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ORDINANCE NO. 2050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLINGAME AMENDING TITLE 25 (ZONING) OF THE CITY OF BURLINGAME MUNICIPAL CODE CHAPTERS 25.06, 25.10, 25.14, 25.16, 25.20 AND 25.78 AND AMENDMING THE CITY OF BURLINGAME ZONING MAP; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES 15378, 15061(b)(3)
PROJECT NO. ZOA26-0001

WHEREAS, the City of Burlingame's Zoning Ordinance is codified in Title 25 of the Burlingame Municipal Code; and

WHEREAS, the boundaries, designations, and locations of the zoning districts established by the Zoning Ordinance are shown upon the map(s) entitled "City of Burlingame Zoning Map" and referred to in the Zoning Ordinance as the Zoning Map; and

WHEREAS, Senate Bill (SB) 79 was signed into law on October 13, 2025, prescribing certain development standards within certain radii of major transit stops, as defined in the bill, beginning July 1, 2026;

WHEREAS, SB 79 applies to properties in the City of Burlingame within one-quarter mile of the Millbrae BART/Caltrain Station and the Downtown Burlingame Caltrain Station; and

WHEREAS, SB 79 provides jurisdictions with the opportunity to create a local alternative plan with different development standards than those prescribed in the bill, provided the plan meets specified criteria; and

WHEREAS, on March 16, 2026, the Burlingame City Council directed staff to develop a local alternative plan; and

WHEREAS, the proposed amendments to Chapter 25.06, 25.10, 25.14, 25.16, and 25.78 of Title 25 (Zoning) will remove two existing overlay districts and create two overlay districts in new code sections that prescribe development standards within specified radii of the Downtown Burlingame Caltrain Station and the Millbrae BART/Caltrain station and incorporate such references in associated tables herein for the development of a local alternative plan to SB 79;

WHEREAS, the proposed amendments to City of Burlingame Zoning Map will be revised for consistency to reflect the amendments to Title 25 (Zoning) to create two overlays, the Downtown Burlingame TOD and the North Burlingame TOD, for the development of a local alternative plan to SB 79;

WHEREAS, the proposed text amendments to Title 25 (Zoning) and the City of Burlingame Zoning Map are Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) 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; and

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WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on May 26, 2026, at which time it reviewed and considered the staff report and all other written materials and testimony presented at duly noticed public hearings; and

WHEREAS, on June 1, 2026, the City Council of the City of Burlingame held a duly noticed public hearing to consider the proposed text amendments to Title 25 (Zoning) at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to adopt the Amendments to Title 25 (Zoning) of the Burlingame Municipal Code and the Zoning Map.

SECTION TWO. REQUIRED FINDINGS

Upon receipt of the Planning Commission's recommendation to approve the proposed Amendments to Title 25 (Zoning) and the Zoning Map, the City Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed Amendments based on the following findings:

1. *The proposed amendment is consistent with the General Plan and any applicable specific plan.*

   The proposed Amendments to Title 25 (Zoning) are consistent with the goals and policies set forth in the General Plan. The Amendments implement policies and programs that work toward the removal of governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities, in compliance with State Housing Element Law.

   These Amendments are consistent with the General Plan including the following goals: Goal CC-3 by protecting the character and quality of Burlingame's historical buildings, tree groves, open spaces, neighborhoods, and districts. Goal CC-8: Ensure that Downtown maintains its character and function as a vibrant, pedestrian-scaled, mixed-use district that supports and encourages a diversity of commercial businesses, treasured civic uses, activated office space, and housing for all income levels and people of all ages. Goal CC-11: Establish a high-intensity mixed-use development node at the north end of El Camino Real to take advantage of the proximity to the Millbrae BART/Caltrain station and SamTrans commuter routes.

   In addition, the proposed Amendments align with *Principle 1: Balanced and Smart Growth* of the General Plan to allow residential growth to occur in targeted areas near transit by

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implementing provisions of State transit-oriented development law and *Principle 2: Community Character/Urban Forest* of the General Plan to be receptive to modern design approaches that complement the Burlingame aesthetic and are harmonious with their surroundings by adjusting development standards to balance new approaches with the existing built environment.

