 10,000 square feet.
- D. Special Requirements Related to Lot Width, Frontage, and Size.
 1. Effect on Lots or Parcels Recorded Before 1958. The average width, lot frontage, and minimum areas provided for in subsections A, B, and C of this section shall not apply to any lot or parcel of land of smaller dimensions appearing of record in the office of the County Recorder of the County of San Mateo, or of the City Engineer of the City of Burlingame, prior to June 18, 1958. No building permit shall be issued for the construction of any building on any lot divided or subdivided after said date which does not comply with the minimum requirements set forth above, except as varied by subsection B above or through an approved variance.
 2. Conformance to this Section. All the development requirements in this section shall apply to lands hereafter subdivided in accordance with the provisions of the Subdivision

Map Act of the State of California, provided, however, that the Commission and Council may, in the considerations and acceptance of any tentative or final map submitted pursuant to the provisions of said Subdivision Map Act, approve or accept any such tentative or final map wherein one or more lots or parcels of land do not conform to all of the provisions of this section, when the Commission and Council find that by reason of exceptional or extraordinary circumstances the approval or acceptance of such maps is consistent with General Plan policy.

3. Minimum Lot Size for Lands Annexed After 1960. No lands annexed to the City after May 31, 1960, which are classified for residential uses, shall be divided into lots having areas of less than 10,000 square feet each.

(Ord. 2000 § 2, (2021))

§ 25.10.100. Minor Modifications.

Certain minor modifications from development standards are permitted consistent with Chapter 25.74.

(Ord. 2000 § 2, (2021))

§ 25.10.110. Design Review.

Design review shall be required pursuant to the provisions of Chapter 25.68 (Design Review).

(Ord. 2000 § 2, (2021))

CHAPTER 25.12
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS (C-1, BFC, I-I)

§ 25.12.010. Purpose and Applicability.

- A. Commercial and Industrial Zoning Districts Purpose. The purpose of the commercial and industrial zoning districts is to:
 - 1. Provide opportunities for a variety of commercial and industrial business types that contribute to the stability of the City's economy.
 - 2. Encourage a diverse mix of goods, services, office, and research and development uses, including small and independent businesses, to enrich the lives of residents, employees, and visitors and to increase employment opportunities.
 - 3. Promote commercial and industrial development that will foster and enhance the identity and vitality of specific areas and corridors.
- B. General Commercial Zoning District (C-1) Purpose. The purpose of the General Commercial (C-1) zoning district is to implement the General Plan General Commercial designation by establishing areas for lower-intensity commercial uses intended to meet the needs of residents and employees. General Commercial uses are in targeted locations where higher- intensity uses and development are not appropriate and where low-intensity commercial businesses have minimal impact on adjacent residential areas. General Commercial design standards encourage pedestrian access and compatibility with surrounding uses in terms of scale and appearance.
- C. Bayfront Commercial Zoning District (BFC) Purpose. The purpose of the Bayfront Commercial (BFC) zoning district is to provide opportunities for office and research and development, as well as both local and tourist commercial uses that take advantage of views of and access to the Bay, where residents, employees and visitors can work, shop, eat, bike and walk, and enjoy nature. A critical component is prioritization on public access to the waterfront.
- D. Innovation Industrial Zoning District (I-I) Purpose. The purpose of the Innovation Industrial (I-I) zoning district is to accommodate and encourage places for diverse and compatible light industrial, research and development, and creative business enterprises. Adaptive reuse of existing buildings with creative and design commercial uses is encouraged, as well as façade and site improvements on industrial properties.

(Ord. 2000 § 2, (2021))

§ 25.12.020. Land Use Regulations.

- A. Allowed Uses. Table 25.12-1 (Commercial and Industrial Zoning Districts Use Regulations) indicates the uses allowed within each commercial and industrial zoning district and any permits required to establish the use, pursuant to Article 6 (Permit Processing Procedures). Land uses are defined in Article 8 (Definitions). Uses defined in Article 8 and not listed in Table 25.12-1 are prohibited.
- B. Director Determination. Land uses are defined in Article 8 (Definitions). In cases where a

specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.

- C. Specific Use Regulations. Where the last column in Table 25.12-1 (Commercial and Industrial Zoning Districts Use Regulations) includes a section, subsection, or chapter number, the regulations in the referenced section, subsection, or division shall apply to the use.
- D. Airport Land Use Compatibility. Uses must comply with Safety Compatibility Policies SP-1 through SP-3 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) including Noise/Land Use Compatibility and Safety Compatibility Criteria listed in Tables IV-1 and IV-2. Some uses listed in Table 25.14-1 (Mixed-Use Zoning Districts Use Regulations) may be incompatible in safety zones. Refer to ALUCP Exhibit IV-9 for a map of the safety compatibility zones.

E. Conditionally Allowed Uses in Drainage Rights-of-Way in I-I Zoning District.

- 1. Supplemental Parking. Supplemental parking for permitted or conditionally permitted uses in the I-I zoning district may be allowed within drainage rights-of-way with a Conditional Use Permit.
- 2. Storage of Operable Vehicles. Storage of operable vehicles may be allowed in the I-I zoning district only within drainage rights-of-way and subject to a Conditional Use Permit and the following conditions:
 - 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 0.7 acres.
 - d. Site must have approved access to a public street.
 - e. No customers shall visit the site.
 - f. Recreational vehicles and boats shall not be moved during a.m. and p.m. peak hour traffic periods as defined by the City Traffic Engineer.

Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations

P	Permitted	TUP	Temporary Use Permit
CUP	Conditional Use Permit	A	Accessory Use
MUP	Minor Use Permit	--	Not Permitted
Land Use	C-1	BFC	I-I
Specific Use Regulations			
Commercial – Retail			
Eating and Drinking Establishments			
Bars and Taverns	--	P	--
Night Clubs	--	CUP	--
Outdoor Dining	P	P	P
Breweries, Distilleries, and Wineries are allowed as an accessory use to a restaurant			

Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations

P CUP MUP	Permitted Conditional Use Permit Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted	
Land Use	C-1	BFC	I-I	Specific Use Regulations
Restaurants	P	P	P	with a CUP. For Breweries, Distilleries and Wineries as a primary use, see Industrial Uses in this table.
Restaurants – Drive-through	--	--	CUP	
Tasting Rooms	A	A	A	
Food and Beverage Sales				
Alcohol Sales Store	--	--	--	Maximum size of accessory food and beverage sales uses in these zoning districts is 1,500 sq. ft. Accessory convenience store uses limited to 2,500 square feet.
Convenience Store	MUP	A	A; MUP for standalone	
General Market	MUP	A	A; MUP for standalone	
Nurseries and Garden Centers	P	--	P	
Retail Sales				
General	P	A	--	No outdoor storage or sales permitted in conjunction with any permitted use, except for permitted temporary sales. In the I/I zone, may be permitted with a Minor Use Permit subject to Section 25.48.190 (Outdoor Sales, Displays, and Storage)
Large Format	--	--	--	
Specialized	--	--	--	
Vehicle Fuel Sales and Accessory Service	CUP	CUP	CUP	
Vehicle Sales				
Auto and Light Truck	CUP	--	CUP	
Heavy Equipment Sales (and Rental)	--	--	CUP	See Section 25.48.280
Commercial – Services and Recreation				
Animal Care Services				
Kennels	--	--	MUP	
Grooming	P	P	P	No overnight animal stays permitted.
Pet Hotels	--	--	CUP	
Veterinarian	P	--	P	
Banks and Financial Institutions	P	P	--	
Building Materials and Contractor Services	--	--	P	Showroom and direct retail sales allowed up to 50% of floor area. See 25.48.190 for outdoor storage
Business Services	P	P	P	

Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations

	P CUP MUP		Permitted Conditional Use Permit Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted
Land Use	C-1	BFC	I-I	Specific Use Regulations	
Check Cashing and Pay Day Loan Establishments	--	--	--		
Commercial Recreation – Large Scale	CUP	<u>PCUP</u>	<u>MUPCUP</u>	<i>Includes accessory sale of related merchandise not to exceed 1,500 sq. ft.; CUP if over 1,500 sq. ft.</i>	
Commercial Recreation – Small Scale	<u>CUPMUP</u>	<u>PMUP</u>	MUP		
Day Care Centers	MUP	P	MUP	<p>See Section 25.48.090</p> <p>For properties within SFO Safety Compatibility Zone 3 in the I-I zoning district, commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et. Seq., and licensed to serve 15 or more children not allowed. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business allowed with a CUP.</p>	
Food Preparation (catering)	P	--	P		
Funeral Services and Cemeteries	--	--	--		
Office – Co-Working	P	P	P		
Office – Medical or Dental	CUP	P	P	<p>In I-I zoning district:</p> <p>Permitted only east of Highway 101.</p>	
Office – Professional	P	P	P	<p>In I-I zoning district:</p> <ul style="list-style-type: none"> • In area east of Highway 101, general offices permitted. • In areas west of Highway 101, offices are limited to creative offices, including architects, interior designers, and other offices related to design services. 	

Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations

P CUP MUP		Permitted Conditional Use Permit Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted
Land Use	C-1	BFC	I-I	Specific Use Regulations
Office – Research and Development	P	P	P	For properties within SFO Safety Compatibility Zone 3 in the I-I zoning district, CUP required if use entails hazardous materials. For properties within SFO Safety Compatibility Zone 3 in the I-I zoning district, Biosafety Level 3 and 4 facilities not allowed.
Personal Services – General	P	P	--	
Personal Services – Specialized	CUP	--	--	
Studios – Arts	P	P	P	
Theaters – Live	--	P	--	
Theaters – Movie or similar	--	P	--	
Educational Services				
Schools, Primary and Secondary (Private)	CUP	CUP	CUP	For properties within SFO Safety Compatibility Zone 3 in the I-I zoning district, public and private schools serving preschool through grade 12 not allowed.
Trade Schools	--	CUP	P	In I-I zoning district, limited to 20% of floor area; CUP if over 20%.
Tutoring and Educational Services	P	P	P	
Industry, Manufacturing and Processing, Warehousing, and Wholesaling Uses				
Breweries, Wineries, and Distilleries	MUP	MUP	MUP	See Section 25.48.250 (Tasting Rooms as an Accessory Use).
Food Processing and Production	--	--	CUP	Only permitted for small-scale hand production or artisan endeavors with incidental direct sale of goods produced on-site.
Laboratories/Research and Development	--	P	P	
Light Industrial	--	--	P	
Recycling facilities				
Light processing	--	--	P	See Section 25.48.200
Reverse Vending Machine(s)	A	--	A	
Small collection	CUP	--	P	

Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations

P CUP MUP	Permitted Conditional Use Permit Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted	
Land Use	C-1	BFC	I-I	Specific Use Regulations
Vehicle Services and Repair				
Minor (Minor Repair/Maintenance)	CUP	--	P	
<u>Major (Major Repair/Body Work)</u>	=	=	P	Only permitted west of Highway 101 and south of Easton Creek.
Vehicle Rental	CUP	--	CUP	
Car Wash	CUP	--	<u>PCUP</u>	
Warehousing/Logistics	--	--	P	
Wholesaling	--	--	P	
Lodging				
Extended Stay Hotels	--	P	P	In I-I zoning district, hotels and motels only permitted on properties with frontage on Old Bayshore Highway. For park-and-fly facilities associated with hotels, see Park and Fly, Accessory to Hotel.
Hotels and Motels	--	P	P	In I-I zoning district, hotels and motels only permitted on properties with frontage on Old Bayshore Highway. For park-and-fly facilities associated with hotels, see Park and Fly, Accessory to Hotel, below.
Public and Quasi-Public Uses				
Assembly Facilities				
Community Assembly Facility	CUP	--	CUP	
Religious Assembly Facility	CUP	--	CUP	
Community Open Space	P	P	P	
Emergency Shelters – Permanent	--	--	P	Permitted only on properties located north of Mills Creek
Emergency Shelters – Temporary	--	--	P	Shall be located within a transportation corridor and shall not occur continuously at any one location for more than six months of any 12-month period.
Low Barrier Navigation Center	P	--	--	See Section 25.48.170
Government Buildings and Facilities	P	P	P	
Hospitals	--	--	--	
Medical Clinics	P	P	P	

Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations

P CUP MUP	Permitted Conditional Use Permit Minor Use Permit	TUP	Temporary Use Permit Accessory Use Not Permitted	
Land Use	C-1	BFC	I-I	Specific Use Regulations
Park and Recreation Facilities, Public	P	P	P	
Residential Uses				
Caretaker Quarters	A	A	A	
Transportation, Communication, and Infrastructure Uses				
Air Courier, Terminal, and Freight Services	--	--	MUP	
Park and Fly, Accessory	--	MUP	MUP	Only permitted as an accessory use to hotel or office uses as part of a larger development plan. Parking shall be in parking structures.
Park and Fly, Primary Use	--	--	--	
Parking Facility, Accessory Use	A	A	A	
Parking Facility, Primary Use	--	--	CUP	
Transit Facilities	--	P	P	
Utility Structures and Service Facilities, Small	--	MUP	MUP	
Utility Structures and Service Facilities, Large	--	--	--	
Vehicle Storage	--	--	CUP	
Wireless Telecommunication Facilities	See Section 25.48.300			
Specific and Temporary Uses				
Adult Entertainment Businesses	--	P	--	Comply with Section 25.48.040
Drive-Through or Drive-Up Facilities	--	--	--	
Outdoor Storage	--	--	CUP	Must be related to immediately abutting uses which are permitted or conditional in the district. See Section 25.48.190
Outdoor Temporary and/or Seasonal Sales	TUP	TUP	TUP	See Section 25.48.190
Temporary Uses	TUP	TUP	TUP	See Section 25.48.260
Urban Agriculture	P	P	P	See Section 25.48.290 (Urban Agriculture)

§ 25.12.030. Development Standards.

