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# CITY OF BURLINGAME PLANNING COMMISSION STAFF REPORT

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<b>Agenda Item: 7b</b>	<b>Hearing Date: May 26, 2026</b>
Project No.	ZOA26-0001
Staff	Neda Zayer, Community Development Director Joseph Sanfilippo, Economic Development and Housing Specialist Catherine Keylon, Senior Planner

## PROJECT DESCRIPTION

Consideration of Amendments to Title 25 (Zoning) of the Burlingame Municipal Code, the Zoning Map, the General Plan, the Downtown Specific Plan and the North Rollins Specific Plan to create Transit Oriented Development Overlay Zones within one-quarter mile radius of the Millbrae BART/Caltrain Station and Downtown Burlingame Caltrain Station in order to comply with Senate Bill 79 by creating a transit-oriented development local alternative plan (TODAP).

## RECOMMENDATION

That the Planning Commission by resolutions, recommend the City Council:

1. Amend Title 25 (Zoning) of the Burlingame Municipal Code and the Zoning Map; CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15378, 15061(b)(3).
2. Amend the General Plan, Downtown Specific Plan and North Rollins Specific Plan; CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15378, 15061(b)(3).

## BACKGROUND

On October 10, 2025, Governor Newsom signed Senate Bill 79 (SB 79), known as the “Abundant and Affordable Homes Near Transit Act” which becomes effective on July 1, 2026 (California Government Code §65912.155 through §65912.162). SB 79 would supersede locally adopted standards for density, Floor Area Ratio (FAR), and height for housing projects proposed on parcels zoned for residential, mixed use, or commercial uses located within one-quarter mile of a qualifying transit stop in jurisdictions with populations less than 35,000. The highest and most permissive development standards apply to properties located within 200 feet of a pedestrian access point of a qualifying transit stop. These development standards decrease for properties located between 200 feet of the transit stop and one-quarter mile from the transit stop.

The City of Burlingame has two qualifying transit stops subject to the bill’s Tier 1 development standards:

- Downtown Burlingame Caltrain station
- Millbrae BART/Caltrain station

The Broadway Caltrain station does not qualify as a transit stop given the current frequency of service.

## SB 79 Requirements

The following two tables provide the SB 79 provisions that apply to Burlingame’s two qualifying transit stops. Projects proposing to utilize SB 79 must meet the following eligibility requirements (Table 1) defined in Government Code § 65589.5 to be eligible for the corresponding development standards (Table 2).

**Table 1: SB 79 Eligibility Requirements**

Number of units	Minimum of five dwelling units.
Density	Minimum density that at least 30 dwelling units per acre
Project type	<ul style="list-style-type: none"> <li>• Residential only</li> <li>• Mixed use residential if:                             <ul style="list-style-type: none"> <li>○ At least 2/3 of the new or converted square footage is residential uses;</li> <li>○ At least 50% of the new or converted square footage is residential uses and the project includes at least 500 new residential units;</li> <li>○ At least 50% of the new or converted square footage is residential uses and the project involves the demolition or conversion of at least 100,000 square feet of nonresidential uses, and the project demolishes at least 50% of the existing nonresidential uses on the site;</li> </ul> </li> <li>• Farmworker housing as defined in Health and Safety Code §50199.7(h); or</li> <li>• Transitional or supportive housing</li> </ul>
Disqualified project types	May not include hotels, motels, bed and breakfast inn, or other transient lodging
Affordability requirement	<p>If the project includes more than 10 units, must include at least one of the following percentages of affordable units:</p> <ul style="list-style-type: none"> <li>• 7% extremely low-income units</li> <li>• 10% very low-income units; or</li> <li>• 13% low-income units</li> </ul> <p>The City's inclusionary housing ordinance requires a greater number of affordable units for projects with more than 5 units and at deeper subsidy levels. Under SB 79, a local inclusionary ordinance that requires a higher percentage of affordable units or a deeper level of affordability applies instead of the SB 79 requirements.</p>
Labor standards	For projects over 85 feet in height, the project must meet the labor standards of paragraph 8 of subdivision (a) of Government Code §65913.4, subparagraphs (A)-(D), (F) and (G)

**Table 2: SB 79 Tier 1 Development Standards**

	Within 1/4-mile	Within 200'
Height	75'	95'
Density	120 du/ac	160 du/ac
Residential FAR	3.5	4.5

Under the regulations of SB 79, cities and counties may choose to:

1. Exempt areas from the law that meet certain parameters;

2. Temporarily exclude specific sites until the 7th Housing Element Cycle; or
3. Adopt a locally developed Transit Oriented Development Alternative Plan (TODAP) that provides equivalent overall housing capacity.