2. *The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.*

   The proposed amendments to Title 25 (Zoning) maintain the necessary development standards, review processes, and requirements that regulate new development and modifications to existing development within the City of Burlingame to protect the public interest, health, safety, convenience, or welfare of the City.

3. *The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

   The proposed Amendments to Title 25 (Zoning) clarify ambiguous or contradicting language to make the Zoning Code more internally consistent and removes certain duplicative standards copied between the Downtown Specific Plan and North Rollins Specific Plan to ensure consistency. No new provisions or requirements have been added to the Zoning Code that would be inconsistent with other provisions of the Ordinance.

SECTION THREE. AMENDING CHAPTERS 25.06, 25.10, 25.14, 25.16, 25.20 AND 25.78 OF TITLE 25 OF THE BURLINGAME MUNICIPAL CODE

Chapters 25.06, 25.10, 25.14, 25.16, 25.20, and 25.78 of Title 25 of the Burlingame Municipal Code is amended as provided in Exhibit A, incorporated herein.

SECTION FOUR. AMENDING THE ZONING MAP

The Zoning Map is amended as provided in Exhibit B, incorporated herein.

SECTION FIVE. CEQA DETERMINATION

The City Council finds that 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.

SECTION SIX. EFFECTIVE DATE

This Ordinance shall become effective on the 31st day following its adoption.

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SECTION SEVEN. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION EIGHT. PUBLIC NOTICE

This Ordinance shall be published in a newspaper of general circulation in accordance with California Government Code Section 36933, published, and circulated in the City of Burlingame, and shall be in full force and effect on July 16, 2026.

SECTION NINE. GOVERNMENTAL AGENCY REVIEW

This Ordinance shall be provided to the California Department of Housing and Community Development for consistency review with California Government Code Section Government Code Sections 65912.155 through 65912.162.1. This Ordinance shall also be provided to 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 City Council authorizes the City Manager to make any additional clarifying or typographical amendments to Title 25 (Zoning) that are required by these governmental agencies to fulfil California State law and to ensure consistency with the SFO ALUCP.

SECTION TEN. CODIFICATION

Sections Three and Four of this Ordinance shall be codified in the Burlingame Municipal Code with any required changes from Section Nine incorporated. Sections One, Two, Five, Six, Seven, Eight, and Nine shall not be so codified.

Michael Brownrigg

Michael Brownrigg, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing ordinance was introduced at a public hearing at a regular meeting of the City Council held on the 1st of June, 2026, and adopted thereafter at a regular meeting of the City Council held on the 15th day of June 2026, by the following vote:

AYES:	Councilmembers: Brownrigg, Stevenson, Thayer
NOES:	Councilmembers: None
ABSENT:	Councilmembers: Colson, Pappajohn

Meaghan Hassel-Shearer

Meaghan Hassel-Shearer, City Clerk

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Exhibits
Exhibit A – Title 25 Amendments
Exhibit B – Zoning Map

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:

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

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.

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.

§ 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 CUP MUP	Permitted Conditional Use Permit 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	

Table 25.10-1: Residential 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	**R-1**	**R-2**	**R-3**	**R-4**	**Specific Use Regulations**
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
Supportive and Transitional Hosing	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	For parcels within one-quarter mile of either the Downtown Burlingame Caltrain station or the Millbrae BART/Caltrain station, see 25.20.070 and 25.20.080.
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. For parcels within one-quarter mile of either the Downtown Burlingame Caltrain station or the Millbrae BART/Caltrain station, see 25.20.070 and 25.20.080.
Plate Height – Maximum	1st Story: 9 ft. 6 in. Upper Stories: 8 ft. 6 in.	1st Story: 9 ft. 6 in. Upper Stories: 8 ft. 6 in.	--	--	Measured from finished floor. See Section 25.10.035 for requests to exceed maximum plate height.
FAR - Maximum	See Section 25.10.060	See Section 25.10.60	n/a	n/a	See Section 25.30.060 for measurement and exceptions. For parcels within one-quarter mile of either the Downtown Burlingame Caltrain station or the Millbrae BART/Caltrain station, see 25.20.070 and 25.20.080.
Setbacks -– Minimum					
Front 1st Story 2nd 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. See Section 25.10.050 for special side setback requirements. See Section 25.30.080 for setback measurement and exceptions.
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.				
Side Upper Stories	See Section 25.10.050				
Corner Lot: Street Side 1st Story 2nd 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		