The general property development standards for C-1, BFC, and I-I zoning districts shall be as set forth in Table 25.12-2 (Commercial and Industrial Development Standards).

Table 25.12-2: Commercial and Industrial Development Standards

Development Standards	C-1	BFC	I-I	Additional Regulations
Height – Maximum ¹	35 ft. (46 ft. with Special Permit)	65 ft. (Special Permit required for heights greater than 65 ft.)	35 ft. (65 ft. with Special Permit) Properties fronting on Bayshore Hwy: 65 ft. (Special Permit required for heights greater than 65 ft.)	
Floor Area Ratio (FAR) – Maximum	1.0	Tier 1: 1.0 Tier 2: 2.0 Tier 3: 3.0	0.75 Properties fronting Bayshore Hwy: 0.75 Hospitality: 3.0 Office/Research & Development: Tier 1: 0.75 Tier 2: 2.0 Tier 3: 2.75 Tier 3: 2.75	Balconies and decks exempted from FAR (to be discussed in calculation of FAR) See Section 25.12.040 regarding community benefits findings for FAR Tiers 2 and 3
Minimum Setbacks				
Front	10 ft., except 20 ft. on El Camino Real frontage	10 ft.	10 ft.	No parking in front setback.
Side – Interior	--	10 ft.	10 ft, except for parcels located between Easton Creek and Broadway, including properties with lot frontage on Broadway or otherwise for parcels under common ownership or with consent of adjacent property owner	For the BFC zoning district, see 25.12.060.B (View Corridor Requirement)
Side – Street	--	10 ft.	10 ft.	
Rear	--	10 ft.	0 ft., except 10 ft. on Bayshore Highway	

Table 25.12-2: Commercial and Industrial Development Standards

Development Standards	C-1	BFC	I-I	Additional Regulations
Edge Conditions – Minimum	1 st story: 10-ft setback Upper stories: 15-ft setback	--	1 st story: 10-ft setback Upper stories: 15-ft setback	Applicable to any portion of property that is adjacent to any portion of property developed with residential uses.
Lot Coverage – Maximum	--	60%	70%	
Lot Dimensions – Minimum				
Size	10,000 sq. ft.	20,000 sq. ft.	10,000 sq. ft.	
Frontage	50 ft.	50 ft.	50 ft.	
Open Space – Minimum (per residential unit)	175 sq. ft.	--	--	See Section 25.36.030
Percent Landscape Coverage – Minimum	--	20% of site	15% of site	See Chapter 25.36 for additional landscape requirements.

¹ Maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). This includes determining the need to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on ALUCP Exhibit IV-10 and complying with FAA Aeronautical Study Findings. It also includes complying with the maximum compatible building height, which includes all parapets, elevator overruns, etc. of a building, as noted in ALUCP policy AP-3 and depicted in Exhibits IV-17 and IV-18 of the ALUCP.

(Ord. 2000 § 2, (2021))

§ 25.12.040. Community Benefits for Increased FAR in the BFC and I-I Zoning Districts.

A. Purpose and Applicability.

1. Purpose. 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, through a discretionary review and public hearing process, may grant increased FAR 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. 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. Applicability. A developer may elect to develop consistent with either Tier 1, Tier 2, or Tier 3 development standards. Projects using Tiers 2 or 3 standards shall provide community benefits pursuant to this section and shall require a special permit.
3. Findings. For Tier 2 and 3 projects, the Planning Commission shall make additional findings that the project proposes public benefits in excess of the City's normal requirements that improve the quality of life of employees, residents, and/or visitors, or assists the City in implementing an important plan or policy. See Section 25.78.050.

B. Review Authority and Tier Requirements.

1. Planning Commission Approval of Community Benefits Bonuses. The Planning Commission ~~is shall be~~ the ~~final~~ Review Authority for an application for Tier 2 or 3

projects.

2. Tier 2 Requirements and 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 C of this section (Community Benefit Objectives).
3. Tier 3 Requirements and 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 C of this section (Community Benefit Objectives).

C. Community Benefit Objectives. Community Benefits provided pursuant to this section may include, but are not limited to, the following:

1. Public Plazas. The project includes public plaza(s) that comply with this subsection.
 - a. The minimum area of any public plaza shall be 5,000 square feet and shall be measured as one single open space.
 - b. 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.
 - c. Each part of the public plaza shall be accessible from other parts of the open space without leaving the open space area.
 - d. The public plaza shall be on the ground level and directly accessible from the sidewalk and be accessible to persons with disabilities.
 - e. 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.
 - f. 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.
2. Publicly Accessible Park Space. The project provides a contribution towards the provision of public parks in the BFC or I-I zones as applicable. Contribution can be in the form of dedication of land, provisions of improvements, or payment of fee in excess of that under Chapter 25.46 (Public Facilities Impact Fees).
3. Childcare Facilities. The project provides for the establishment and ongoing maintenance of on-site or off-site child care facilities.
4. Cultural Arts and Community Events Spaces. The project includes space for visual arts, performing arts, community events, and other activities that support arts and culture.
5. Off-Site Streetscape Improvements. The project includes off-site streetscape improvements and amenities; these provisions do not include improvements along the frontage of a development site that would normally be required. Examples of amenities include:
 - a. Enhanced pedestrian and bicycle-oriented streetscapes.
 - b. Protected bicycle lanes and pedestrian pathways, improved bicycle and pedestrian crossings/signals, bicycle racks/shelters.
 - c. New pedestrian and bicycle connections to transit facilities, neighborhoods, trails,

commercial areas, etc.

- d. Removal of existing pedestrian and bicycle barriers (e.g., dead-ends and cul-de-sacs).
- e. Upgrading traffic signals to enhance pedestrian and bicycle safety.
- f. Monetary contribution to streetscape projects within the BFC and/or I-I Districts.

6. Off-Site Infrastructure Improvements. The project includes monetary contributions to off-site infrastructure improvements exceeding obligations under Chapter 25.46 (Public Facilities Impact Fees). Examples of off-site infrastructure improvements may include, but are not limited to, grade separation projects, bicycle/pedestrian facilities, and sewer and water infrastructure.

7. Land Dedication for Community Facilities. Land dedication to accommodate community facilities such as public safety or educational facilities.

8. Habitat Restoration. The project incorporates habitat restoration features at appropriate locations.

9. Near Zero Net Energy. The project provides for 98 percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.

10. Net Zero Water Use. The project provides on-site and/or off-site water usage off-sets to achieve net zero water use. Water usage off-sets may include grey water systems, purple pipe infrastructure, the retrofit of plumbing fixtures in existing buildings, etc.

11. Climate Change Measures. Additional measures incorporated physically or operationally into the project that contribute significantly to reduction of its carbon footprint and/or provide resilience to sea level rise and storms.

12. Sea Level Rise Infrastructure. ~~For properties with frontage on San Francisco Bay, Anza Lagoon, Burlingame Lagoon, the Bay Front Channel, and creeks within the Sea Level Rise Overlay Area indicated on the current Map of Future Conditions (Map) described in Section 25.12.050.B, the project provides funding for or implements includes~~ substantial sea level rise infrastructure ~~along the Bayshore beyond what is required of the project, if applicable, meeting the requirements of Section 25.12.050.I.~~

13. Flexible Significant Community Benefit. Other currently undefined community benefits that are significant and substantially beyond normal requirements. Examples include funding for City programs such as contribution to business improvement programs, community-serving transportation services, or subsidy of retail facilities that would be beneficial to the community but not otherwise commercially viable.

13.14. Public Art. The project provides funding for the maintenance or installation of public art not located on the project site or the installation and maintenance of public art in a publicly accessible space on the project site. The valuation of the public art shall equate to at least one percent of the project construction costs.

(Ord. 2000 § 2, (2021))

§ 25.12.050. Public Access, Flood and Sea Level Rise Performance Guidelines.

A. Performance Standards – Variations. Development shall conform to the standards outlined in this section. Unless otherwise stated below, the Planning Commission shall have the authority

to allow variations to particular standards in this section in order to encourage sound site planning and development practices, provided any such variation shall meet the overall intent of the particular standard and remain consistent with the General Plan.

- B. City of Burlingame Map of Future Conditions. The City of Burlingame Map of Future Conditions (Map) was adopted by the City Council to provide community resilience to sea level rise and storms. The Map may be revised by the City Council based on updates to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), sea level rise science, monitoring results, and shoreline and creek conditions. All proposals for new construction shall be based on the Map currently in effect at the time a complete project application is submitted (application date).
- C. Bay Access – Buffer Zones. Buffer zones extending 100 feet inland from the San Francisco Bay Shoreline are intended to provide an area to accommodate and maintain built and natural shoreline infrastructure for sea level rise protection, environmental enhancement, and public access trails. For the purposes of this section, the San Francisco Bay Shoreline (Shoreline) is defined by California Code of Regulations Section 10121, which describes the jurisdiction of the Bay Conservation and Development Commission (BCDC) within a 100-foot "shoreline band." Building encroachments may be accommodated within the 100-foot buffer zones provided that the City determines that such encroachments do not inhibit a planned infrastructure project of the City and San Mateo County Flood and Sea Level Rise Resiliency District (District) as of the application date. Project applicants shall coordinate with staff of the City and District to obtain the most current design standards for the planned infrastructure project. Buffer zones shall be developed and maintained based on the applicable water frontage and BCDC's public access guidelines and as follows:
 - 1. On San Francisco Bay. A minimum buffer zone of 100 feet from the Shoreline within which the shoreline infrastructure will be built. The top of this infrastructure must include a trail consistent with guidelines of the San Francisco Bay Trail Project and, unless otherwise directed by BCDC, the inboard (opposite the Bay) edge of that trail shall be located an average of 75 feet from the Shoreline.
 - 2. On Anza Lagoon, Bay Front Channel, and Burlingame Lagoon. A minimum buffer zone of 100 feet from the Shoreline within which the shoreline infrastructure will be built. The top of this infrastructure must include a trail consistent with guidelines of the San Francisco Bay Trail Project.
- D. Bay Access – Public Access. Public access shall be maintained and developed within the Shoreline buffer zones based on the City-adopted and Bay Conservation and Development Commission-approved public access guidelines.
- E. Bay Access – Trail Connectivity. Unless it is demonstrated to the satisfaction of City staff that no feasible alternative exists, any property with frontage on the Shoreline within the jurisdiction of the BCDC shall be required to provide, as a part of the on-site landscaping plan and Shoreline infrastructure, connectivity improvements by constructing a new or improved portion of the Bay Trail along the site, including improving access to the Bay Trail from and through the site. The trail shall be compliant with specifications of the City Public Works Department, BCDC, and San Francisco Bay Trail Program. Each such trail segment shall connect directly to the trail segment of adjacent properties.
- F. Bay Access – Maintenance. All areas improved for public access within the jurisdiction of BCDC shall be maintained by the property owner and shall be available to the public in perpetuity, as determined by the BCDC.

