



STAFF REPORT

AGENDA NO: 10a

MEETING DATE: February 17, 2026

To: Honorable Mayor and City Council

Date: February 17, 2026

From: Neda Zayer, Community Development Director – (650) 558-7253
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Subject: Introduction and First Reading of Ordinances to:

Amend Title 25 (Zoning) of the Burlingame Municipal Code, Excluding Chapters 25.22, 25.35, 25.36, 25.41, 25.42, 25.43, 25.44, 25.76, 25.84, 25.102, and 25.103; and Authorizing the City Manager to Incorporate Additional Amendments to Title 25 (Zoning) as required by Applicable Governmental Agencies; CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15378, 15061(b)(3);

Repeal and Replace Chapter 26.32 (Condominium Conversion Permits) of Title 26 (Subdivisions) of the Burlingame Municipal Code; CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15378, 15061(b)(3);

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing to:

1. Introduce an Ordinance of the City of Burlingame to amend Title 25 (Zoning) of the Burlingame Municipal Code, excluding Chapters 25.22, 25.35, 25.36, 25.41, 25.42, 25.43, 25.44, 25.76, 25.84, 25.102, and 25.103; and Authorizing the City Manager to Incorporate Additional Amendments to Title 25 (Zoning) as required by Applicable Governmental Agencies; CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15378, 15061(b)(3).
2. Introduce an Ordinance of the City of Burlingame to repeal and replace Chapters 26.32 (Condominium Conversion Permits) of Title 26 (Subdivisions) of the Burlingame Municipal Code; CEQA Determination: Exempt Pursuant to State CEQA Guidelines 15378, 15061(b)(3).

Recommended Procedure and Order of Operations:

- A. Receive the staff report and ask any questions of staff.

- B. Conduct a Public Hearing.
- C. Discuss the Ordinances and, by motion, determine whether to bring them back for second reading and adoption. If the Council is in favor of the Ordinances, direct the City Clerk to publish a summary of the Ordinances at least five days before its proposed adoption.

BACKGROUND

The proposed Municipal Code amendments can be organized into the following categories:

1. **Code Clarifications:** Correct inconsistencies and ambiguous language, and add clarifications to text and references; and
2. **Housing Element Implementation:** Implement Housing Element programs and policies identified in the 2023-2031 6th Cycle Housing Element; and
3. **Permit and Process Amendments:** Amend development review procedures and requirements to streamline processes for simpler application types; and
4. **TOC Policy:** Implement Metropolitan Transportation Commission (MTC) Transit-Oriented Communities (TOC) polices, as part of Plan Bay Area 2050.
5. **New ADU State laws:** New State laws related to Accessory Dwelling Units (ADU) were passed that become effective January 1, 2026. The ADU regulations found in Municipal Code Section 25.48.030 have been updated in accordance with State Law.

This staff report outlines the proposed amendments in each category in the Discussion section below. For reference, an overview of the key changes within each article of Title 25 (Zoning) and Chapter 26.32 (Condominium Conversion Permits) is also provided below. The more complex substantive changes are explained in greater detail in the Discussion section under their corresponding categories. A strikeout (deleted text) and underlined (added text) red-lined version of the proposed amendments from the January 12, 2026 Planning Commission packet are linked below for reference, and a clean version of the Municipal Code amendments has been included in the draft Ordinances attached to this report.

- [**Article 1 \(General Provisions\)**](#) – General text clean up and clarifications.
- [**Article 2 \(Zoning Districts, Allowable Uses, Development Standards\)**](#) – General text clean up and clarifications. The substantive changes include:
 - Increasing the maximum plate height allowed in R-1 and R-2 zoning districts.
 - Adding new Community Benefits for tiered development.
 - Reorganizing several land uses to require a CUP, MUP, or be permitted by right based on the potential impact of the land use.
- [**Article 3 \(Regulations and Standards Applicable to all Zoning Districts\)**](#) - General text clean up and clarifications. The substantive changes include:
 - Simplifying parking requirements for single-unit dwellings.
 - Adding a 5 foot covered porch projection allowance into the required front setback for residential zoning districts.
 - Adding a section on local incentives for affordable housing projects.
 - Adding a section on affordable housing to implement No Net Loss policy.