Table 25.10-2: Residential Zoning Districts Development Standards

Development Standards	R-1	R-2	R-3	R-4	Additional Regulations
Rear 1st Story 2nd 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 60% Corner lots: 70%	Interior lots 60% Corner lots: 70%	See Section 25.30.070 for lot coverage exceptions.
Unit Size - Maximum	--	--			Average maximum unit size of 1,250 sq. ft. for multi-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.
2nd 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 2nd 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 Special Permit. 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 for replacement of an existing attached garage or 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, that is in the rear of the lot and that is more than 28 feet in width or depth.

5. Plate height exceeding maximum indicated in Table 25.10-2 (Residential Zoning Districts Development Standards).

6. Except in the Hillside Overlay, 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 consider surrounding context, including window location of adjacent properties.

§ 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 Special Permit. 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.

§ 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 Rollins Road Residential Overlay can be found in Section 25.20.050

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 Special Permit.

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 Special 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 the Review Authority for an application for Tier 2 projects.

b. Tier 2 Requirements and Number of Community Benefits. The Planning Commission may approve a Special 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 project provides a currently undefined community benefit approved by the Review Authority that is significant and substantially beyond normal requirements. Examples are inclusion of a child care center 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.

§ 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.

   b. 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.

   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

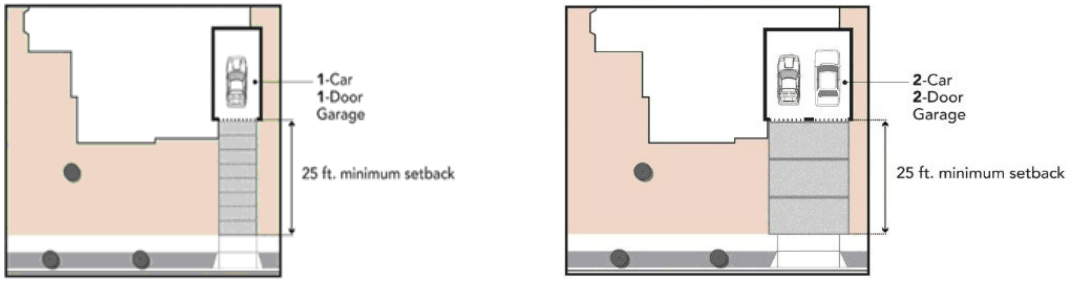
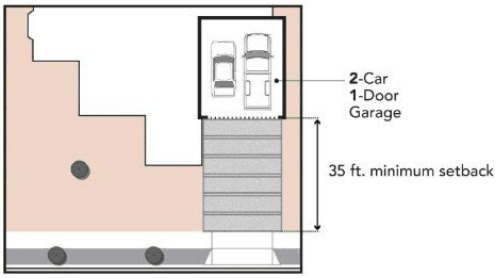
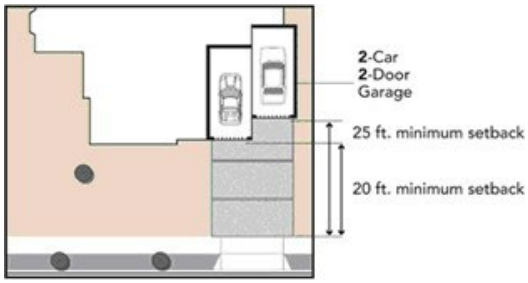


Table 25.10-3: Front Setbacks on Certain Streets

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.