- G. Creek Access – Buffer Zones. Buffer zones measured from the top of creek bank are intended to provide an area to accommodate and maintain flood protection and public access trail infrastructure. For properties with frontage on Sanchez Creek, Easton Creek, Mills Creek, Gilbreth Creek, and El Portal Creek, a minimum buffer zone of 35 feet from the top of creek bank is required to accommodate and maintain future infrastructure and a public access trail. Building encroachments may be accommodated within the buffer zones provided that the City determines that such encroachments do not inhibit planned infrastructure projects of the City and District as of the application date.
- H. Creek Access – Trail Connectivity. Unless it is demonstrated to the satisfaction of City staff that no feasible alternative exists, any property with frontage on Sanchez, Easton, Mills, Gilbreth, and El Portal Creeks shall be required to provide, as a part of the on-site landscaping plan, a paved public-access trail along the top of the bank for the portion of the creek bank on the site. The trail shall be compliant with specifications of the City Public Works Department and BCDC, if applicable. Each such trail segment shall connect directly to the termination of the public access trail segment along the Shoreline (e.g., the Bay Trail) or the creek bank on each adjacent property.
- I. Flood Protection and Sea Level Rise Resilience – Building Elevations and Shoreline Infrastructure. For all properties within the Sea Level Rise Overlay Area indicated on the City's Map of Future Conditions current as of the application date, the first floor of new buildings must be elevated in conformance with this Map. For properties that are also with frontage on San Francisco Bay, Anza Lagoon, Bay Front Channel, and Burlingame Lagoon, new construction requiring discretionary review must include shoreline infrastructure that meets the requirements included in this Map. All required elevations shall be certified by a professional land surveyor.
- J. Flood Protection and Sea Level Rise Resilience – Determination of Compliance. Prior to issuance of a Building Permit, a registered professional engineer retained by the applicant shall certify that the design, specifications, and plans for the construction of Shoreline infrastructure are in accordance with the requirements in Sections 25.12.050.E, 25.12.050.I, and FEMA guidance and the Code of Federal Regulations (CFR) related to the mapping of areas protected by levee systems in place as of the application date. An applicant's proposal that meets the requirements in Sections 25.12.050.E, 25.12.050.I, and the CFR, but is not consistent with the planned infrastructure project of the City and District, shall be permitted if the proposal is demonstrated to be a less or equally environmentally impactful practical alternative (including environmentally-beneficial features such as listed species habitat, marsh, open space, etc.).
- K. Flood Protection and Sea Level Rise Resilience – Data Collection. Applicant shall submit two topographic surveys of the property, such as a LiDAR or field survey, prepared by a licensed professional land surveyor: one within 12 months of the application date and prior to construction, and one within 12 months of project completion. Such survey shall be at the landowner or applicant's expense and shall be conducted in consultation with City staff to be approved as compliant with City survey standards.
- L. Flood Protection and Sea Level Rise Resilience – Maintenance. As a condition of project approval, the applicant shall execute an agreement with the City identifying the landowner's ongoing maintenance obligations for the shoreline infrastructure approved as part of a development.
- M. Flood Protection and Sea Level Rise Resilience – Stormwater Drainage. One hundred percent of the drainage from impervious surfaces on the site shall be captured and retained on site

with sufficient storage to keep the first 1.25 inches of rainwater from an individual rain event on site without discharging onto neighboring properties or rights-of-way unless a regional stormwater management system is available to serve the development and the specific discharges from the site into the system have been approved by the City Public Works Department.

N. Flood Protection and Sea Level Rise Resilience – Real Estate Disclosure of Hazards. In any contract for the sale of real estate located in the Sea Level Rise Overlay Area indicated on the current Map of Future Conditions adopted by the City of Burlingame, the seller shall include in the contract a real estate disclosure of all hazards associated with anticipated sea level rise, geologic hazards, groundwater inundation, or coastal and fluvial flooding. Any site-specific analyses related to sea level rise must also be disclosed in real estate transactions.

(Ord. 2000 § 2, (2021))

§ 25.12.060. Design Principles for ~~the BFCayfront Commercial~~ Zoning District.

The following design principles shall be used by decision-makers in evaluating whether plans conform to the requirements of this section:

- A. Design Intent. Development shall relate to both the street and to the Bay to provide view corridors from and across Bayshore Highway and Airport Boulevard, and to create gateways at key locations. Development shall support of the pattern of diverse architectural styles and the role of the shoreline in creating a network of interconnected open spaces.
- B. View Corridor Requirement. To provide a view corridor, the width of a structure or combined structures on a lot shall not obstruct more than 75 percent of the length of the property line along Bayshore Highway and Airport Boulevard, including setbacks. For purposes of this requirement, structure or combined structures shall not include architectural elements, ~~but~~ may include an elevated podium to accommodate flood elevations and/or parking.
- C. Support the Shoreline. On visually prominent sites and sites with shoreline as defined by the Bay Conservation and Development Commission, design shall fit the site and be compatible with surrounding development, support the Bay Trail and its park and recreational uses, provide for maximum user access, and support recreational use by those who work in the area as well as those who visit. Pedestrian amenities are encouraged along the shoreline adjacent to the Bay Trail.
- D. Orientation. Building entries shall be readily visible from the street and be easily identifiable, preferably on Bayshore Highway or Airport Boulevard. Buildings that are setback from the street shall have attractively landscaped plazas leading to the main building entry, and seating areas are encouraged in the front setback. Businesses at important intersections are encouraged to locate their entrances at the building corner.
- E. Ground Floor Transparency. At least 25 percent of the exterior walls on the ground floor or first level facing the street shall include windows, doors, or other openings.
- F. Building Articulation. Each side of buildings shall have a cohesive approach to design and detail. Articulation of building and structural elements, including windows, entries, and bays shall be achieved. Design features such as canopies, trellis, and grillwork shall be designed as part of the building's composition of design elements. A variety of materials should be used to articulate building elements, such as the base, the ground floor, and upper floors, if any.
- G. Building Design. The pattern of diverse architectural styles throughout the district and the role of the shoreline in creating a network of interconnected open spaces is encouraged. New

developments shall implement a single architectural style for the project, with consistency among primary elements of the structure(s).

- H. Streetscape. Development shall respect and promote the streetscape through building placement to maximize the commercial use of the street frontage, off-street public spaces, and by locating parking to minimize its impact on street frontages. For properties with any water frontage, design shall be sensitive to the surrounding bodies of water, physical and visual presence of the Bay Trail, and the orientation of the prevailing winds.
- I. Location of Surface Parking. Surface parking areas shall be located to the sides and rear of the building, when feasible, to encourage a pedestrian-friendly street edge. No surface parking areas shall be located between any structure and the lot frontage, except for limited visitor parking areas. Driveways are allowed in the setback, but the driveways shall not be considered as landscaped area.
- J. Location and Design of Structured Parking. Structured parking shall be designed to be compatible with the architectural design and materials of the buildings.
- K. Bird Friendly Design. All development shall incorporate bird-friendly design that minimizes potential adverse impacts to native and migratory birds, such as fritted or patterned glass, projecting architectural features, lighting design, and screening with trees.
- L. Protection of the Bay Environment. Site features shall include orientation to minimize wind obstruction on San Francisco Bay, protection of the Bay environment, and landscaping and pedestrian circulation that enrich and enhance the existing recreation opportunities of the area, including extension of the Bay Trail as well as the commercial neighborhood.

(Ord. 2000 § 2, (2021))

§ 25.12.070. Design Principles for the I-Innovative Industrial Zoning District.

The following design principles shall be used by decision-makers in evaluating whether plans conform to the requirements of this section.

- A. Design Intent. The overall design intent of the I-I zoning district is to provide for an eclectic mix of commercial and light industrial development that has an industrial and contemporary look in terms of materials used, architectural styles, and building forms.
- B. Building Design. Recognizing the varied commercial and industrial character of the area, new development and redevelopment projects shall feature modern industrial design features.
- C. Art and Murals. Use of murals, artwork, sculptures, special paving, and fountains are encouraged to be incorporated into building design to provide interest and excitement to the district.
- D. Orientation. The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. At least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Business and reception areas shall face public access to buildings.
- E. Ground Floor Transparency. At least 25 percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.
- F. Building Articulation. Each side of buildings shall have a uniform approach to design and detail. Articulation of building and structural elements, including windows, entries, and bays shall be achieved. Design features such as canopies, trellis, and grillwork shall be designed

as part of the building's composition of design elements. A variety of materials should be used to articulate building elements, such as the base, the ground floor, and upper floors, if any.

- G. **Streetscape.** Landscaping along the street shall provide an attractive streetscape by screening parking areas from the public street and ensuring a pleasant pedestrian environment.
- H. **Compatibility.** The design of new infill development shall respect, complement, and be compatible with the scale, style, theme, and design of surrounding buildings.
- I. **Location of Parking.** Any surface parking facilities shall be located to the side or rear of any proposed project unless no other feasible location exists.
- J. **Creekside Open Space.** New buildings on parcels adjacent to Mills Creek and Easton Creek, where possible, shall incorporate outdoor open space and trail network components into their site planning, particularly on those parts of sites that face a creek.
- K. **Service and Delivery Areas.** Service areas and ground-mounted equipment shall be screened from view by fences or walls that conform to the style and materials of the accompanying building(s).

(Ord. 2000 § 2, (2021))

§ 25.12.080. Minor Modifications.

Certain minor modifications from development standards are permitted consistent with Section 25.74.020.

(Ord. 2000 § 2, (2021))

§ 25.12.090. Design Review Required.

Design review shall be required pursuant to Chapter 25.68 (Design Review).

(Ord. 2000 § 2, (2021))

CHAPTER 25.14
MIXED-USE ZONING DISTRICTS (RRMU, NBMU, BRMU, CMU)

§ 25.14.010. Purpose and Applicability.

- A. Mixed-Use Zoning Districts Purpose. The mixed-use zoning districts are intended to provide opportunities for a mixture of residential and commercial development to create vibrant activity nodes, dynamic commercial corridors, and housing opportunities for all income levels. The term "mixed use" applies to a compatible array of varied uses in a single building or comprehensive development, as well as a mix of uses within a zoning district.
- B. California Drive Mixed-Use Zoning District Purpose. The purpose of the California Drive Mixed-Use (CMU) zoning district is to implement the General Plan California Mixed-Use designation by providing a district with an eclectic mix of uses reflective of long-established use patterns at a pedestrian scale, with locally owned retail and service commercial businesses and upper-story residential units. Prototypical commercial uses are those that serve Burlingame residents and nearby communities, do not involve late-night hours, and do not have any operating characteristics that adversely impact residential uses. Stand-alone residential development is allowed as a nonconforming use, where legally established prior to the adoption of the ordinance codifying these regulations, and the provisions in Article 5 (Nonconformities) shall not apply. The overall design intent of the CMU zoning district is to provide for an eclectic and compatible mix of residential, live/work units, and small-scale commercial businesses. Creativity in design using a wide variety of colors, building materials, and roof features is encouraged.
- C. Broadway Mixed-Use Zoning District Purpose. The purpose of the Broadway Mixed-Use (BRMU) zoning district is to implement the General Plan Broadway Mixed-Use designation by establishing a mixed-use corridor that maintains commercial uses and pedestrian activity along the Broadway frontage. To provide for a rich pedestrian experience, the primary ground floor uses shall be retail and service oriented, with residential uses limited to upper floors and office uses generally ancillary to other commercial uses.
- D. North Rollins Road Mixed-Use Zoning District Purpose. The purpose of the North Rollins Road Mixed-Use (RRMU) zoning district 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. The overall design intent of the RRMU zoning district 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.
- E. North Burlingame Mixed-Use Zoning District Purpose. The purpose of the North Burlingame Mixed-Use (NBMU) zoning district 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.

(Ord. 2000 § 2, (2021))

§ 25.14.020. Land Use Regulations.

- A. Allowed Uses. Table 25.14-1 (Mixed-Use Zoning Districts Use Regulations) indicates the uses allowed within each mixed-use zoning district and any permits required to establish the use, pursuant to Article 6 (Permit Processing Procedures). Land uses are defined in Article 8 (Definitions). Uses defined in Article 8 and not listed in Table 25.14-1 are prohibited.
- B. Director Determination. Land uses are defined in Article 8 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.
- C. Specific Use Regulations. Where the last column in Table 25.14-1 (Mixed-Use Zoning Districts Use Regulations) includes a section, subsection, or chapter number, the regulations in the referenced section, subsection, or division shall apply to the use.
- D. Airport Land Use Compatibility. Uses must comply with Safety Compatibility Policies SP-1 through SP-3 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) including Noise/Land Use Compatibility and Safety Compatibility Criteria listed in Tables IV-1 and IV-2. Some uses listed in Table 25.14-1 (Mixed-Use Zoning Districts Use Regulations) may be incompatible in safety zones. Refer to ALUCP Exhibit IV-9 for a map of the safety compatibility zones.