- Adding “unbundled parking” as a parking alternative.
- Modifying the Residential Impact Fee alternatives requirements and options.
- [Article 4 \(Regulations for Special Land Uses and Activities\)](#) – Updates to C.S. 25.48.030 Accessory Dwelling Units to reflect State law changes and general text clean up and clarifications.
- [Article 5 \(Nonconformities\)](#) – General text clean up and clarifications. The substantive change is the addition of an exemption for nonconforming setbacks for single-unit dwellings. This is described below in the Permit and Process Amendments section of the staff report.
- [Article 6 \(Permit Processing Procedures\)](#) – General text clean up and clarifications. The substantive changes include:
 - Increasing maximum plate height allowed in R-1 and R-2 zoning districts.
 - Changing the requirement for Study Session for Major Design Review.
 - Changing the requirement for Design Review Panel and Consultant for Major Design Review.
 - Shifting review authority for several minor planning application types from the Planning Commission to Administrative review.
 - Creating a Permit Amendment process.
- [Article 7 \(Zoning Code Administration\)](#) – General text clean up and clarifications. The substantive changes include:
 - Changing the requirement for Design Review Panel and Consultant.
 - Clarifying the Call for Review process and requirements.
 - Removing the pre-application requirement for Development Agreements.
- [Article 8 \(Definitions\)](#) – General text clean up and clarifications. The substantive changes include:
 - Updating and adding several definitions for clarification and cross reference.
 - Adding new definitions to address Housing Element Implementation items.
- [Title 26 \(Subdivisions\)](#) - Chapter 26.32 (Condominium Conversion Permits) is the only Chapter of Title 26 being amended at this time. Changes to this Chapter include:
 - Incorporating rental unit replacement requirements unless a project meets certain affordability criteria or allows existing tenants the first right to purchase a unit.
 - The addition of a requirement to provide a Tenant Relocation Assistance Plan for any existing tenants temporarily or permanently displaced by the conversion.
 - Clarifying the Chapter’s purpose and application processes.

Planning Commission Review and Recommendation

December 8, 2025: At the December 8, 2025 Planning Commission meeting, the proposed Municipal Code amendments were discussed as a Study Session item. There were no public comments received for the item. There were Planning Commission questions and discussion on several of the proposed changes. The Planning Commission was asked to send comments and

feedback to staff prior to the item being brought back for recommendation at the January 12, 2026, Planning Commission hearing.

January 12, 2026: At the January 12, 2026 Planning Commission meeting ([staff report](#)), the proposed Municipal Code amendments were brought back to the Planning Commission for review and to consider a recommendation to the City Council. There were no public speakers for the item and only one written public comment was received regarding the ADU requirements that resulted in a change to a section of the Municipal Code at the hearing.

The Planning Commission supported the Municipal Code amendments proposed and discussed eight topics in further detail at the hearing. This discussion resulted in modifying the language in two sections of proposed amendments. The following topics were discussed in more detail:

- The proposed view description language in the Hillside Overlay: revised language was proposed at the hearing and included in the Municipal Code amendments.
- The proposed 10-foot setback reduction incentive as part of the new incentive menu: a reduced parking incentive was proposed at the hearing instead and included in the Municipal Code amendments.
- Study Session requirements for Major Design Review applications.
- Design Review Consultants.
- Several minor planning application types shifting from Planning Commission to Administrative review.
- Story pole requirements for Hillside Area Construction Permits.
- Legal nonconforming setbacks for existing single-unit dwellings.
- Plate height restrictions for single-unit dwellings.

The Planning Commission voted 5-0 vote (Commissioner Tse absent), to recommend that the City Council repeal and replace in its entirety Chapter 26.32 (Condominium Conversion Permits) of Title 26 (Subdivisions) of the Burlingame Municipal Code (Resolution 2026-01.12-7E.1). The Planning Commission also voted 5-0 vote (Commissioner Tse absent) to recommend that the City Council adopt the proposed amendments to Title 25 (Zoning) (Resolution 2026-01.12-7E.2), with the following amendments:

- Revise Section 25.48.030.E.10. to read: Statewide Exemption ADUs. If an ADU or JADU does not exist or is not proposed pursuant to subsection E.8 or E.9 above, any of the following will be ministerially permitted on a parcel and is not subject to subsection F. and H. below.
- Revise Section 25.33.030.C.1. to read: Reduced Parking: The parking requirement shall be one parking space per unit.
- Revise 25.20.040.B. to read: 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 excluding kitchens, bathrooms, dens, stairwells, entryways and bedrooms.