Any such local action must be submitted to the California Department of Housing and Community Development (HCD) at least 14 days before adoption and a final version of a TODAP must be submitted to HCD within 60 days after enactment. HCD has up to 90 days (with one optional 30-day extension) to determine if the TODAP complies with SB 79.

Staff brought this topic to the City Council for discussion and direction at the March 16, 2026 meeting. City Council directed staff to prepare an alternative plan to Senate Bill 79 prior to its effective date of July 1, 2026.

### **Transit Oriented Development Alternative Plan (TODAP)**

The following requirements must be met in the development of a TODAP:

1. The plan must maintain at least the same total net zoned capacity, in terms of both total units and residential floor area, as provided for in SB 79 across all TOD zones within the jurisdiction.
  - Net zoned capacity in units shall be measured by subtracting the current number of units in the area from the number allowed by the applicable development standards.
  - Net zoned capacity in floor area shall be measured by subtracting the current developed floor area in the area from the amount allowed by the applicable development standards.
2. The plan cannot reduce the maximum allowed density for any individual site by more than 50% below that permitted under SB 79.
3. The plan cannot reduce the capacity in any TOD zone in total units or residential FAR by more than 50%.
4. A site's maximum capacity counted toward the plan cannot exceed 200% of the maximum density established under SB 79.
5. Any site excluded from the minimum density requirements due to the presence of a historic resource designated on a local register will not be counted toward the plan's capacity.
6. Calculations regarding capacity, density, and FAR shall include capacity, density, or FAR available under voluntary local housing incentive programs.

To fulfill requirement #1 above, Staff calculated and used "gross" versus "net" total number of units to determine the zoned capacity the TODAP must plan for across the two TOD areas, since gross calculations are inherently higher than net.

The gross zoned capacity was calculated using the requirement of 160 du/ac for parcels within 200 feet of the transit stops and 120 du/ac for the parcels within one-quarter mile of the transit stops multiplied by the total gross square footage of the parcels within TOD areas. Sites zoned PR (Parks and Recreation) and P/I (Public and Institutional) were exempted as allowed by SB79.

Given this, the TODAP must plan for at least 16,317 units.

### **DISCUSSION**

The TODAP approach is to create two new zoning overlays to encompass the two TOD areas within the City of Burlingame:

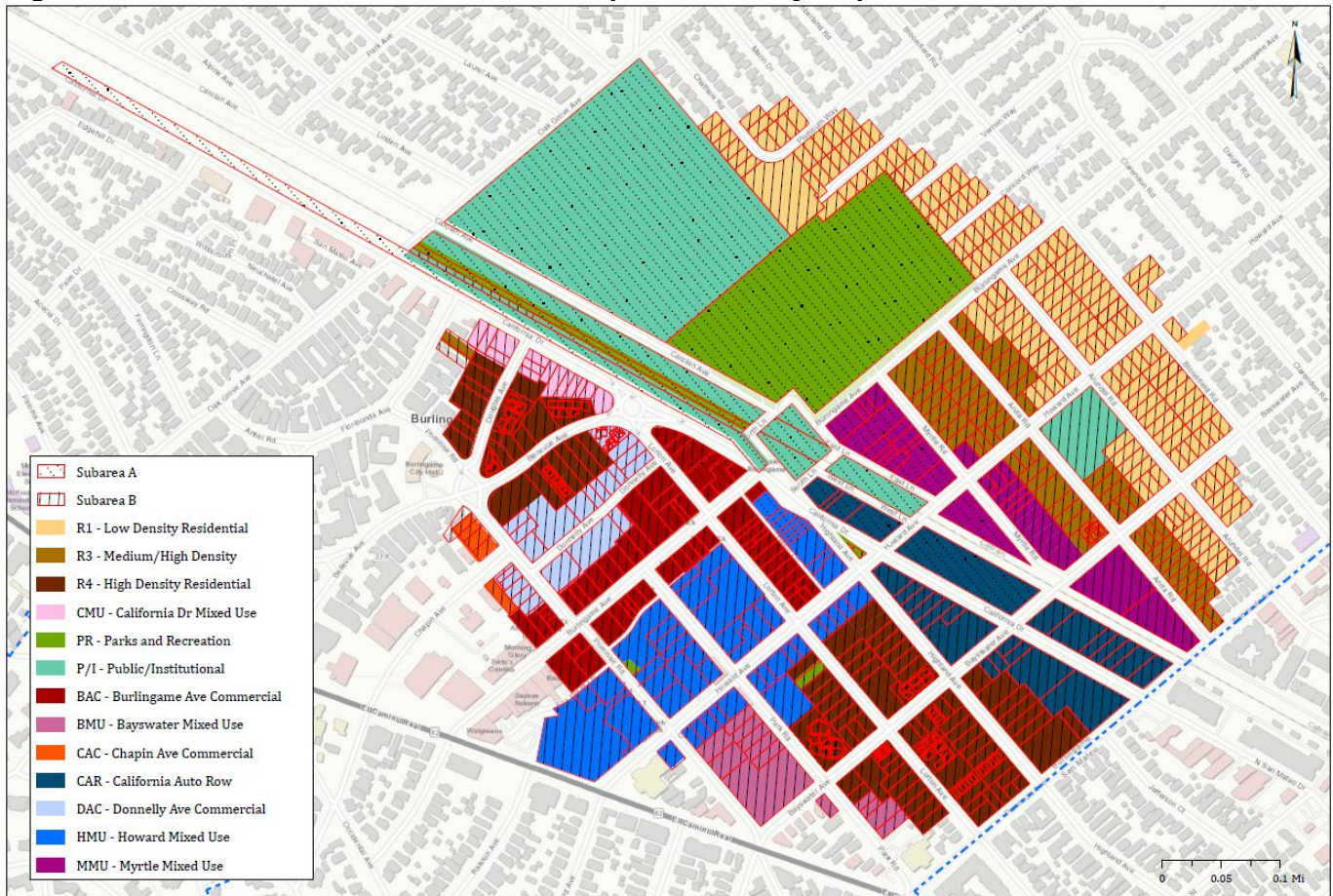
- Downtown Transit-Oriented Development Overlay – to encompass the TOD area for the Downtown Burlingame Caltrain Station.
- North Burlingame Transit-Oriented Development Overlay – to encompass the TOD are for the Millbrae BART/Caltrain Station.

The overlays would prescribe new maximum density, height and FAR standards that will supersede these standards in the Zoning Code, North Rollins Specific Plan, and Downtown Specific Plan to meet the requirements under SB 79 for a TODAP.

### Downtown Transit Oriented Development Overlay (DTOD)

The DTOD Overlay encompasses the TOD area for the Downtown Burlingame Caltrain Station, as shown in Figure 1 below.

**Figure 1: Downtown Transit-Oriented Development Overlay Map**



To be able to provide different development standards within the one-quarter mile area, two subareas were created in the DTOD Overlay.

Subarea A would include parcels within 200 feet of the Downtown Burlingame Caltrain Station and the Burlingame High School parcel. Subarea A would allow 100 dwelling units per acre, 95' height limit and a 4.5 FAR.

Subarea B would cover all other parcels with one-quarter mile of the transit station and would allow 60 dwelling units per acre, 75' height limit and 3.5 FAR. This density is the maximum reduction allowed within the SB 79 thresholds for parcels within one-quarter mile of a transit station.

The DTOD Overlay could potentially accommodate 12,176 units across both subareas as shown in Table 3 below.