Table 25.14-1: Mixed Use Zoning Districts Use Regulations

Land Use	CMU	BRMU	RRMU	NBMU	Specific Use Regulations	
	P	P	P	P		
	CUP	MUP	CUP	MUP		
Commercial – Retail						
Eating and Drinking Establishments						
Bars and Taverns	--	P <u>MUP</u>	MUP	MUP	Breweries, Distilleries, and Wineries may be allowed as an accessory use to a restaurant - with alcohol sales.	
Night Clubs	--	--	CUP <u>—</u>	CUP		
Outdoor Dining	P	P	P	P		
Restaurants	P	P	CUP <u>P</u>	CUP <u>P</u>		
Restaurants – Drive-through	--	--	--	CUP	In NBMU, Restaurants – Drive-through only permitted with CUP within area bounded by El Camino Real, Trousdale Drive, Magnolia Drive, and Murchison Drive.	
Food and Beverage Sales						
Alcohol Sales Store	--	MUP	--	--		
Convenience Store	P	P	MUP	CUP		

Table 25.14-1: Mixed Use Zoning Districts Use Regulations

					P Permitted	TUP Temporary Use Permit
					CUP Conditional Use Permit	A Accessory Use
					MUP Minor Use Permit	-- Not Permitted
Land Use	CMU	BRMU	RRMU	NBMU	Specific Use Regulations	
General Market	P	P	P	P		
Nurseries and Garden Centers	--	--	--	--		
Retail Sales						
General	P	P	P	P	No outdoor storage or sales permitted in conjunction with any permitted use, except for permitted temporary sales.	
Large Format	--	--	--	--		
Specialized	CUP	CUP	CUP	CUP		
Vehicle Fuel Sales and Accessory Service	CUP	--	--	CUP		
Vehicle Sales						
Auto and Light Truck	--	--	--	--		
Heavy Equipment Sales (and Rentals)	--	--	--	--		
Commercial – Services and Recreation						
Animal Care Services						
Boarding/Kennels	--	--	--	--		
Pet Hotels	--	--	--	--		
Grooming	P	P	P	P	No overnight animal stays permitted.	
Veterinarian	P	P	MUP	MUP		
Banks and Financial Institutions	P	P	P	P		
Check Cashing and Pay Day Loan Establishments	--	--	--	--		
Commercial Recreation – Large Scale	--	--	CUP	CUP		
Commercial Recreation – Small Scale	MUP	MUP	MUP	MUP		

Table 25.14-1: Mixed Use Zoning Districts Use Regulations

Land Use	CMU	BRMU	RRMU	NBMU	Specific Use Regulations
	P Permitted	CUP Conditional Use Permit	MUP Minor Use Permit	TUP Temporary Use Permit	A Accessory Use
Day Care Centers	MUP	MUP	MUP	MUP	See Section 25.48.090 SFO Safety Compatibility Zone 3: Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et. Seq., and licensed to serve 15 or more children not allowed. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business allowed with a CUP. SFO Safety Compatibility Zone 2: Commercial facilities defined in accordance with Health and Safety Code, Section 1596.70, et. Seq., and licensed to serve 15 or more children not allowed. Family day care homes and noncommercial employer-sponsored facilities ancillary to place of business not allowed.
Food Preparation (catering)	MUP	A	MUP	MUP	
Funeral Services and Cemeteries	--	--	--	--	
Office – Co-Working	P	P	P	P	
Office – Medical or Dental	P	P	CUP	P	In CMU and BRMU, permitted on upper stories; CUP for ground floor. In RRMU, limited to 5,000 sq. ft.
Office – Professional	P	P	P	P	
Office – Research and Development	P	--	P	MUP	
Personal Services – General	P	P	P	P	
Personal Services – Specialized	CUP	CUP	CUP	CUP	See Section 25.48.230
Studios – Arts	P	P	P	P	
Theaters – Live	--	CUP	CUP	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
Theaters – Movie or similar	--	--	CUP	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
Educational Services					
Schools, Primary and Secondary	CUP	--	CUP	CUP	Public and private schools serving preschool through grade 12 not allowed in RRMU or NBMU.
Trade Schools	--	--	--	--	

Table 25.14-1: Mixed Use Zoning Districts Use Regulations

					P Permitted	TUP Temporary Use Permit	
					CUP Conditional Use Permit	A Accessory Use	
					MUP Minor Use Permit	-- Not Permitted	
Land Use	CMU	BRMU	RRMU	NBMU	Specific Use Regulations		
Tutoring and Educational Services	P	P	CUP	CUP			
Industry, Manufacturing and Processing, Warehousing, and Wholesaling Uses							
Breweries, Wineries, and Distilleries	MUP	MUP	MUP	MUP	See Section 25.48.250 (Tasting Rooms as an Accessory Use).		
Food Processing and Production	--	--	CUP	--			
Laboratories/Research and Development	--	--	P	P	SFO Safety Compatibility Zone 3: CUP required if use entails hazardous materials. Biosafety Level 3 and 4 facilities not allowed.		
					SFO Safety Compatibility Zone 2: Not allowed if use entails hazardous materials.		
Light Industrial	--	--	MUP	--			
Personal Storage	--	--	CUP	--			
Recycling facilities							
Light Processing	--	--	MUP	--	In NBMU, Small Collection recycling facility only permitted with CUP within area bounded by El Camino Real, Trousdale Drive, Magnolia Drive and Murchison Drive. See Section 25.48.200		
Reverse Vending Machine(s)	--	--	MUP	--			
Small Collection	--	--	CUP	MUP			
Vehicle Services and Repair							
Major (Major Repair/Body Work)	CUP	--	--	--			
Minor (Minor Repair/Maintenance)	CUP	--	--	--			
Vehicle Rental	A	A	--	A			
Car Wash	--	--	--	--			
Warehousing/Logistics	--	--	CUP	--			
Wholesaling	--	--	A	--	Accessory to a permitted industrial or live/work use.		
Lodging							
Extended Stay Hotels	--	--	--	--			
Hostels	--	--	--	--			
Hotels and Motels	CUP	CUP	--	CUP	In CMU, only permitted if less than 20 rooms.		
Mixed Uses							
Mixed Use Developments	P	P	P	P	With individual specific uses subject to land use regulatory requirements set forth in this table.		

Table 25.14-1: Mixed Use Zoning Districts Use Regulations

Land Use	P Permitted		TUP Temporary Use Permit		Specific Use Regulations	
	CUP Conditional Use Permit		A Accessory Use			
	MUP Minor Use Permit		-- Not Permitted			
Land Use	CMU	BRMU	RRMU	NBMU	Specific Use Regulations	
Public and Quasi-Public Uses						
Assembly Facilities						
Community Assembly Facility	--	--	CUP	--	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.	
Religious Assembly Facility	CUP	--	CUP	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.	
Community Open Space	P	P	P	P		
Emergency Shelters – Permanent	--	--	P	--	See Section 25.48.100	
Emergency Shelters – Temporary	A	--	A	A	See Section 25.48.110	
Government Buildings and Facilities	P	P	P	P		
Hospitals	--	--	--	--		
Low Barrier Navigation Center	P	P	P	P	See Section 25.48.170	
Medical Clinics	P	--	CUP	CUP		
Park and Recreation Facilities, Public	P	P	P	P		
Residential Uses						
Caretaker Quarters	--	--	A	--		
Communal Housing	P	P	P	P		
Elderly and Long-Term Care	--	--	CUP	CUP	Nursing homes not allowed in RRMU or NBMU.	
Family Day Care – Small	P	P	P	P		
Family Day Care – Large	P	P	P	P		
Live/Work	P	P	P	--	Live/Work not permitted on ground floor on Broadway or California Drive. See Section 25.48.150	
Single-Unit and Two-Unit Dwellings	--	--	--	--	New single- and two-unit dwellings not permitted. See Section 25.56.020.B for expansion of existing uses.	
Multi-Unit Dwellings	P	P	P	P	Multi-unit dwellings not permitted on ground floor in BRMU.	
Residential Care Facilities						
Limited	P	--	P	P		
General	CUP	--	CUP	CUP	See Section 25.48.220	
Senior	CUP	--	CUP	CUP	See Section 25.48.220	
Supportive and Transitional Housing	P	P	P	P		
Supportive and Transitional Housing	See Section 25.48.240					
Transportation, Communication, and Infrastructure Uses						
Air Courier, Terminal, and Freight Services	--	--	--	--		
Park and Fly, Accessory	--	--	--	--		

Table 25.14-1: Mixed Use Zoning Districts Use Regulations

Land Use	CMU	BRMU	RRMU	NBMU	Specific Use Regulations
	P Permitted	CUP Conditional Use Permit	MUP Minor Use Permit	TUP Temporary Use Permit	A Accessory Use
Park and Fly, Primary Use	--	--	--	--	
Parking Facility, Accessory	A	A	A	A	
Parking Facility, Primary Use	--	--	--	--	See exception in Section 25.14.020.D for RRMU only.
Publicly Owned and Operated Drainage Facilities and Improvements	--	--	--	--	
Transit Facilities	--	--	--	CUP	
Utility Structures and Service Facilities	CUP	CUP	MUP	MUP	
Vehicle Storage	--	--	--	--	See exception in Section 25.14.020.D for RRMU only
Wireless Telecommunication Facilities	See Section 25.48.300				
Specific and Temporary Uses					
Adult Entertainment Uses	--	--	--	--	
Donation Box – Outdoor	--	--	--	--	
Drive-Through or Drive-Up Facilities	--	--	--	CUP	In NBMU, only permitted with CUP within area bounded by El Camino Real, Trousdale Drive, Magnolia Drive and Murchison Drive.
Outdoor Storage	--	--	CUP	--	Must be related to immediately abutting uses which are permitted or conditional in the district. See Section 25.48.190
Outdoor Temporary and/or Seasonal Sales	TUP	TUP	TUP	TUP	See Section 25.48.190
Temporary Uses	TUP	TUP	TUP	TUP	See Section 25.48.260
Urban Agriculture	P	P	P	P	See Section 25.48.290

E. Conditionally Allowed Uses in Drainage Rights-of-Way in RRMU Zoning District.

1. **Supplemental Parking.** Supplemental parking for permitted or conditionally permitted uses in the RRMU zoning district may be allowed within drainage rights-of-way with a CUPConditional Use Permit.
2. **Storage of Operable Vehicles.** Storage of operable vehicles may be allowed in the RRMU zoning district only within drainage rights-of-way and subject to a CUP and the following conditions:
 - 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 0.7 acres.
- d. Site must have approved access to a public street.
- e. No customers shall visit the site.
- f. Recreational vehicles and boats shall not be moved during a.m. and p.m. peak hour traffic periods as defined by the City Traffic Engineer

~~3. Fencing. Fences installed in drainage rights of way are subject to a CUP.~~

(Ord. 2000 § 2, (2021))

§ 25.14.030. RRMU Development Standards.

A. Development Standards Generally. The general property development standards for the RRMU zoning district shall be as set forth in Table 25.14-2 (RRMU Development Standards).

Table 25.14-2: 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)		
Height – Maximum ¹	40 ft. <u>3 stories</u>	55 ft. <u>5 stories</u>	80 ft. <u>7 stories</u>	50 ft.	See Section 25.14. 030.B050.C
Density – Maximum	30 du/ac	50 du/ac	70 du/ac	N/A	Tiers 2 and 3 shall provide community benefits per Section 25.14.050.
Floor Area Ratio – Maximum	0.50	0.75	1.0	1.0; 1.5 with CUP	
Minimum Setbacks					
Front: Mixed-Use Arterial (Rollins Road)	<u>5 feet min. & 15 feet max.</u>			15 ft.	Subject to streetscape frontage standards in Table 25.14-3.
Front: All other streets	10 ft.	10 ft.	<u>105</u> ft.	<u>105</u> ft.	
Side – Interior	10 ft.			<u>0 feet, adjacent to industrial use, 20 feet min. adjacent to all other uses</u> 10 ft.	<u>Setbacks for industrial uses apply only to new construction.</u> <u>Established uses shall be considered conforming with regard to required setbacks.</u>
Side – Street	10 ft.			<u>N/A10 ft.</u>	Subject to streetscape frontage standards in Table 25.14-3
Rear	20 ft.			0 ft. adjacent to industrial use 20 ft. adjacent to all other uses	<u>Setbacks for industrial uses apply only to new construction.</u>
Edge Conditions - Minimum	R-3/R-4 upper story side setback standards (see Section 25.10.050.C.2) shall apply to property line(s) with an existing residential use on the abutting property.				

Table 25.14-2: 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)		
Lot Dimensions – Minimum					
Size	10,000 sq. ft.				
Width at street frontage	100 ft. Residential subdivision: 40 ft.		50 ft		
Lot Coverage – Maximum	60%		67%	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 (non-rooftop) landscaped courtyard or plaza.	
Open Space – Minimum (per residential unit)	Live/work units: 100 sq. ft. per unit Multifamily housing or mixed use: 125 sq. ft. per unit			N/A	Pedestrian plaza/public space required by Section 25.14.030.D may count toward up to 50% of the open space requirement. Common open space may include common activity rooms, gyms, pools, and rooftop terraces. See Chapter 25.36.
Percent landscape coverage – Minimum	15%	20%	20%	15%	See Chapter 25.36 and Section 25.40.080.D.