§ 25.10.055. Special Side Setback Requirements.

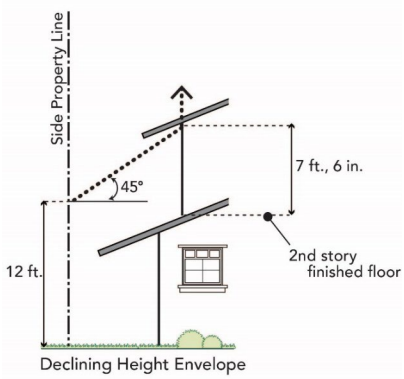




A. R-1 and R-2 Side Setbacks – Additional Regulations for Interior Lots.

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 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.

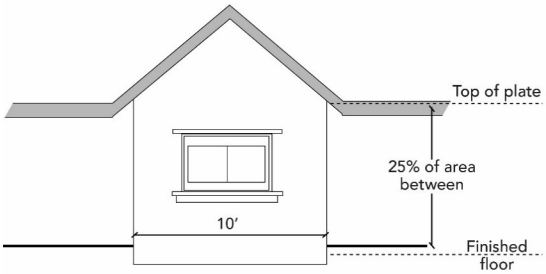
Figure 25.10-2: R-1 and R-2 Declining Height Envelope



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.

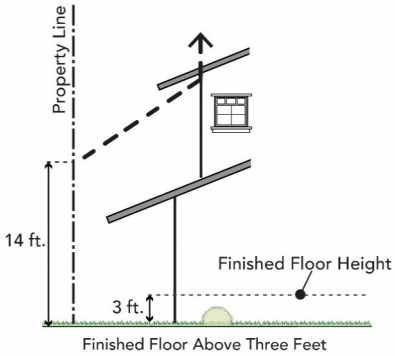
Figure 25.10-3: R-1 and R-2 Window Enclosure Exception for Declining Height Envelope



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.

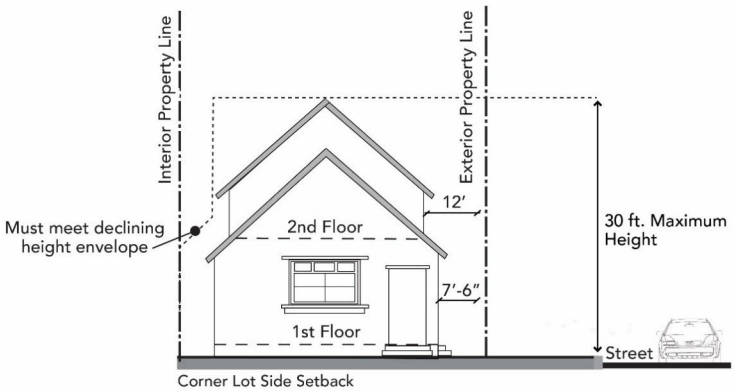
Figure 25.10-4: R-1 and R-1 Finish First Floor Exception for Declining Height Envelope



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.

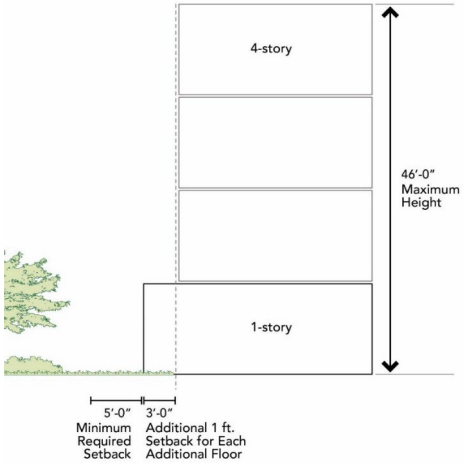
Figure 25.10-5: R-1 Corner Lot Side Setbacks



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.

§ 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 ratio (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 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.

§ 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.

§ 25.10.100. Minor Modifications.

