

## **Article 1 General Provisions**

### **CHAPTER 25.02 PURPOSE AND APPLICABILITY**

#### **§ 25.02.010. Title.**

The provisions of this Title 25 of the City of Burlingame Municipal Code shall be known and cited as the "City of Burlingame Zoning Ordinance" or "Zoning Ordinance" or "Zoning Code"." (Ord. 2000 § 2, (2021))

#### **§ 25.02.020. Purpose and Authority.**

This Zoning Code is intended to regulate the use and development of land within the City consistent with the City of Burlingame General Plan. It is also the intent of this Zoning Code to protect and promote the public health, safety, comfort, convenience, and general welfare of the Burlingame community; and to provide the physical, environmental, economic, and social advantages that result from the orderly planned use of land resources.

The Zoning Regulations are enacted based on the authority vested in the City of Burlingame and the State of California, including, but not limited to, the State Constitution, Planning and Zoning Law (California Government Code Section 65000 et seq.), and the California Health and Safety Code.

(Ord. 2000 § 2, (2021))

#### **§ 25.02.030. Relationship to Prior Ordinances.**

The provisions of this Zoning Code, as it existed prior to the effective date of the ordinance codified in this title, are repealed and superseded as provided in the ordinance enacting this Title 25. No provision of this Zoning Code shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Zoning Code as it existed prior to repeal by the ordinance enacting this Zoning Code, except as addressed by nonconformities created by this Zoning Code.

(Ord. 2000 § 2, (2021))

#### **§ 25.02.040. Relationship to General Plan and CEQA.**

- A. This Zoning Code is the primary tool used by the City to carry out the goals, objectives, and policies of the General Plan. It is intended that all provisions of this Zoning Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the General Plan.
- B. When a project application pursuant to the provisions of the Zoning Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in accordance with the provisions of this Zoning Code, CEQA (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

(Ord. 2000 § 2, (2021))

#### **§ 25.02.050. Prior Rights and Violations.**

The enactment of this Zoning Code shall not terminate nor otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance or resolution, nor shall violation of any prior ordinance or resolution be excused by the adoption of this title.

(Ord. 2000 § 2, (2021))

#### **§ 25.02.060. Application to Municipal Buildings and Uses.**

The provisions of this ~~title~~Zoning Code shall apply to all buildings, improvements, lots, and premises, owned, leased, operated, or controlled by the City or any department thereof, or by any other municipal or quasi-municipal or public corporation or governmental agency. The uses of all buildings and property engaged in the performance of a public function may be permitted in any zone or zoning district described in this ~~title~~Zoning Code, provided such use is, in the opinion of the Council, after determination and recommendation by the Planning Commission, not obnoxious or detrimental to the welfare of the community.

(Ord. 2000 § 2, (2021))

#### **§ 25.02.070. Violation Constitutes a Public Nuisance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Zoning Code and other applicable regulations. Violations of the requirements (including viola-tions of conditions and safeguards) shall constitute a public nuisance. Nothing herein shall prevent the City from taking lawful action as is necessary to prevent or remedy any violation consistence with Chapter 1.16 (Abatement of Nuisanc-es) of the Municipal Code.

(Ord. 2000 § 2, (2021))

#### **§ 25.02.080. Severability.**

If any portion of this Zoning Code is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity, constitutionality, or enforceability of the remaining por-tions of this title. The Council hereby declares that this ~~title~~Zoning Code and each chapter, section, subsection, paragraph, subpara-graph, sentence, clause, phrase, and portion thereof is adopted without regard to the fact that one or more portions of this ~~title~~Zoning Code may be declared invalid, unconstitutional, or unenforceable.

(Ord. 2000 § 2, (2021))

CHAPTER 25.04  
INTERPRETATION OF THE ZONING ~~CODE~~ORDINANCE

**§ 25.04.010. Purpose.**

The purpose of this section is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code and to ensure the Zoning Code's consistent interpretation and application.