¹ Maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). This includes determining the need to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on ALUCP Exhibit IV-10 and complying with FAA Aeronautical Study Findings. It also includes complying with the maximum compatible building height, which includes all parapets, elevator overruns, etc. of a building, as noted in ALUCP policy AP-3 and depicted in Exhibits IV-17 and IV-18 of the ALUCP.

B. Site Layout.

1. Streetscape.

- Street frontages shall meet the standards set forth in Table 25.14-3 (RRMU Sidewalk Standards).

TABLE 25.14-3: RRMU SIDEWALK STANDARDS

Street Type		
Mixed-Use Arterial and Collector (Rollins Road and Adrian Road)	Sidewalk Width	7 ft. minimum
	Amenity/Planter Width	3 ft. minimum
Mixed-Use Access (Adrian Court, Broderick Road, Guittard Road, Ingold Road)	Sidewalk Width	6 ft. minimum
	Amenity/Planter Width	3 ft. minimum
Exceptions	Exceptions to sidewalk and planter widths may be granted to accommodate conflicts with recorded easements, rights-of-ways, etc.	

- Amenity/Planter Area. The required amenity/planter area (see Table 25.14-3) is additive to required sidewalk widths. The amenity/planter area shall include street

trees and may also include plantings, walkways, and other amenities such as benches, bike racks, etc.

2. Location of Parking. Any surface parking facilities shall be located to the side or rear of any proposed project. No more than ~~33-35~~ percent of the site area at the ground level may be used for surface parking facilities.
3. Service and Delivery Areas. Service and loading areas shall be screened from residential areas and integrated with the design of the building. When designing loading facilities adjacent to residential uses, techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

C. Required Plazas for Large Sites.

1. 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.
2. 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 and paseos shall meet the following design criteria:
 - a. Be open to the public and remain so during daylight hours;
 - b. Be at least 15 feet wide, and 15 feet 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 percent open to the sky or covered with a transparent material.
- D. Creek Access. Any lot in the RRMU zoning district or within any specific plan with any lot line on Easton, Mills, and El Portal Creeks shall be required to provide, as a part of the on-site landscaping plan, a paved public-access trail along the top of the bank for the portion of the creek bank on the site. The design of the trail shall be compliant with specifications of the Public Works Department. Each such trail segment shall connect directly to the termination of the public access trail segment along the creek bank on each adjacent property.

(Ord. 2000 § 2, (2021))

§ 25.14.040. NBMU Development Standards.

A. Development Standards Generally. The general property development standards for the NBMU zoning district shall be as set forth in Table 25.14-4 (NBMU Development Standards).

Table 25.14-4: NBMU Development Standards

Development Standards	Live/Work, Residential, Mixed Use and Commercial Development			Additional Regulations
	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	
Height – Maximum	45 ft.	55 ft.	80 ft. For properties on the east side of El Camino Real, 100 ft.; see additional setback standards below	Maximum heights also established by the Federal Aviation Administration for parcels affected by airport safety zoning districts.
Density – Maximum	40 du/ac	80 du/ac	140 du/ac	Tiers 2 and 3 shall provide community benefits per Section 25.14.040.050.C.
Floor Area Ratio – Maximum	Office: 0.50 Commercial: 0.25	Office: 1.25 Commercial: 0.50	Office: 2.0 Commercial: 1.0	
Height Special Requirements	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: <ol style="list-style-type: none"> 35% of the linear frontage above <u>the third story 35 feet</u> must step back a minimum <u>510</u> feet, in the form of insets, balconies, or stepbacks, or 80% of a building's linear frontage above <u>the fifth story 55 feet stories</u> must step back a minimum of 10 feet, in the form of insets, balconies, or stepbacks 			
Setbacks – Minimum				
El Camino Real Front:	15 ft.			
Mixed-Use Arterial Front (Trousdale Drive, Murchison Drive, California Drive):	10 ft.			
Mixed-Use Collector Front: (Magnolia Drive) and Neighborhood Access Front (Ogden Drive, Marco Polo Way)	10 ft.			
Side – Interior: El Camino Real, Trousdale Drive, Murchison Drive, California Drive, Ogden Drive, and Marco Polo Way	10 ft.			
Side – Street	10 ft.			
Rear	15 ft. 20 ft. if abutting a lot zoned R-1 or R-2			
Edge Conditions - Minimum	R-3/R-4 upper story side setback standards (see Section 25.10.050.C.2) shall apply to property line(s) with an existing residential use on the abutting property.			
Lot Dimensions – Minimum				
Size	20,000 sq. ft.			Minimum applies to new subdivisions of land; legally established lots of smaller size may be developed consistent with the requirements of this Section 25.14.040.
Width at street frontage	150 ft.			
Lot Coverage – Maximum	80%			Lot coverage may be increased if additional, usable common open space

Table 25.14-4: NBMU Development Standards

Development Standards	Live/Work, Residential, Mixed Use and Commercial Development			Additional Regulations
	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	
				generally equivalent to the additional lot coverage (in square feet) is provided on a podium-level (non-rooftop) landscaped courtyard or plaza.
Open Space – Minimum (per residential unit)	100 sq. ft. per unit			Common open space may include common activity rooms, gyms, pools, and rooftop terraces. See Chapter 25.36.
Percent landscape coverage – Minimum	10% of entire site			See Chapter 25.36, Section 25.40.080.D, and Section 25.14.040.C.

B. Site Layout.**1. Streetscape.**

- Street frontages shall meet the standards set forth in Table 25.14-5 (NBMU Street Frontage Standards).

Table 25.14-5: NBMU Street Frontage Standards

Street Type	Frontage – Measured from Back of Curb to Building Face	
El Camino Real	Sidewalk Width	6 ft. minimum
	Amenity/Planter Width	4 ft. minimum
Mixed-Use Arterial (Trousdale Drive, Murchison Drive, California Drive)	Sidewalk Width	6 ft. minimum
	Amenity/Planter Width	4 ft. minimum
Mixed-Use Collector (Magnolia Avenue)	Sidewalk Width	5 ft. minimum
	Amenity/Planter Width	5 ft. minimum
Neighborhood Access (Ogden Drive, Marco Polo Drive)	Sidewalk Width	5 ft. minimum
	Amenity/Planter Width	5 ft. minimum
Exceptions	Exceptions to Building Frontage Standards may be granted to accommodate conflicts with recorded easements, rights-of-ways, etc.	

- Amenity/Planter Area. The required amenity/planter area (see Table 25.14-5) is additive to required sidewalk widths. The amenity/planter area shall include street trees and may also include plantings, walkways, and other amenities such as benches, bike racks, etc.

- Parking Locations. No at-grade parking shall be visible from El Camino Real.
- Service and Delivery Areas. Service and loading areas shall be screened from residential areas and integrated with the design of the building. When designing loading facilities adjacent to residential uses, techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

C. Landscaping in Front and Street Side Setbacks. Within any required front setback area or side

setback area adjacent to a public street, at least 60 percent of the required setback area shall be landscaped to provide a transition to the sidewalk.

(Ord. 2000 § 2, (2021))

§ 25.14.050. Community Benefits for Increased FAR, Density, and Height in NBMU and RRMU Zoning Districts.

A. Purpose and Applicability.

1. Purpose. 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, through a discretionary review and public hearing process, 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. 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. Applicability. A developer may elect to develop consistent with either Tier 1, Tier 2, or Tier 3 development standards. Projects using Tiers 2 or 3 standards shall include a residential component, shall provide community benefits pursuant to this section, and shall require a special permit.

B. Review Authority and Tier Requirements.

1. Planning Commission Approval of Community Benefits Bonuses. The Planning Commission ~~is shall be~~ the ~~final~~ Review Authority for an application for Tier 2 or 3 projects.
2. Tier 2 Requirements and 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 C of this section (Community Benefit Objectives).
3. Tier 3 Requirements and 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 C of this section (Community Benefit Objectives).

C. Community Benefit Objectives.

1. Pedestrian Amenities. To effectuate the goal of creating walkable and bikeable environments, the project includes improved pedestrian ways and other paths open to the public that accommodate easy movement across and between properties under separate ownership, beyond minimum requirements.
2. Public Plazas Beyond Minimum. The project includes public plaza(s) that comply with this subsection.
 - a. In RRMU, public plazas or other publicly accessible open spaces that are at least 50 percent larger than the minimum required. In NBMU, the minimum area of any public plaza shall be 2,000 square feet and shall be measured as one single open space.
 - b. 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.

- c. Each part of the public plaza shall be accessible from other parts of the open space without leaving the open space area.
- d. The public plaza shall be on the ground level and directly accessible from the sidewalk and be accessible to persons with disabilities.
- e. 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.
- f. 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.

3. Off-Site Streetscape Improvements. The project includes off-site streetscape improvements and amenities; these provisions do not include improvements along the frontage of a development site that would normally be required. Examples of amenities include:

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

4. Cultural Arts Space. The project includes space for visual arts, performing arts, artist housing, and other activities that support arts and culture.

5. Historic Preservation (Off-Site). Where no historic resources exist on a 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.

6. Near Zero Net Energy. The project provides 98 percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.

7. Net Zero Water Use. The project provides on-site and/or off-site water usage off-sets to achieve net zero water use. Water usage off-sets may include grey water systems, the retrofit of plumbing fixtures in other buildings, etc.

8. Publicly Accessible Park Space. Contribution towards the provision of public parks in the North Rollins Road area or North Burlingame Road area, as applicable. 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.

9. 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.

10. Flexible (Miscellaneous) Benefit. The applicant agrees to provide a currently undefined

community benefit approved by the Review Authority 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.

11. Public Art. The project provides funding for the maintenance or installation of public art not located on the project site or the installation and maintenance of public art in a publicly accessible space on the project site. The valuation of the public art shall equate to at least one percent of the project construction costs.
12. Additional Affordable Units. The project provides at least 15 percent low, or 10 percent very-low, or 5 percent extremely-low deed restricted affordable units beyond those required by the onsite alternative option of the Residential Impact Fee (see Code Section 25.45.070).

(Ord. 2000 § 2, (2021))

§ 25.14.060. California Drive and Broadway Mixed-Use Zoning Districts.

A. Development Standards Generally.

1. General Development Standards. The general property development standards for the CMU and BRMU zoning districts shall be as set forth in Table 25.14-6 (CMU and BRMU Development Standards).
2. Stand-Alone Residential. Notwithstanding the requirements of Table 25.14-6 (CMU and BRMU Development Standards), legally established stand-alone residential developments shall comply with the development standards for the R-1 zoning district set forth in Chapter 25.10 (Residential Zoning Districts). Single-Unit Dwellings. Legal non-conforming single-unit dwellings are not subject to Article 5 (Nonconformities) as long as they remain in conformance with the development standards for the R-1 zoning district set forth in Chapter 25.10 (Residential Zoning Districts).

Table 25.14-6: CMU And BRMU Development Standards

Development Standards	Standard		Additional Regulations
	CMU	BRMU	
Height – Maximum	35 ft.; 46 ft. with Special Permit	35 ft.; 46 ft. with Special Permit	Maximum allowed building height on California Drive south of Oak Grove Avenue is 55 ft. Architectural features exceeding maximum building height allowed with SP (See Section 25.78.050).
Density – Maximum	20 du/ac	50 du/ac	
Floor Area Ratio – Maximum	0.6	2.0	
Minimum Setbacks			
Front	--	--	
El Camino Real – Minimum Frontage, Street Side, or Rear	N/A	15 ft.	
Side – Interior	--	--	Where an application fails to comply with upper story setback requirements, upper story setbacks may be adjusted through the Design Review process based on site-specific circumstances and adjacent land uses, with the goal of achieving façade

Table 25.14-6: CMU And BRMU Development Standards

Development Standards	Standard		Additional Regulations
	CMU	BRMU	
			articulation and consideration of privacy of adjacent uses. In CMU, if adjacent to existing residential, see Edge Conditions requirement below.
Side – Street	5 ft. minimum	--	
Rear	1 st and 2 nd stories: 15 ft. 3 rd story and above: 20 ft.	1 st story: 0 ft. Upper stories: 2 nd story: 10 ft. 3 rd story and above: 15 ft.	
Edge Conditions (adjacent to existing residential uses)	1 st story: 5 ft. Upper stories: 10 ft.	--	
Lot Dimensions – Minimum			
Size	5,000 sq. ft.		
Width at Street Frontage	50 ft		
Open Space – Minimum (per residential unit)	100 sq. ft. per unit		Common open space may include common activity rooms, gyms, pools, and rooftop terraces. See Chapter 25.36.
Landscaping	See Chapter 25.36.		

B. Site Layout.

1. **Parking Locations.** Parking shall be located to the side or rear of new buildings
2. **Location of Residential Units.** In mixed-use developments, residential units shall not occupy the ground floor within the first 30 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, such as with live/work units.
3. **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.