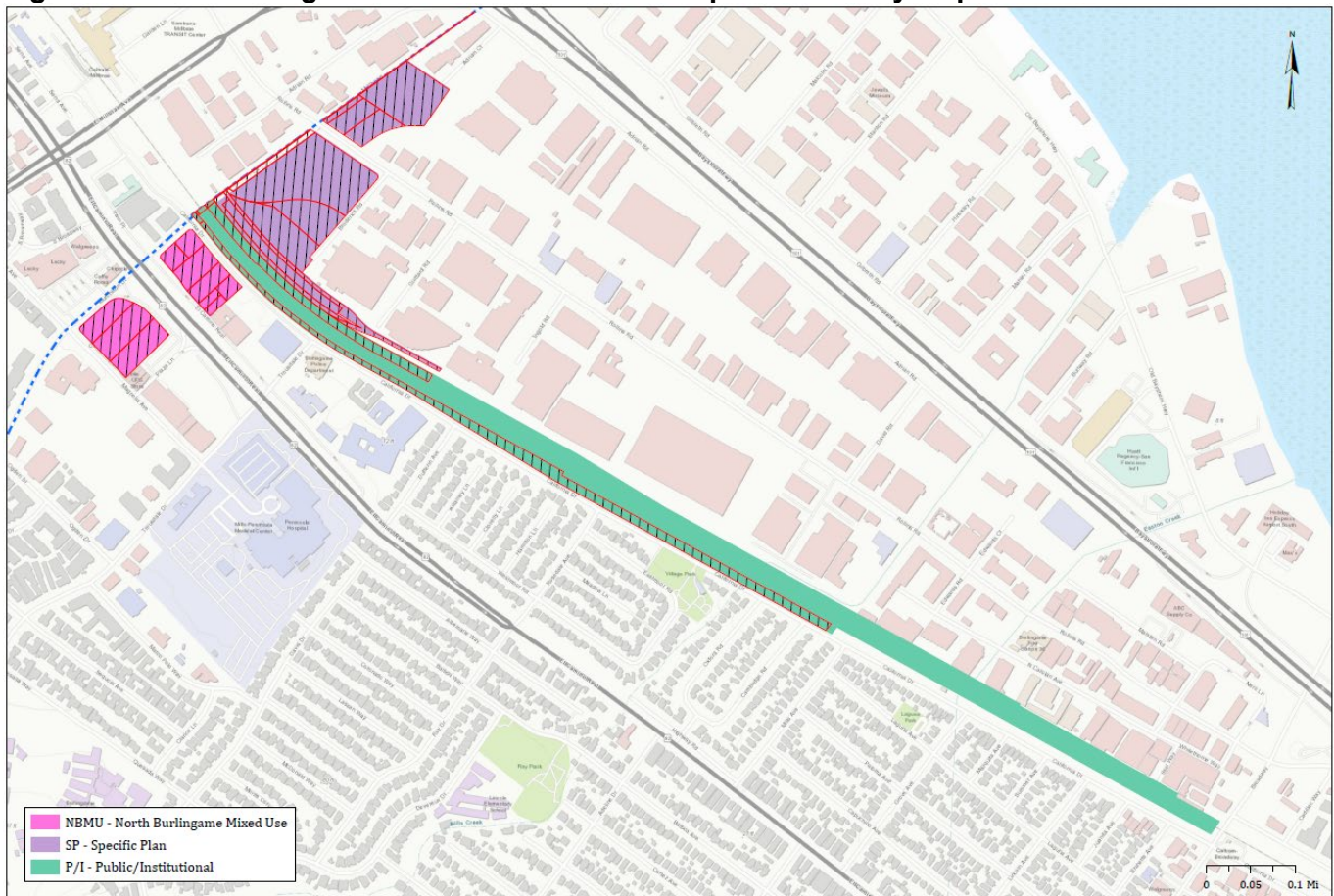
**Table 3: DTOD Overlay Development Standards Comparison**

	DTOD Overlay Subarea A	SB 79 (within 200')	DTOD Overlay Subarea B	SB 79 (within ¼ mile)
<b>Height</b>	95'	95'	75'	75'
<b>Density</b>	100 du/ac	160 du/ac	60 du/ac	120 du/ac
<b>Residential FAR</b>	4.5	4.5	3.5	3.5
<b>No. of units</b>	5,825	1,314	6,351	12,379

**North Burlingame Transit-Oriented Development Overlay (NBTOD)**

The NBTOD Overlay would encompass all parcels located within one-quarter mile radius of the Millbrae BART/Caltrain Station, as shown in Figure 2 below.