(Ord. 2000 § 2, (2021))

**§ 25.04.020. Rules of Interpretation.**

- A. Authority. The Director has the authority to interpret provisions of this Zoning Code according to Section 25.04.030 (Procedures for Interpretation). Whenever the Director determines that the meaning or applicability of a Zoning Code requirement is subject to interpretation, the Director shall issue a written interpretation. ~~The Director may also refer any issue of interpretation to the Planning Commission for a determination.~~
- B. Terminology. When used in this chapter, the following rules apply to all provisions of this Zoning Code:
1. Language. When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
  2. Tense. The present tense includes the past and future tense, and the future tense includes the present.
  3. Number. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
  4. Calculations. Residential density and other calculations shall be consistent with the provisions of Section 25.30.020 (Fractions).
  5. Conjunctions. "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to."
  6. Local Reference. "City" as used in this Zoning Code means the City of Burlingame, and all public officials, bodies, and agencies referenced are those of the City unless otherwise stated.
  7. Definitions. As defined in Article 8 (Definitions) and/or as determined/interpreted by the Director.
  8. State Law Requirements. References to applicable provisions of State law (e.g., the California Government Code, Subdivision Map Act, Public Resources Code) shall be construed to refer to the applicable State law provisions, as they may be amended from time to time.

- C. Number of Days. Whenever the number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days, unless otherwise specified. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.
- D. Minimum Requirements. When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.
- E. Ambiguity. If ambiguity arises concerning the appropriate classification of a particular use or regulation within the meaning or intent of this Zoning Code based on established or unforeseen circumstances, including technological changes in processing or application of materials, the Director shall have the authority to interpret the regulation based on understanding of this Zoning Code. ~~Applicants may appeal the Director's interpretation to the Planning Commission for review and interpretation, which shall be final; thereafter, such interpretation shall govern.~~  
(Ord. 2000 § 2, (2021))

#### **§ 25.04.030. Procedures for Interpretation.**

- A. Authority of Director to Interpret; ~~Referral to Commission.~~ Whenever the Director or designee determines that the meaning or applicability of any of the requirements of this Zoning Code is subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation ~~or refer the question to the Planning Commission for determination.~~
- B. Request for Interpretation. Any party may file a request for an interpretation or determination of this Zoning Code with the Director and shall include with such request the specific provisions in question and any other information necessary to assist the Director in the review.
- C. Record of Interpretation/Determinations. All interpretations and determinations ~~by the Director and Planning Commission~~ shall be made in writing, and a permanent record of such interpretations and determinations shall be kept.
- D. Appeals. ~~Any interpretation of this Zoning Code by the Director or Planning Commission may be appealed in compliance with Chapter 25.98 (Appeals).~~ Applicants may appeal the Director's interpretation to the Planning Commission for review and interpretation, which shall be final; thereafter, such interpretation shall govern.  
(Ord. 2000 § 2, (2021))

#### **§ 25.04.040. Uses Not Classified.**

- A. Use Not Listed Is Not Allowed. If a use of land is not specifically listed in Article 2 (Zoning Districts, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided below.
- B. Director's Determination. Based on the authority granted in Section 25.04.030 (Procedures for Interpretation), the Director may determine that a land use that is not listed in Article 2 (Zoning Districts, Allowable Uses, and Development Standards) may be allowed. In making

this determination, the Director shall first make all of the following findings:

1. The characteristics of, and activities associated with, the use are equivalent to those of one or more of the uses listed in the zoning district as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, odor, noise, emissions, or similar impacts than the uses listed in the zoning district;
  2. The use will meet the purpose/intent of the zoning district that is applied to the location of the use; and
  3. The use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable Specific Plan or Planned Development Permit.
- C. Applicable Standards and Permit Requirements. When the Director determines that an unlisted land use is equivalent to a listed use, the unlisted use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what other standards and requirements of this Title 25 apply.

(Ord. 2000 § 2, (2021))

#### **§ 25.04.050. Illustrations.**

In case of a conflict between the Zoning Code text and any diagram, illustration, graphic, or image contained in this Zoning Code, the text shall take precedence.

(Ord. 2000 § 2, (2021))

CHAPTER 25.06  
ZONING MAP AND ZONING DISTRICTS

**§ 25.06.010. Establishment of Zoning Districts.**

- A. General. The City is divided into zoning districts to allow for orderly, planned development and to implement the General Plan. Table 25.06-1 (Zoning Districts Established) identifies all zoning districts. All zoning districts shall be listed and appropriately designated on the official zoning map. For purpose of the regulations set out in this title, the following zoning districts are created:

<b>Table 25.06-1: Zoning Districts Established</b>	
<b>Residential Zoning Districts</b>	
<b>R-1</b>	Low Density Residential
<b>R-2</b>	Medium Density Residential
<b>R-3</b>	Medium/High Density Residential
<b>R-4</b>	High Density Residential
<b>Nonresidential Zoning Districts</b>	
<b>C-1</b>	General Commercial
<b>BFC</b>	Bayfront Commercial
<b>I-I</b>	Innovation Industrial
<b>PI</b>	Public/Institutional
<b>PR</b>	Parks and Recreation
<b>TPB</b>	Tidal Plain/Bay
<b>Mixed-Use Zoning Districts</b>	
<b>BRMU</b>	Broadway Mixed--Use
<b>CMU</b>	California Drive Mixed--Use
<b>NBMU</b>	North Burlingame Mixed--Use
<b>RRMU</b>	North Rollins Road Mixed--Use
<b>Downtown Specific Plan Zoning Districts</b>	
<b>BAC</b>	Burlingame Avenue Commercial
<b>BMU</b>	Bayswater Mixed--Use
<b>CAC</b>	Chapin Avenue Commercial
<b>CAR</b>	California Drive Auto Row
<b>DAC</b>	Donnelly <u>Avenue</u> Commercial
<b>HMU</b>	Howard Mixed--Use
<b>MMU</b>	Myrtle <u>Road</u> Mixed--Use
<b>Overlay Zoning Districts</b>	
<b>AR</b>	Anita Road Overlay
<b>CR</b>	Commercial Residential Overlay <u>for California Drive/Edgehill Drive</u>
<b>DPS</b>	Downtown Parking Sector Overlay
<b>H</b>	Hillside Overlay
<b>MUR</b>	Multi-Unit Residential Overlay
<b>R4I</b>	<u>R-4</u> Incentive Overlay
<b>RRR</b>	Rollins Road Residential Overlay
<b>R-1-2</b>	Two-Unit Residential Overlay

- B. Base Zoning District. Every parcel shall have a base zoning district that establishes the

primary type and intensity of land use permitted, along with development regulations for that particular type and intensity of land use.

- C. **Overlay Zoning District.** An overlay zoning district supplements the base zoning district for the purpose of establishing special use or development regulations for a particular area in addition to the provisions of the underlying base zoning district. In the event of conflict between the base zoning district regulations and the overlay zoning district regulations, the provisions of the overlay zoning district shall apply.  
(Ord. 2000 § 2, (2021))

#### **§ 25.06.020. Zoning Map.**

This title, together with the zoning map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zoning districts shall be made by ordinance. The boundaries, designations, and locations of the zoning districts established by this Zoning Code shall be shown upon the map(s) entitled "City of Burlingame Zoning Map" and referred to in this Zoning Code as the Zoning Map. Any additional maps (e.g., setback map, height map) adopted shall also be a part of this Zoning Code by reference.  
(Ord. 2000 § 2, (2021))

#### **§ 25.06.030. Rights-of-Way and Vacated Boundary Lines.**

Where a public street or alley is officially vacated, the property areas associated with the vacated street or alley shall be included within the zoning district or zoning districts of the adjoining properties. If the adjoining properties are in different zoning districts, the boundary lines shall be the centerline of the former street or alley and the extension of the side yard lines of the abutting properties. In the event such street, alley, or right-of-way was a boundary between two or more different zoning districts, the new zoning district or zoning district boundary shall be the property line that is created by the vacation.

(Ord. 2000 § 2, (2021))

#### **§ 25.06.040. Uncertainty of Boundaries.**

If there is uncertainty about the location of a zoning district boundary shown on the official Zoning Map, the Director shall determine the location of the boundary in the following manner, except as provided in Section 25.06.030 (Rights-of-Way and Vacated Boundary Lines), above:

1. When a zoning district or area boundary is indicated as approximately following a parcel line, street line or alley line, such boundary shall be construed to follow the centerline of such parcel line, street line or alley line.
2. Where a zoning district or area boundary is indicated as approximately following a line between two or more recorded lots, such boundary shall be construed to follow the line dividing such lots as shown on the most recently approved record of survey parcel map or subdivision map.
3. Any party may file a request for an interpretation or determination of the Zoning Map as provided in Section 25.04.030 (Procedures for Interpretation).

(Ord. 2000 § 2, (2021))

#### **§ 25.06.050. Classification of Annexed Lands.**

- A. Any land annexed to the City of Burlingame shall be deemed to be zoned under such classification under this title as is most nearly the equivalent zoning classification or General Plan land use designation of the City of Burlingame.
- B. Whenever it is deemed that the zoning of annexed lands is inconsistent with the adopted General Plan land use policy or other City policies, the Planning Commission may recommend and the Council may adopt the zoning district classifications which shall apply to the annexed lands in the manner prescribed in Article 6 (Permit Processing Procedures) for amending this title.

(Ord. 2000 § 2, (2021))