(Ord. 2000 § 2, (2021))

§ 25.14.070. Minor Modifications.

Certain minor modifications from development standards are permitted consistent with Section 25.74.020.

(Ord. 2000 § 2, (2021))

§ 25.14.080. Design Review Required.

Design review shall be required pursuant to Chapter 25.68 (Design Review).

(Ord. 2000 § 2, (2021))

CHAPTER 25.16
**DOWNTOWN SPECIFIC PLAN ZONING DISTRICTS (BAC, HMU, MMU, BMU, DAC,
CAC, CAR)**

§ 25.16.010. Purpose and Applicability.

- A. Downtown Specific Plan Zoning Districts Purpose. The Downtown Specific Plan zoning districts are intended to implement the Downtown Specific Plan, build upon the successes of the vibrant Burlingame Avenue commercial area, and implement policies that encourage continued success of the entire Downtown area and its environs and promote land uses that will enliven the area.
- B. Burlingame Avenue Commercial Zoning District Purpose. The Burlingame Avenue Commercial (BAC) zoning district applies to the commercial and retail heart of Downtown Burlingame. The purpose of this zoning district is to encourage and maintain the current mixture of retail, personal service, and restaurant uses that keep the heart of the downtown area lively.
- C. Bayswater Mixed-Use Zoning District Purpose. The Bayswater Mixed-Use (BMU) zoning district is centered on Bayswater Avenue between El Camino Real and Park Road. Development in this zoning district shall be consistent with the existing neighborhood scale of small streets and varied commercial and residential buildings. New development shall maintain the existing pattern at a scale consistent with the adjacent residential areas to serve as a buffer between the downtown commercial district and the residential neighborhoods to the south and east.
- D. Chapin Avenue Commercial Zoning District Purpose. The Chapin Avenue Commercial (CAC) zoning district applies to properties on both sides of Chapin Avenue between Primrose Road and El Camino Real. The area is characterized by a concentration of financial institutions and real estate and other office uses.
- E. California Drive Auto Row Zoning District Purpose. The California Drive Auto Row (CAR) zoning district applies to properties along California Drive between Burlingame and Peninsula Avenues, which has long been known as Burlingame's "Auto Row." Automobile-related uses dominate in this area. Non-auto uses are allowed only where uses clearly can be identified as compatible with the area's traditional focus on automobile businesses.
- F. Donnelly Avenue Commercial Zoning District Purpose. The Donnelly Avenue Commercial (DAC) zoning district applies to properties immediately north of Burlingame Avenue and is an extension of the primary commercial area. The purpose of this zoning district is to encourage and maintain a mix of retail, personal service, and office uses. Legally established existing residential uses may remain, but new residential uses are not allowed.
- G. Howard Mixed-Use Zoning District Purpose. The Howard Mixed-Use (HMU) zoning district applies to properties south of Burlingame Avenue in Downtown Burlingame. The streets that connect Howard Avenue with Burlingame Avenue act as connectors with the commercial uses along those streets, strengthening the relationship between Burlingame and Howard Avenues. While ground floor retail represents the predominant use, housing can be established on upper levels and office uses that operate beyond a typical weekday schedule

may be permitted subject to discretionary review.

H. Myrtle Road Mixed-Use Zoning District Purpose. The Myrtle Road Mixed-Use (MMU) zoning district applies to properties centered on Myrtle Road and East Lane, east of the railroad tracks. New development shall maintain the existing pattern at a scale consistent with the adjacent residential areas, to serve as a buffer between the downtown commercial district and the residential neighborhoods to the east.

(Ord. 2000 § 2, (2021))

§ 25.16.020. Land Use Regulations.

- A. Allowed Uses. Table 25.16-1 (Downtown Zoning Districts Use Regulations) indicates the uses allowed within each downtown zoning district and any permits required to establish the use, pursuant to Article 6 (Permit Processing Procedures). Land uses are defined in Article 8 (Definitions). Uses defined in Article 8 and not listed in Table 25.16-1 are prohibited.
- B. Director Determination. Land uses are defined in Article 8 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.
- C. Specific Use Regulations. Where the last column in Table 25.16-1 (Downtown Zoning Districts Use Regulations) includes a section, subsection, or chapter number, the regulations in the referenced section, subsection, or division shall apply to the use.

Table 25.16-1: Downtown Zoning Districts Use Regulations

Table 25.16-1: Downtown Zoning Districts Use Regulations

Table 25.16-1: Downtown Zoning Districts Use Regulations

Permitted Conditional Use Permit Minor Use Permit							TUP Accessory Use -- Not Permitted	Temporary Use Permit
Land Use	BAC	BMU	CAC	CAR	DAC	HMU	MMU	Specific Use Regulations
Office – Co-Working	P	P	P	P; CUP for ground floor	P	P	P	Above and below the first floor only in BAC
Office - Medical or Dental	P	CUP	P	--	P	P	CUP	Above and below the first floor only in BAC and HMU
Office - Professional	P	P	P	P; CUP for ground floor	P	P	P	In BAC and HMU: Above and below the first floor only and behind a minimum 30-foot depth of commercial retail space on ground floor
Office - Research and Development	--	--	--	--	--	--	--	
Personal Services - General	P	P	P	MUP	P	P	P	In CAR, MUP for other than auto related. In BAC, dry cleaning requires an MUP.
Personal Services – Specialized	MUP	MUP	CUP	MUP	MUP	MUP	MUP	
Studios – Arts	P	P	P	CUP	P	P	P	
Theaters - Live	CUP	--	CUP	--	CUP	CUP	--	
Theaters - Movie or similar	--	--	--	--	--	--	--	
Educational Services								
Schools - Primary and Secondary, Private	MUP	MUP	--	--	--	MUP	--	Above or below ground floor only
Trade Schools	MUP	MUP	MUP	--	MUP	MUP	--	Above or below first floor only and operate outside of peak retail hours
Tutoring and Educational Services	P	P	P	--	P	P	P	In CAC, DAC, and HMU, accessory only to retail or service use. In BAC and BMU, above or below first floor only and operate outside of peak retail hours

Table 25.16-1: Downtown Zoning Districts Use Regulations

Land Use	BAC	BMU	CAC	CAR	DAC	HMU	MMU	Specific Use Regulations	
								TUP Temporary Use Permit	
								A Accessory Use	-- Not Permitted
Breweries, Distilleries, Wineries	--	--	--	--	--	--	--	See Section 25.48.250 (Tasting Rooms).	
Cannabis Processing, Production, or any other similar use	--	--	--	--	--	--	--		
Food Processing and Production	--	--	--	--	--	--	--		
Laboratories/Research and Development	--	--	--	--	--	--	--		
Light Industrial	--	--	--	--	--	--	--		
Personal Storage	--	--	--	--	--	--	--		
Recycling facilities									
Light processing	--	--	--	--	--	--	--		
Reverse Vending Machine(s)	--	--	--	--	--	--	--		
Small collection	--	--	--	--	--	--	--		
Vehicle Services and Repair									
Major (Major Repair/Body Work)	--	--	--	--	--	--	--		
Minor (Minor Repair/Maintenance)	--	--	--	--	--	--	--	P	Less than 6,000 sq. ft.
Vehicle Rental	--	--	--	CUP	--	--	--		Maximum of 50 vehicles; all parking must be provided on site.
Car Wash	--	--	--	--	--	--	--		
Warehousing/Logistics	--	--	--	--	--	--	--		
Wholesaling	--	--	--	--	--	--	--		
Lodging									
Extended Stay Hotels	--	--	--	--	--	--	--		
Hostels	--	--	--	--	--	--	--		
Hotels and Motels	P	--	P	CUP	P	P	--		
Mixed Uses									
Mixed Use Developments	P	P	P	P	P	P	P	With individual specific uses subject to land use regulatory requirements set forth in this table.	
Public and Quasi-Public Uses									
Assembly Facilities									
Community Assembly Facility	--	--	--	--	--	CUP	--		

Table 25.16-1: Downtown Zoning Districts Use Regulations

Land Use	BAC	BMU	CAC	CAR	DAC	HMU	MMU	Specific Use Regulations	
								TUP Temporary Use Permit	A Accessory Use
Religious Assembly Facility	--	CUP	--	--	--	CUP	--	Incidental uses such as instruction and temporary homeless shelters allowed.	-- Not Permitted
Community Open Space	P	P	P	P	P	P	P		
Emergency Shelters – Permanent	--	--	--	--	--	--	--	See 25.48.100 (Emergency Shelters - Permanent) See 25.48.110 (Emergency Shelters - Temporary)	
Emergency Shelters – Temporary	--	CUP	--	--	--	--	--		
Government Buildings and Facilities	P	P	P	P	P	P	P		
Hospitals	--	--	--	--	--	--	--		
Low Barrier Navigation Center	--	P	--	P	--	P	P	Above first floor only. See Section 26.48.170	
Medical Clinics	CUP	CUP	P	--	P	P	CUP	In BAC, above and below ground floor only	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P		
Residential Uses									
Communal Housing	--	CUP	--	CUP	--	CUP	CUP		
Elderly and Long-Term Care	--	CUP	--	--	--	CUP	CUP		
Family Day Care - Small	--	P	--	P	--	P	P		
Family Day Care - Large	--	P	--	P	--	P	P		
Live/Work	--	P	--	P	--	P	CUP	Average maximum unit size shall be 1,250 sq. ft. Above first floor only in CAR, DAC and HMU zones. In the DAC zone, residential uses are permitted only on north side of Donnelly Ave. and on parcels that have sole frontage on Donnelly Ave.	

Table 25.16-1: Downtown Zoning Districts Use Regulations

Land Use	BAC	BMU	CAC	CAR	DAC	HMU	MMU	Specific Use Regulations	
								TUP Temporary Use Permit	
								A Accessory Use	-- Not Permitted
Multi-Unit Dwellings	--	P	--	P	P	P	P		
Residential Care									
Limited	--	P	--	P	P	P	P	Section 25.48.220	
General	--	CUP	--	CUP	--	CUP	CUP	Section 25.48.220	
Senior	--	CUP	--	CUP	--	CUP	CUP	Section 25.48.220	
Supportive and Transitional Housing	--	P	--	P	P	P	P	See Section 25.48.240	
Transportation, Communication, and Infrastructure Uses									
Air Courier, Terminal, and Freight, Services	--	--	--	--	--	--	--		
Park and Fly, Accessory	--	--	--	--	--	--	--		
Park and Fly, Primary Use	--	--	--	--	--	--	--		
Parking Facility, Accessory Use	P	P	P	P	P	P	P		
Parking Facility, Primary Use	MUP	MUP	MUP	MUP	MUP	MUP	MUP		
Transit Facilities	--	--	--	--	--	--	--		
Utility Structures and Service Facilities, Small	MUP	MUP	MUP	MUP	MUP	MUP	MUP		
Utility Structures and Service Facilities, Large	--	--	--	--	--	--	--		
Vehicle Storage	--	--	--	--	--	--	--		
Wireless Telecommunication Facilities	See Section 25.48.300								
Specific and Temporary Uses									
Adult Business Uses	--	--	--	--	--	--	--		
Donation Box – Outdoor	--	--	--	--	--	--	--		
Drive-Through or Drive-Up Facilities	--	--	--A	--	--	--	--	Only when associated with permitted use	
Outdoor Storage	--	--	--	--	--	--	--		
Outdoor Temporary and/or Seasonal Sales	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 25.48.190	
Temporary Uses	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See Section 25.48.260	
Urban Agriculture	P	P	P	P	P	P	P	See Section 25.46.290	

§ 25.16.030. Development Standards.

Development projects in Downtown zoning districts shall comply with the development standards set forth in Table 25.16-2 (Development Standards for Downtown Zoning Districts) and Table 3-2 (Development Standards) of the Downtown Specific Plan.

Table 25.16-2: Development Standards for Downtown Zoning Districts

Development Standards	BAC	BMU	CAC	CAR	DAC	HMU	MMU	Additional Regulations
Height – Maximum	35 ft. (55 ft. with SP)	35 ft. (55 ft. with SP)	35 ft. (55 ft. with SP)	35 ft. (55 ft. with SP)	35 ft. (55 ft. with SP)	55 ft.	35 ft. (45 ft. with SP)	Architectural features exceeding maximum building height allowed with SP (See Section 25.78.050).
Density – Maximum	--	--	--	--	--	--	--	
Floor Area Ratio – Maximum	--	--	--	--	--	--	--	
Ground Floor Ceiling Height – Minimum	1 <u>52</u> ft.	--	1 <u>52</u> ft.	1 <u>52</u> ft.	1 <u>52</u> ft.	1 <u>52</u> ft.	--	
Minimum Setbacks								
Front Setback <u>Minimum</u>	--	10 ft.	--	--	--	--	10 ft	
El Camino Real – Minimum Frontage, Street Side, or Rear	10 ft.	20 ft.	10 ft.	N/A	N/A	10 ft.	N/A	
Side-Interior	--	--	--	--	--	--	--	
Side-Street	--	--	10 ft.	--	--	--	10 ft.	
Rear	--	20 ft.	1 st story: 0 ft. Upper stories: 20 ft.	1 st story: 0 ft. Upper stories: 20 ft.	1 st story: 0 ft. Upper stories: 20 ft.	1 st story: 0 ft. Upper stories: 20 ft.	20 ft.	In BMU, CAC, CAR, DAC and HMU Districts, rear setback requirement shall apply only when there is an existing residential use on the abutting rear property line.