The above revisions have been included in the draft Municipal Code amendments included with this staff report.

DISCUSSION

Code Clarifications

In 2015, the City launched “Envision Burlingame”, a multi-year, community-driven effort to comprehensively update the City’s General Plan and Zoning Code (Title 25). This process culminated in the City Council’s adoption of the 2040 General Plan on January 7, 2019 (Resolution No. 006-2019), followed by adoption of the updated Zoning Code on December 6, 2021 (Ordinance No. 2000).

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

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

These clarifications are not described in detail because they do not represent substantive changes; rather, they reinforce existing requirements and improve the clarity and usability of the code.

Housing Element Implementation

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

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

Program H(A-4)	Program Language	Municipal Code Section	Changes
Zero Net Loss of Housing Units	Require new housing developments that replace existing units to build equal to or more than the number of units previously on the site, in	Article 3: 25.33.40	No Net Loss policies were incorporated into the zoning code in this new code section, advancing TOC Policy and

	compliance with density regulations.		affirming the City's compliance with SB 330.
Program H(A-5)	Program Language	Municipal Code Section	Changes
Missing Middle Housing Units	Expand the applicability of the duplex overlay (SB 9) to the R-2 zoning district in addition to the R-1 district.	Article 2: 25.20.80	The Two Unit Residential Overlay was expanded to apply to R-1 and R-2 zoning districts.
Program H(A-7)	Program Language	Municipal Code Section	Changes
Lot Consolidation	<p>The City will help facilitate lot consolidations to combine small residential lots (lots 0.5 acres or smaller) into larger developable lots by providing information on development opportunities and incentives for lot consolidation to accommodate affordable housing units.</p> <p>As developers/owners approach the City interested in lot consolidation and development on small lots for the development of affordable housing, the City will offer the following incentives:</p> <ul style="list-style-type: none"> ▪ Allow affordable projects to exceed the maximum height limits, ▪ Lessen setbacks, and/or ▪ Reduce parking requirements. 	Article 3: Section 25.33.030	A new "Incentive Menu" has been created allowing developers to choose up to 2 incentives for eligible projects (including lot consolidation). The two incentives proposed are height increase up to 10 feet and reduced parking required of one parking space per unit.
Program H(B-4):	Program Language	Municipal Code Section	Changes
Commit to revise the Zoning Code and update to allow additional streamlining and allowances	Review and revise lot coverage standards in the R-3 and R-4 zoning districts	Article 2: Section 25.10.030 and Table 25.10-2	The R-3 and R-4 zoning district lot coverage standards from 50% for interior lots and 60% for corner lots to 60% for interior lots and 70% for corner lots. This aligns with the Rollins Road Mixed Use (RRMU) district.

for residential development.	Eliminate parking requirements for ADA-accessible homes.	N/A	The City already complies with State law concerning eliminated parking requirements for ADA-accessible homes and did not add a specific clause in the zoning code to prevent conflicts between local ordinances and any future updates to state legislation.
	Eliminate parking requirements for development within 0.5 miles of transit as specified by AB 2097.	Article 3: Section 25.40.40	A section has been added to reflect the absence of parking requirements within 0.5 miles of qualifying transit stops and makes direct reference to Government Code sections specified in AB 2097. This also satisfies a TOC Policy below.
Program H(C-2)	Program Language	Municipal Code Section	Changes
Provide incentives for developers to include additional affordable units in new residential projects.	Amend the zoning code to allow additional affordable units to be counted as a community benefit in the tiered zoning structure.	Article 2: Sections 25.10.045.C.3, 25.12.040.C, and 25.14.050.C	The proposed new code section includes incentives to exceed maximum height limits or lessen setbacks for developments providing either (or both) additional affordable units and larger units.
	Adopt incentives to encourage larger unit sized affordable units suitable for families (i.e. two-bedroom and three-bedroom units).	Article 3: Section 25.33.030	The proposed new code section includes incentives to exceed maximum height limits or reduced parking requirement of one parking space per unit.
	Amend the Density Bonus Ordinance and Residential Impact Fee in-lieu option to extend the affordability time restrictions on subsidized housing.	Article 3: Section 25.45.070	Amended to extend the deed restriction on properties subject to an affordable housing agreement from 55 years to in perpetuity. This section has also been amended to require that projects opting out of the residential impact fee must provide 10% of a project's units to low-income households (80% Area Median Income, or AMI)) and 5% to very-low income (50% AMI) households.