**Figure 2: North Burlingame Transit-Oriented Development Overlay Map**



The NBTOD overlay would allow 150 dwelling units per acre, 80-foot height limit and a 3.5 FAR. This is the minimum density required to provide the units needed that were not accounted for in the DTOD Overlay. The North Rollins Specific Plan currently allows for a density of 140 du/ac and 80-feet in height. Given this, and the relatively few parcels that are within the overlay area, this would not be a significant change for the area.

This overlay could potentially accommodate a total of 4,217 units as shown in Table 4 below.

**Table 4: NBTOD Overlay Development Standards Comparison**

	NBTOD Overlay	SB 79 (within ¼ mile)
<b>Height</b>	80'	75'
<b>Density</b>	150 du/ac	120 du/ac
<b>Residential FAR</b>	3.5	3.5
<b>No. of units</b>	4,217	2,624

In total, both overlays would accommodate 16,393 units; this is 76 units more than the minimum required under SB 79. Table 5 below summarizes the TODAP development standards.

**Table 5: TODAP Development Standards**

	NBTOD Overlay	DTOD Overlay Subarea A	DTOD Overlay Subarea B	TODAP Total Units	SB 79 Total Units
<b>Height</b>	80'	95'	75'	----	
<b>Density</b>	150 du/ac	100 du/ac	60 du/ac	----	
<b>Residential FAR</b>	3.5	4.5	3.5	----	
<b>No. of units</b>	4,217	5,825	6,351	<b>16,393</b>	<b>16,317</b>

**State Density Bonus Applicability to SB 79**

Housing development projects that are exercising SB 79 would be allowed to utilize State Density Bonus to increase density and request incentives, concessions, and waivers. The new densities that SB 79 sets forth would be considered the base density for calculating the density bonus. Under the regulations of SB 79, if a developer proposes a height in excess of the height limits prescribed by SB 79, the City is not required to grant a waiver, incentive, or concession pursuant to State Density Bonus Law for additional height beyond that specified in SB 79. However, 100% affordable housing projects that are located within one half mile of a major transit stop or located in a very low vehicle travel area in a designated county can request additional height as provided in Government Code §65915(d)(2)(D).

It is unclear if a local jurisdiction implements a TODAP if the same restrictions to increases in height using State Density Bonus concessions and waivers will apply.

**Zoning Code Amendments / Zoning Map**

The proposed Municipal Code amendments to Title 25 (Zoning) associated with the new zoning overlays are outlined below, along with an overview of the key changes within each article of Title 25 (Zoning). A strikethrough (deleted text) and underlined (added text) red-lined version of the proposed amendments are attached to this report.

The major changes to the Zoning Code include adding a DTOD Overlay, with a Subarea A and a Subarea B, and adding a NBTOD Overlay. The land use regulations and development standards for the zoning districts within the Downtown Specific Plan area and the North Rollins Specific Plan area are being removed from the Zoning Code entirely and will now solely be found in the respective Specific Plans. This will provide consistency and clarity by exclusively keeping relevant standards in the Specific Plans. In addition, the Zoning Map is being revised to include the new TOD overlays and to reflect all of the noted text changes below.

The following are the proposed Zoning Code Amendments:

- Article 1 (General Provisions)
  - Chapter 25.06 Zoning Map and Zoning Districts
    - Update the table to reflect the removal of the R-4 Incentive and Anita Road Overlay and add the new TOD overlays.
  
- Article 2 (Zoning Districts, Allowable Uses, Development Standards)
  - Chapter 25.10 Residential Zoning Districts (R-1, R-2, R-3, R-4)
    - Remove Anita Road Overlay and R-4 Incentive Overlay as these would be superseded by the new DTOD Overlay
    - Delete references to Anita Road Overlay and R-4 Incentive Overlay in 25.10.045 (A)
    - Modify Table 25.10-2 “Residential Zoning Districts Use Development Standards” to add reference to the DTOD Overlay
  
  - Chapter 25.14 Mixed-Use Zoning Districts (RRMU, NBMU, BRMU, CMU)
    - Delete all information related to the RRMU zoning district as this zoning district is being removed. With these amendments, the North Rollins Specific Plan area would now be in the “Specific Plan” zoning district.
  