Table 25.16-2: Development Standards for Downtown Zoning Districts

Development Standards	BAC	BMU	CAC	CAR	DAC	HMU	MMU	Additional Regulations
Edge Conditions	R-3/R-4 upper story side setback standards (see Section 25.10.05 50.C.2) shall apply to property line(s) with an existing residential use on the abutting property.							Does not apply to the BAC zone
Lot Coverage – Maximum	--	75%	--	--	--	--	75%	
Lot Dimensions – Minimum								
Size	5,000 sq. ft.							
Width at street frontage	50 ft.							
Open Space – Minimum (per residential unit in multifamily, mixed use, or live/work)	--	100 sq. ft. per unit	--	100 sq. ft. per unit	Common open space may include common activity rooms, gyms, pools, and rooftop terraces.			
Minimum Landscaping	--	10% of front setback	--	--	--	--	10% of front setback	See Chapter 25.36

§ 25.16.040. Additional Regulations.

- A. Design Standards. See the Downtown Specific Plan for design standards, guidelines, and additional regulations.
- B. Food Establishments in BAC. All food establishments in the BAC zoning district shall comply with the following:
 - 1. Provide trash receptacle(s) at location(s) and of a design selected by the City.
 - 2. Provide litter control along all frontages of the business and within 50 feet of all frontages of the business.
- C. Minor Modifications. Certain minor modifications from development standards are permitted consistent with Section 25.74.020.

(Ord. 2000 § 2, (2021))

CHAPTER 25.18
PUBLIC/INSTITUTIONAL, PARKS AND RECREATION, AND TIDAL PLAN/BAY
ZONING DISTRICTS (P-I, P-R, TPB)

§ 25.18.010. Purpose and Applicability.

- A. Public and Open Space Zoning Districts Purpose. These zoning districts are established to provide areas designated for public facilities, parks and open spaces, and baylands in the City.
- B. Public/Institutional Zoning District Purpose. The Public/Institutional (PI) zoning district is intended to accommodate public, semi-public, and institutional uses, including, but not limited to, government buildings, educational and cultural facilities, health care uses and hospitals, unique private institutional uses, utilities infrastructure and easements, and rail corridors, lines, and ancillary uses including commuter parking areas. Expansion or development of such facilities should be sensitive to the surrounding uses, particularly when development is adjacent to residential neighborhoods. This zoning district implements the General Plan Public/Institutional designation.
- C. Parks and Recreation Zoning District Purpose. The Parks and Recreation (PR) zoning district is intended to provide areas for regional parks, community and neighborhood parks, and special use facilities such as community centers, golf courses, and trails that accommodate active recreation activities. This zoning district implements the General Plan Parks and Recreation designation.
- D. Tidal Plain/Bay Zoning District Purpose. The Tidal Plain/Bay (TPB) zoning district is intended to regulate areas within the waters in the San Francisco Bay and other waters subject to bay tidal influences. The TPB zoning district provides for open space; proper treatment of storm and sanitary drainage; and to prevent structures of such height as may create hazards to air transportation and otherwise to guard the health, safety and general welfare of the people. No development is permitted except as authorized by State law.

(Ord. 2000 § 2, (2021))

§ 25.18.020. Land Use Regulations.

- A. Allowed Uses. Table 25.18-1 (Public/Institutional, Parks and Recreation, and Tidal Plan/Bay Zoning Districts Use Regulations) indicates the uses allowed within each residential zoning district and any permits required to establish the use, pursuant to Article 6 (Permit Processing Procedures). Uses defined in Article 8 (Definitions) and not listed in Table 25.18-1 are prohibited.
- B. Director Determination. Land uses are defined in Article 8 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.
- C. Specific Use Regulations. Where the last column in Table 25.18-1 (Public/Institutional, Parks and Recreation, and Tidal Plan/Bay Zoning Districts Use Regulations) includes a section, subsection, or chapter number, the regulations in the referenced section, subsection,

or division shall apply to the use.

Table 25.18-1 Public/Institutional, Parks and Recreation, and Tidal Plan/Bay Zoning Districts Use Regulations

				P Permitted CUP Conditional Use Permit MUP Minor Use Permit	TUP Temporary Use Permit A Accessory Use -- Not Permitted
Land Use	PI	PR	TPB	Specific Use Regulations	
Public and Quasi-Public					
Government Facilities	P	--	--		
Hospitals	CUP	--	--		
Medical Clinics	CUP	--	--		
Office - Professional	P	--	--	Limited to offices of government agencies only. CUP if a non-governmental agency.	
Park and Recreation Facilities, Public	P	P	P		
Open Space and Conservation Uses	P	P	P		
Schools, Public	P	--	--		
Schools, Private	CUP	--	--		
Other Uses					
Rail and Public Transit Facilities	P	--	--		
Parking Facility, Accessory Use	A	A	A		
Parking Facility, Primary Use	P	P	--		
Urban Agriculture	P	P	P	See Section 25.48.290	
Utility Structures and Service Facilities	P	P	CUP	Allowed only on City-owned properties and public rights-of-way.	
Vehicle Storage	P	P	--	Allowed only if property is owned by a governmental entity and leased to a third party.	
Wireless Communication Facilities	See Section 25.48.300				

(Ord. 2000 § 2, (2021))

§ 25.18.030. Development Standards.

Development in these zoning districts is generally under the purview of a governmental agency or quasi-public organization. Generally, development standards are determined on a case-by-case basis as part of the public review process by that governmental agency or as part of the conditional use permit process.

Table 25.18-2: Public/Institutional, Parks and Recreation, and Tidal Plan/Bay Zoning Districts Development Standards

Development Standard	PI	PR	Additional Regulations
Building Height – Maximum	35 ft.	N/A	

Setbacks			Deviations to the development standards may be approved as part of conditional use permit.
Front	20 ft.	N/A	
Interior Side and Rear	20 ft.	N/A	
Corner Lot – Street Side	20 ft.	N/A	
Floor Area Ratio – Maximum			
Government, education, cultural facilities	1.5	N/A	
Hospitals	3.0	N/A	

(Ord. 2000 § 2, (2021))

§ 25.18.040. Additional Regulations—Setbacks and Public Access from San Francisco Bay and its Estuaries.

- A. Setback. Public access shall be maintained and developed based on the City-adopted and Bay Conservation and Development Commission-approved public access guidelines for Burlingame based on the applicable water frontage as follows:
 - 1. On San Francisco Bay. An average setback of 75 feet of the lot (or as may otherwise be required by the Bay Conservation and Development Commission) as measured from the shoreline as defined by the Bay Conservation and Development Commission; in no case shall the area as measured from the top of bank be less than the minimum width for the Bay Trail as required by the Bay Conservation and Development Commission; and
 - 2. On Anza Lagoon, Sanchez Channel, and Burlingame Lagoon. An average setback of 65 feet (or as otherwise may be required by the Bay Conservation and Development Commission) as measured from the shoreline as defined by the Bay Conservation and Development Commission; in no case shall the area as measured from the top of bank be less than the minimum width for the Bay Trail as required by the Bay Conservation and Development Commission.
- B. Maintenance. All areas improved for public access within the jurisdiction of the Bay Conservation and Development Commission shall be maintained by the property owner and shall be available to the public in perpetuity as determined by the Bay Conservation and Development Commission.

(Ord. 2000 § 2, (2021))

CHAPTER 25.20 OVERLAY ZONING DISTRICTS

§ 25.20.005. Purpose and Applicability.

- A. Purpose. This chapter regulates new and existing structures and land uses in the overlay zoning districts established by Section 25.06.010 (Establishment of Zoning Districts). The provisions of this chapter provide guidance for development in addition to the standards and regulations of the base zoning districts, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.
- B. Applicability. In the event of any perceived conflict between the provisions of this chapter and any other provision of these Zoning Regulations, the regulations of this chapter shall control.

(Ord. 2000 § 2, (2021))

§ 25.20.010. Anita Road Overlay (AR).

- A. Purpose and Applicability. The purpose of the Anita Road Overlay is to provide a transition and buffer between the downtown commercial area and Myrtle Road mixed use area to the west and the single-family neighborhood to the east.
- B. Height – Special Requirements.
 - 1. Maximum Height. Buildings over 35 feet in height and not more than 45 feet in height shall require a special permit. No building shall be constructed in the Anita Road Overlay that exceeds 45 feet in height.
 - 2. Special Permit Findings. See Section 25.78.040.
- C. Rear Setback – Special Requirements. There shall be a minimum rear setback of 20 feet.
- D. Corner Store Retail. Limited corner store retail as defined in Article 8 (Definitions) and subject to standards in Section 25.48.160 (Limited Corner Store Retail) may be allowed with a conditional use permit in the Anita Road Overlay.

(Ord. 2000 § 2, (2021))

§ 25.20.020. Commercial Residential Overlay (CR) for California Drive/Edgehill Drive.

- A. Purpose. The Commercial Residential Overlay is located within the California Drive Mixed-Use (CMU) zoning district. The purpose of this overlay district is to encourage mixed residential and commercial land uses with pedestrian oriented retail uses compatible with adjacent residential uses, recognizing the unique nature of the Edgehill Drive interface.
- B. Allowed Uses. Allowed uses for CMU shall not apply in the CR Overlay. Table 25.20-1 (CR Overlay Zoning District Use Regulations) indicates the uses allowed within the overlay zoning district and any permits required to establish the use, pursuant to Article 6 (Permit Processing Procedures). Uses defined in Article 8 (Definitions) and not listed in Table 25.20-1 are prohibited.

1. Director Determination. Land uses are defined in Article 8 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses listed in the table are prohibited.
2. Specific Use Regulations. Where the last column in Table 25.20-1 (CR Overlay Zoning District Use Regulations) includes a section, subsection, or chapter number, the regulations in the referenced section, subsection, or division shall apply to the use.

Table 25.20-1 CR Overlay Zoning District Use Regulations

Land Use	CR Overlay	Specific Use Regulations
Commercial – Retail		
Retail Sales – General	P	--
Commercial – Services and Recreation		
Animal Care Services – Grooming	P	--
Personal Services – General	P	Massage services not permitted.
Studios – Arts	P	
Educational Services		
Tutoring and Educational Services	P	
Mixed Uses		
Mixed Use Developments	P	With individual specific uses subject to land use regulatory requirements set forth in this table.
Residential Uses		
Communal Housing	P	
Live/Work	P	
Multi-Unit Dwellings	P	
Residential Care Facilities – Limited	P	
Supportive and Transitional Housing	PSee Section 25.48.240	See Section 25.48.240

C. Development Standard.

1. Height – Special Requirements.
 - a. Maximum Height. The maximum height of all buildings shall be 30 feet as measured from top of curb at Edgehill Drive. Buildings over 30 feet in height and not more than 36 feet in height shall require a special permit.
 - b. Special Permit Findings. See Section 25.78.050.B.1.
2. Residential Uses. Residential uses shall conform to the requirements of the CMU zoning district with the following exceptions:

- a. Maximum Number. The maximum number of residential units per lot shall be two, except where the only use on the lot is residential, then a maximum of three dwelling units shall be allowed; if two or more parcels are combined the maximum number of residential units shall be two per original lot plus commercial or three per original lot if the only use of the combined lots is residential;
- b. Access. The front pedestrian entrance and vehicular driveway access for parking shall be from Edgehill Drive; and
- c. Setback Exceptions. Residential development built over commercial use shall be allowed to extend to the side and rear property lines so long as the residential use does not cover more than 70 percent of the lot including that portion of the residential area over commercial use; this shall not include exterior decks open to the sky.

3. Commercial Uses. Commercial uses shall conform to the requirements of the CMU zoning district with the following exceptions:
 - a. Front on California Drive. All commercial uses shall front only on California Drive with no vehicular access onto Edgehill Drive;
 - b. Maximum Depth and Lot Coverage. Structures or portions of structures housing commercial uses shall have a maximum depth of 30 feet from the property line parallel to California Drive and shall cover no more than 33 percent of the lot or combined lots; and
 - c. Parking. On-site parking shall not be required for single story commercial development fronting on California Drive except that second story commercial uses shall require on-site parking accessible from California Drive consistent with the requirements of Chapter 25.40 (Parking Regulations).