			By extending the timeframe to in perpetuity, the City satisfies the Housing Element program requirement and ensures that affordable housing opportunities are available and no longer at risk to converting to market-rate units at the expiration of a property’s affordable housing agreement. By lowering the affordability thresholds required for projects seeking to provide units onsite as an alternative to paying the residential impact fee, the City satisfies TOC Policy requirements, reaches lower-income households not historically served by the current 10% moderate alternative option, and better complements State Density Bonus Ordinance law (that provides additional density in projects meeting deeper affordability targets).
Program H(D-2)	Program Language	Municipal Code Section	Changes
Improve livability of housing units for persons with disabilities.	Include the definition of family to be “One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit”.	Article 8: Section 25.106.070	A new definition for “Family” has been added.
	Permit supportive housing by-right in multifamily zones and mixed use and nonresidential zones allowing multifamily, consistent with Government Code 65651 (AB 2162).	Throughout Article 2	The zoning district tables allowing multifamily and mixed-use zones previously made reference to code section 25.48.240 in Article 4. This section noted that supportive housing developments were allowed in any multifamily, mixed-use or nonresidential zones allowing multifamily without imposing any development standards that would be more stringent than other developments in the district (pursuant to State law). These tables now explicitly mention supportive and transitional housing as a Permitted use,

			though reference is still made to the existing code section for clarity.
	Allow for modifications for required parking for units occupied by supportive housing residents that are located within one - half mile of a public transit stop.	Article 3: Section 25.40.40	A section has been added to reflect the absence of parking requirements within 0.5 miles of qualifying transit stops (including for supportive housing developments and residents) and makes direct reference to Government Code sections specified in AB 2097.
	Add specific definitions for group homes and amend land use provisions to allow group homes of seven (7) or more persons only subject to those restrictions that apply to residential uses of the same type in the same zone.	Article 8: Section 25.106.190	A new definition for “Group Homes” has been added. Existing definitions and development standards for Residential Care Facilities of 7 or more persons are allowed without further restrictions than those applied to other residential uses within the same zone.
	Allow the conversion of single-family homes into assisted living facilities for the developmentally disabled.	N/A	No existing prohibitions exist for single-family residences proposed to be converted into assisted living facilities and thus no code amendments have been proposed to satisfy this provision of the program.
Program H(D-3)	Program Language	Municipal Code Section	Changes
Add affordable housing units for larger households	Adopt incentives to encourage larger unit sized affordable units suitable for larger households (i.e. two-bedroom and three bedroom units).	Article 3: Section 25.33.030	A new code section has been added to include incentives to exceed maximum height limits or reduced parking requirement of one parking space per unit.
Program H(D-5)	Program Language	Municipal Code Section	Changes
Provide local share of support for Countywide programs	Amend the performance standards, specifically spacing requirements for emergency shelters in the Zoning Ordinance so that they are consistent with Government Code Section 65583(a)(4)(B).	Article 4: Section 25.48.100 (B)(7)	Code has been amended to comply with Government Code Section 65583(a)(4)(B), changing the distance requirement between emergency shelters from 0.5 miles to 300 feet.
	Update the definition of emergency shelter to ensure it includes other interim interventions, including but	Article 8: Section 25.106.060	Code has been amended to more explicitly note that emergency

	not limited to, navigation centers, bridge housing, and respite or recuperative care.		shelters also include the referenced types of interventions.
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Permit and Process Amendments

The Municipal Code amendments include several changes to the development review procedures and requirements to streamline processes for simpler application types. These were discussed in more detail with the Planning Commission as this is related to the Planning Commission hearing and permit types they review. The Planning Commission was supportive of the proposed changes that will aid applicants, property owners, staff and the Planning Commission move through the hearing process more effectively and efficiently. The topics are briefly discussed below and more information can be found in the [January 12, 2026 Planning Commission staff report](#).

- **Planning Commission Hearings**

Planning Commission Study Session (Code Section 25.68.060.A): The current Planning Commission hearing process requires all Major Design Review applications to first be reviewed by the Planning Commission at a study meeting prior to an action hearing. These regulations are being amended to eliminate the requirement for a study meeting, allowing applications to be brought forward directly for action, rather than first going to a study meeting, followed by a second action hearing.