  - Chapter 25.16 Downtown Specific Plan Zoning Districts (BAC, HMU, MMU, BMU, DAC, CAC, CAR)
    - Delete all the development standards and regulations related to the Downtown Specific Plan Zoning Districts as this would be located in the Downtown Specific Plan.
  
  - Chapter 25.20 Overlay Zoning Districts
    - Delete 25.20.010 “Anita Road Overlay (AR)” as this will be superseded by the DTOD Overlay
    - Delete 25.20.060 “R-4 Incentive Overlay (R-4-I)” as this will be superseded by the DTOD Overlay Zone
    - Add a new section 25.20.070 “Downtown Transit-Oriented Development Overlay (DTOD)”
    - Add a new section 25.20.080 “North Burlingame Transit-Oriented Development Overlay (NBTOD)”
  
- Article 6 (Permit Processing Procedures)
  - Chapter 25.78 Special Permits
    - Add clarifying language in 25.78.010(B) that Special Permit requirements do not apply to the new transit-oriented development overlays
    - Delete references to the Anita Road and R-4 Incentive overlays

## General Plan Amendments

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

The proposed General Plan Amendments include deleting all development standard references to density and Floor Area Ratio (FAR) for all of the land use designations. These changes occur in Chapter 4 – Community Character.

Because the General Plan was adopted four years prior to the development of the North Rollins Specific Plan, Chapter 4 of the General Plan frequently references the north portion of Rollins Road as a “live/work” area. Given the subsequent adoption of the North Rollins Specific Plan, the General Plan text amendments include edits deleting the “Live/Work” references and replacing them with “North Rollins Specific Plan”. Some such references in Chapter 6 – Mobility, have also been amended to note these corrections.

In addition, the land use designation in the General Plan for the North Rollins Specific Plan area is being updated from “Live/Work” to “North Rollins Specific Plan”. Given this change Figure CC-1, Land Use Plan Map, is being amended to change the “Live/Work” land use designation to “North Rollins Specific Plan”.

The following are the proposed General Plan Amendments:

- Chapter 4- Community Character
  - Remove densities and FAR references
  - Update language from “Live/Work” designation to “North Rollins Specific Plan” designation
- Chapter 6 – Mobility
  - Update “Live/Work” designation to “North Rollins Specific Plan”
- Figure CC-1 Land Use Map
  - Amended to change the “Live/Work” land use designation to “North Rollins Specific Plan”

## Downtown Specific Plan (DTSP) Amendments

The Downtown Specific Plan was adopted by the City Council in October 2010. Since that time, the plan has been amended three times. There were also two subsequent corrections to address discrepancies between the Downtown Specific Plan and the zoning regulations. The proposed text amendments to the Downtown Specific Plan include adding a section to “Planning Areas” in Chapter 3 that describes the new Downtown TOD overlay. The corresponding land use map has been updated to reflect the overlay zone boundaries.

To prevent discrepancies between the Zoning Code and DTSP, the development standards and land use regulations for the zoning districts within the Downtown Specific Plan area have been relocated from the Zoning Code into the DTSP.

The following are the proposed Downtown Specific Plan Amendments:

- Chapter 3.0 – Land Use
  - Add Section 3.3.11 (Planning Area - DTOD overlay)
  - Figure 3-2 Planning Areas - updated map to include the DTOD overlay

- Table 3-1 - updated the land use table to make it consistent with the current zoning code
- Table 3-2 - updated the development standards table to add DTOD Overlay information, make the other standards consistent with current zoning code, and prescribe base densities to the zoning districts that allow residential development.
- Chapter 5.0 – Design & Character
  - 5.2.2.3 (page 5-7) notes CUP for 55' height on Burlingame Avenue; this reference has been removed.