(Ord. 2000 § 2, (2021))

§ 25.20.030. Downtown Parking Sector Overlay.

See Section 25.40.030.C (Special Requirements for Downtown Specific Plan).

(Ord. 2000 § 2, (2021))

§ 25.20.040. Hillside Overlay (H).

- A. Purpose and Applicability. The Hillside Overlay Zone applies to all construction of structures in the designated hillside area, as identified in Article 6 (Permit Processing Procedures). The Director may require a survey and slope analysis to determine whether the provisions of this chapter apply to a specific property or development. The purpose of this zone is to:
 1. Protect public health and safety by minimizing hazards, including soil erosion and fire danger associated with development on hillsides;
 2. Preserve and enhance the City's scenic character, including its natural hillsides and views of San Francisco Bay;
 3. Respect natural features in the design and construction of hillside development; and
 4. Design hillside development to be sensitive to existing terrain, distant views, and significant natural landforms and features.

- B. View Preservation. Hillside development shall be designed to preserve existing distant views. View preservation shall be limited to obstruction of distant views to San Francisco Bay, the San Francisco Airport, and Mills Canyon from primary indoor living areas. Primary indoor living areas include (living rooms, dining rooms, and family rooms), and exclude kitchens, bathrooms, dens, stairwells and entryways.
- C. General Site Planning. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site and shall preserve existing landforms to the maximum extent feasible, as determined by the Planning Commission. Siting structures in the least prominent locations is especially important on open hillsides where the high visibility of construction is to be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.
- D. Grading. Grading and excavations shall result in the minimal disturbance feasible to the terrain and natural land features. Cuts and fills shall not exceed the standards outlined in Chapter 18.20 (Grading, Excavation, Fills). Existing trees and native vegetation shall be retained to the extent possible to stabilize hillsides, reduce erosion, and preserve the natural scenic beauty of the area.
- E. Driveway Slopes. See Section 25.40.070.C (Driveways).
- F. Reduced Setbacks for Parking. To reduce grading, the Planning Commission may approve a special permit for reduced setbacks for garages and carports if the finding is made that the character of the neighborhood is maintained.
- G. Retaining Walls. Large retaining walls in a uniform plane shall be avoided. Retaining walls shall be divided into terraces with variations in plane and include landscaping to break up the length of walls and to screen them from view. No retaining wall located in the front or rear yard area shall be higher than six feet and must incorporate a three-foot recessed offset feature every 30 feet or other methods of articulation acceptable to the Review Authority. Exceptions to these standards may be approved by the Planning Commission with issuance of a special permit.
- H. Mechanical Equipment. Mechanical equipment under stilt-type structures shall be screened from view with landscaping and/or screen walls.
- I. Landscaping. Special landscaping consideration shall be given in hillside areas to screen retaining walls, accessory structures, and buildings visible from a downslope. Deep-rooted plants for slope stabilization should be used for cut and fill slopes.

(Ord. 2000 § 2, (2021))

§ 25.20.050. Multi-Unit Residential Overlay (MUR).

- A. Purpose. The Multi-Unit Residential Overlay is established to provide options for development of multi-unit residential uses on properties that historically have supported commercial uses but which, due to evolving consumer preferences and practices, may no longer be able to attract viable retail or service users. The Multi-Unit Residential Overlay requires compatibility with surrounding land uses, property access, and availability of services.
- B. Permitted Uses. Multi-unit residential uses are permitted in this overlay district. Other uses

consistent with the underlying zoning district are also permitted.

C. Development Standards. Multi-unit residential developments shall comply with the development standards for the R-3 zoning district set forth in Chapter 25.10 (Residential Zoning Districts).

(Ord. 2000 § 2, (2021))

§ 25.20.060. R-4 Incentive Overlay (R-4-I).

A. Purpose. The R-4 Incentive Overlay is located within the Burlingame Downtown Specific Plan Area (refer to Figure 3.2 of the Downtown Specific Plan) located south of Howard Avenue between Highland Avenue and Park Road. The purpose is to provide an incentive for high density residential uses within this area.

B. Height – Special Requirements.

1. Maximum Height. Buildings or structures up to 55 feet in height are allowed by right within this overlay. A special permit is required for any building or structure which is more than 55 feet in height.
2. Special Permit Findings. See Section 25.78.040.

C. Corner Store Retail. Limited corner store retail as defined in Article 8 (Definitions) and subject to standards in Section 25.48.160 (Limited Corner Store Retail) may be allowed with a conditional use permit in the R-4 Incentive Overlay.

(Ord. 2000 § 2, (2021))

§ 25.20.070. Rollins Road Residential (RRR) Overlay.

A. Purpose. The Rollins Road Residential Overlay is intended to provide design sensitivity, a more livable environment for reuse and new development, and an appropriate transition between the existing freeway and intercommunity arterial for the R-3 properties within this overlay zone and the adjacent established single-family residential area.

B. Height Special Requirements.

1. Maximum Height. Buildings or structures shall not exceed 30 feet in height. Buildings and structures up to 36 feet in height may be allowed with approval of a special permit. In no case shall buildings or structures exceed two stories.
2. Special Permit Findings. See Section 25.78.040.

C. Setback Special Requirement. Minimum front setback shall be 10 feet or the average of the block, whichever is greater.

D. Common Open Space. Minimum required common open space shall be 100 square feet per unit with a minimum dimension of 15 feet. A minimum of 25 percent of the common open space shall be soft landscaping.

E. Private Open Space. No private open space is required.

(Ord. 2000 § 2, (2021))

§ 25.20.080. Two-Unit Residential Overlay (R-1-2).

A. Purpose. The purpose of this section is to regulate two-unit residential development in

compliance with California Government Code Sections 66452.6, 65852.21 and 66411.7 to allow two detached or attached housing units on one parcel, and ancillary uses and structures. A proposed two-unit housing development shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the requirements in this section.

B. **Applicability.** The Two-Unit Residential Overlay shall apply to properties within the Low Density Residential Zoning District (R-1) and Medium Density Residential Zoning District (R-2), with the following exceptions:

1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
3. Housing that has been occupied by a tenant in the last three years.
4. A parcel on which an owner of residential real property has exercised the owner's rights under Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
5. The parcel is within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

C. **Permitted Uses.**

1. Single-unit dwellings and two-unit dwellings are allowed as a permitted use.
2. Home occupations are allowed as an accessory use.
3. Accessory dwelling units and junior accessory dwelling units, except for lot splits as set forth in Section 25.20.080.E.
4. Short-term rentals rented for a period of 30 days or less are not permitted.

D. **Development Standards.** Residential developments shall comply with the development standards for the R-1 zoning district set forth in Chapter 25.10 (Residential Zoning Districts) and Table 25.10-1 with the following exceptions:

1. **Number and Size.** In no instances shall the application of development standards for the R-1 zoning district set forth in Chapter 25.10 preclude construction of up to two units, or that would physically preclude either of the two units being at least 800 square feet in floor area.
2. **Maximum Height.** Buildings or structures shall not exceed 30 feet in height. Within the rear 20 feet of a parcel, buildings or structures shall not exceed 10 feet, or 15 feet when the roof is pitched from ridge to plate on at least two sides, and the ridge is no closer than four feet to a side or rear property line.
3. **Side and Rear Setbacks.** Per Table 25.10-2, but no more than four feet required. Notwithstanding, no setback shall be required for an existing structure or a structure

constructed in the same location and to the same dimensions as an existing structure.

4. Off-Street Parking. One space per unit (may be covered or uncovered), with the exception that no parking is required if the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or if the parcel is located within one block of a car share facility. In no instances shall parking be allowed in the required front setback.
- E. Lot Splits. A parcel map for an urban lot split shall be allowed with ministerial review per the requirements in this section.
 1. Parcel Map. A parcel map for an urban lot split shall be allowed with ministerial review if the parcel map for the lot split meets all the following requirements:
 - a. The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
 - b. Both newly created parcels are no smaller than 1,200 square feet.
 - c. Both parcels resulting from the urban lot split have access to, provide access to, or adjoin the public right-of-way through right-of-way frontage or recorded access easements.
 - d. The parcel has not been established through prior exercise of an urban lot split as provided for in this section.
 - e. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.
 - f. The urban lot split conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.
f.g. The existing parcel is not vacant.
 2. Development Standards. Development standards for each new parcel resulting from an urban lot split shall conform to Section 25.20.080.D. Development standards shall be applied to each new parcel individually.
 3. Number of Units. No more than two residential units shall be allowed on a parcel created through the exercise of the authority contained within this section.
 4. Accessory Dwelling Units. Accessory dwelling units and junior accessory dwelling units shall not be permitted on parcels resulting from an urban lot split created under the authority contained within this section.
 5. Nonconforming Zoning Conditions. Correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a parcel map application for the creation of an urban lot split.
 6. Residency Requirement. An applicant for an urban lot split shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence

for a minimum of three years from the date of the approval of the urban lot split. This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(Ord. 2000 § 2, (2021))

CHAPTER 25.22 SPECIFIC PLAN ZONING DISTRICTS (SP)

§ 25.22.010. Purpose.

The Specific Plan (SP) zone is established to implement Sections 65450 through 65457 of the California Government Code. As provided for in the Government Code, a Specific Plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation. A Specific Plan may be adopted for any property or group of properties meeting the criteria set forth in this chapter and Chapter 25.78 (Specific Plans). The Specific Plan zone shall apply to all properties lying within the bounds of a specific plan that has been adopted by resolution or ordinance of the Council.

(Ord. 2000 § 2, (2021))

§ 25.22.020. Effect of Specific Plan Zoning District.

Once adopted, a specific plan shall govern all use and development of properties within the bounds of that specific plan. Where a specific plan is silent with regard to particular development standards, the provisions of this title shall govern.

(Ord. 2000 § 2, (2021))

§ 25.22.030. Required Contents of a Specific Plan.

The required contents of a specific plan shall be as set forth in Government Code Section 65450 et seq.

(Ord. 2000 § 2, (2021))

§ 25.22.040. Land Use and Development Standards.

Each adopted specific plan establishes the land use regulations and development standards applicable to the properties within the specific plan. To the extent that any development standard is not provided by an individual specific plan, such standard shall be in accordance with the provisions of the zone in this division that most closely resembles the zone in the specific plan.

(Ord. 2000 § 2, (2021))

CHAPTER 25.24
COMPREHENSIVE AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY

§ 25.24.010. Purpose.

Development must comply with Safety Compatibility Policies SP-1 through SP-3 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP) including Noise/Land Use Compatibility and Safety Compatibility Criteria listed in Tables IV-1 and IV-2 of the ALUCP. Some uses may be incompatible in certain safety zones. Refer to ALUCP Exhibit IV-9 for a map of the safety compatibility zones.
(Ord. 2000 § 2, (2021))

§ 25.24.020. Airport Disclosure Notices.

All new development is required to comply with the real estate disclosure requirements of State law. The following statement must be included in the notice of intention to offer the property for sale:

"Notice of Airport in Vicinity

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

(Ord. 2000 § 2, (2021))

§ 25.24.030. Airport Noise Evaluation and Mitigation.

Project applicants shall be required to evaluate potential airport noise impacts if the project is located within the 65 CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects shall be required to mitigate impacts to comply with the interior (CNEL 45 dB or lower, unless otherwise stated) and exterior noise standards established by the Airport Land Use Compatibility Plan or Burlingame General Plan, whichever is more restrictive.
(Ord. 2000 § 2, (2021))

§ 25.24.040. Avigation Easement.

Any action that would either permit or result in the development or construction of a land use considered to be conditionally compatible with aircraft noise of CNEL 65 dB or greater (as mapped in the Airport Land Use Compatibility Plan) shall include the grant of an avigation easement to the City and County of San Francisco prior to issuance of a building permit(s) for any proposed buildings or structures, consistent with Airport Land Use Compatibility Plan Policy NP-3 Grant of Avigation Easement.
(Ord. 2000 § 2, (2021))

§ 25.24.050. Other Flight Hazards.

Within Airport Influence Area (AIA) B, certain land use characteristics are recognized as hazards to air navigation and, per SFO ALUCP Policy AP-4, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:

- A. Sources of glare, such as highly reflective buildings, building features, or bright lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight.
- B. Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting.
- C. Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of an aircraft in flight.
- D. Sources of electrical/electronic interference with aircraft communications/navigation equipment.
- E. Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including, but not limited to, FAA Order 5200.5A, Waste Disposal Site On or Near Airports and FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports and any successor or replacement orders or advisory circulars.

(Ord. 2000 § 2, (2021))