Design Review Consultants (Code Section 25.68.060.B): The City's existing regulations allow the Planning Commission at a hearing to require a project to receive further design guidance from a Design Review Consultant on an established list. The Design Review Consultant and/or Panel requirement is proposed to be removed.

- **Minor Planning Applications** (Code Sections 25.68.020 and 25.78): Several minor Planning application types are proposed to be reclassified from Planning Commission review to Administrative review as they are minor in nature.

- **Single-Unit Dwelling Requirements**

Nonconforming Setbacks (Code Section 25.54.010): The City's existing nonconforming regulations require all existing nonconforming setbacks to be removed and brought into compliance with existing regulations when "substantial construction" is proposed. A new exception is proposed to allow existing nonconforming setbacks for single-unit dwellings to remain or be reconstructed in the same location and up to the same dimensions even when a project involves substantial construction.

Plate Height (Code Section 25.10.030 Table 25.10-2): The maximum allowable plate height in the R-1 and R-2 zoning districts is proposed to increase from 9 feet to 9 feet 6 inches for first stories and from 8 feet to 8 feet 6 inches for upper stories.

Parking (Code Section 25.40.030.B): The parking requirements are being simplified from a per bedroom requirement to a standard requirement of one covered parking space and one uncovered parking space requirement for all single-unit dwellings.

- **Community Benefits** (Code Sections 25.10.045.C.3, 25.12.040.C, and 25.14.050.C): Additional options are included in the existing menu of community benefits for tiered development to include additional affordable units beyond what is required and public art.

MTC TOC Policy

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

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

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

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

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

Protection Policy 2 requires the City to formally adopt the provisions of SB 330, Housing Crisis Act, requiring a 1:1 replacement of demolished units with units of comparable size and affordable restrictions, if applicable, and tenant relocation assistance requirements outlined in the Housing Crisis Act. This policy was selected as it fulfills Housing Element Implementation Program (A-4), and the City already complies with SB 330.

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

- Requiring a 1:1 replacement of demolished residential units for a new development project.
- Providing tenants with the right to return to a comparable unit in a new residential project.
- Establishing notification requirements for projects demolishing existing residential units.

- Creating definitions for terms relevant specifically to replacement housing developments.
- Establishing application processes and eligibility criteria for these new requirements.

Preservation Policy 4: Condominium Conversion Restrictions

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

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

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

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

Parking Management Policy

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

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

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

New ADU State Law

In 2025, new Accessory Dwelling Unit (ADU) State laws were passed (AB 1154 and SB 543) that went into effect on January 1, 2026. The City's ADU regulations found in Municipal Code Section 25.48.030 are being updated to comply with changes to State laws as follows:

- **JADU:** State law prohibits using JADUs as short-term rentals. In addition, the owner occupancy requirement for JADUs has been amended and is only required if a JADU shares a bathroom with the primary residence. Otherwise, a JADU and primary residence can be rented separately, and an owner is not required to reside onsite.
- **Appeal Process:** An appeal process has been created for applicants to appeal an incompleteness determination or denial of an ADU application to the Planning Commission.
- **Size:** ADU and JADU size standards are now based on the square footage of "interior livable space" as defined in the ADU regulations. Interior livable space means a space in a dwelling unit intended for human habitation, including living, sleeping, eating, cooking, or sanitation and does not include garages, storage areas, or passways.
- **Impact Fees:** ADUs and JADUs less than 500 square feet are exempt from school district fees.

Environmental Review

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

Governmental Agency Review

The adopted amendments to Title 25 (Zoning) will be submitted to the California Department of Housing and Community Development (HCD) for review of the amendments related to the Accessory Dwelling Unit regulations and programs related to the Sixth Cycle Housing Element. In addition, the Municipal Code amendments will be shared with the San Mateo County Airport Land Use Commission for consistency review with the San Francisco International Airport (SFO) Airport Land Use Compatibility Plan (ALUCP). The proposed Ordinance authorizes the City Manager, following City Council adoption, to incorporate any additional amendments to Title 25 (Zoning) that are required by these governmental agencies.

FISCAL IMPACT

There are no fiscal impacts associated with the adoption of the Amendments to Title 25 (Zoning) and Title 26, Chapter 26.32 (Condominium Conversion Permits) of the Burlingame Municipal Code.

Exhibits:

Planning Commission Resolution Title 25

Planning Commission Resolution Title 26, Chapter 26.32

Proposed Ordinance for Title 25

Proposed Ordinance for Title 26, Chapter 26.32