### **North Rollins Specific Plan (NRSP) Amendments**

The General Plan includes goal (Goal CC-12), which encourages recreating Rollins Road into two distinct but complementary districts. North Rollins Road Mixed Use (RRMU) zoning district and standards were adopted as “interim” zoning to implement the General Plan vision to promote housing in the north end of town until the formal Zoning Code update was completed in 2021. A few years later, the North Rollins Specific Plan (NRSP) was developed and adopted by the City Council on September 5, 2023 which established new development standards and requirements for the area.

In order to resolve discrepancies between the Zoning Code and NRSP, the Zoning Code is being amended to remove the RRMU zoning district and standards to eliminate any conflicts and defer regulations and standards to those within the Specific Plan. In addition, the Zoning Map is being amended to rezone the properties that fall within the boundaries of the North Rollins Specific Plan to “SP” (Specific Plan) so that the zoning district clearly points to the NRSP.

There are 38 parcels in North Burlingame that fall within one-quarter mile of the Millbrae BART/Caltrain station and are subject to SB 79; these parcels will be part of the North Burlingame TOD Overlay. The NRSP is being amended to include the new overlay requirements for the parcels that fall within the overlay boundary.

The following are the proposed North Rollins Specific Plan Amendments:

- Chapter 1- Introduction
  - Delete Section 1.4 as this section will no longer be applicable.
- Chapter 2 – Planning Context
  - Update language in Section 2.1.1 and 2.1.2 to reflect the “North Rollins Specific Plan” land use designation and “Specific Plan” zoning district.
  - Update the Land Use Designation Map – Exhibit 2.1 (Existing General Plan and Use Designation)
  - Update the Zoning Designation Map - Exhibit 2.3 (Zoning Map)
    - add the North Burlingame overlay to the map
    - change zoning designation from “Rollins Road Mixed Use” to “Specific Plan”
- Chapter 3 – Plan Elements
  - Update language to reflect the “North Rollins Specific Plan” land use designation and “Specific Plan” zoning district. Include reference to the NBTOD Overlay.
  - Exhibit 3.4 – Focus Area Overlay Map – revised to add the NBTOD overlay.
- Chapter 4 – Design Guidelines and Standards
  - Section 4.3.2.1 Residential Typology and Character; this section says “dwelling units ranges of approximately 18 du/ac to 100 du/ac inclusive of density bonuses, and building heights of 3 to 7 stories”. This has been removed.

- Chapter 5 – Development Standards
  - Section 5.3 Permitted Uses, Table 5.1, Permitted Land Uses; this table has been updated to reflect the land use regulations from the zoning code, as this will be the primary reference tool for allowed uses in the North Rollins Road area.
  - Section 5.5 Development Standards and Table 5.2 have been updated to include the NBTOD Overlay reference and development standards.

## **Environmental Review**

The proposed text amendments are Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

## **Summary**

Overall, the intent of the proposed text Amendments to Title 25 (Zoning) of the Burlingame Municipal Code, the Zoning Map and Amendments to the General Plan, Downtown Specific Plan and North Rollins Specific Plan are necessary in order to adopt a Downtown TOD Overlay and a North Burlingame TOD Overlay to implement an alternative plan (TODAP) to SB 79. This new State Law becomes effective July 1, 2026. Staff requests the Planning Commission make a recommendation of approval to City Council for these Amendments in order to proceed to the June 1 and June 15, 2026 City Council hearings.

Similar to the procedure the City followed to adopt its Housing Element in 2023, the City Council will consider and review any revisions or comments from the California Department of Housing and Community Development. City Staff will ensure that the Planning Commission is kept updated regarding HCD's communications following the City's submittal of the TODAP.

## **Attachments:**

Resolution – Title 25 and Zoning Map

- Exhibit A – Title 25
- Exhibit B – Zoning Map

Resolution – General Plan Amendments

- Exhibit A – General Plan
- Exhibit B – Land Use Map

Resolution – Downtown Specific Plan Amendments

- Exhibit A - Downtown Specific Plan

Resolution – North Rollins Specific Plan Amendments

- Exhibit A – North Rollins Specific Plan

Title 25 Redlined Version

General Plan Redlined Version

Downtown Specific Plan Redlined Version

North Rollins Specific Plan Redlined Version