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

§ 25.10.110. Design Review.

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

CHAPTER 25.14
MIXED-USE ZONING DISTRICTS (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 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 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.

§ 25.14.020. Land Use Regulations.

A. 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.

B. 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.

C. 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

	P Permitted CUP Conditional Use Permit MUP Minor Use Permit			TUP Temporary Use Permit A Accessory Use -- Not Permitted
Land Use	**CMU**	**BRMU**	**NBMU**	**Specific Use Regulations**
Commercial – Retail				
Eating and Drinking Establishments				
Bars and Taverns	--	MUP	MUP	Breweries, Distilleries, and Wineries may be allowed as an accessory use to a restaurant - with alcohol sales. In NBMU, Restaurants – Drive-through only permitted with CUP within area bounded by El Camino Real, Trousdale Drive, Magnolia Drive, and Murchison Drive.
Night Clubs	--	--	CUP	
Outdoor Dining	P	P	P	
Restaurants	P	P	P	
Restaurants – Drive-through	--	--	CUP	
Food and Beverage Sales				
Alcohol Sales Store	--	MUP	--	
Convenience Store	P	P	CUP	
General Market	P	P	P	
Nurseries and Garden Centers	--	--	--	
Retail Sales				
General	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	
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	No overnight animal stays permitted.
Veterinarian	P	P	MUP	
Banks and Financial Institutions	P	P	P	

Table 25.14-1: Mixed Use 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	**CMU**	**BRMU**	**NBMU**	**Specific Use Regulations**
Check Cashing and Pay Day Loan Establishments	--	--	--	
Commercial Recreation – Large Scale	--	--	CUP	
Commercial Recreation – Small Scale	MUP	MUP	MUP	
Day Care Centers	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	
Funeral Services and Cemeteries	--	--	--	
Office – Co-Working	P	P	P	
Office – Medical or Dental	P	P	P	In CMU and BRMU, permitted on upper stories; CUP for ground floor.
Office – Professional	P	P	P	
Office – Research and Development	P	--	MUP	
Personal Services – General	P	P	P	
Personal Services – Specialized	CUP	CUP	CUP	See Section 25.48.230
Studios – Arts	P	P	P	
Theaters – Live	--	CUP	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.

Table 25.14-1: Mixed Use 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	**CMU**	**BRMU**	**NBMU**	**Specific Use Regulations**
Theaters – Movie or similar	--	--	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
Educational Services				
Schools, Primary and Secondary	CUP	--	CUP	Public and private schools serving preschool through grade 12 not allowed in NBMU.
Trade Schools	--	--	--	
Tutoring and Educational Services	P	P	CUP	
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	--	--	--	
Laboratories/Research and Development	--	--	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	--	--	--	
Personal Storage	--	--	--	
Recycling facilities				
Light Processing	--	--	--	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)	--	--	--	
Small Collection	--	--	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	--	--	--	

Table 25.14-1: Mixed Use 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	**CMU**	**BRMU**	**NBMU**	**Specific Use Regulations**
Wholesaling	--	--	--	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	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	--	--	--	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
Religious Assembly Facility	CUP	--	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
Community Open Space	P	P	P	
Emergency Shelters – Permanent	--	--	--	See Section 25.48.100
Emergency Shelters – Temporary	A	--	A	See Section 25.48.110
Government Buildings and Facilities	P	P	P	
Hospitals	--	--	--	
Low Barrier Navigation Center	P	P	P	See Section 25.48.170
Medical Clinics	P	--	CUP	
Park and Recreation Facilities, Public	P	P	P	
Residential Uses				
Caretaker Quarters	--	--	--	
Communal Housing	P	P	P	
Elderly and Long-Term Care	--	--	CUP	Nursing homes not allowed in NBMU.
Family Day Care – Small	P	P	P	
Family Day Care – Large	P	P	P	

Table 25.14-1: Mixed Use 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	**CMU**	**BRMU**	**NBMU**	**Specific Use Regulations**
Live/Work	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	Multi-unit dwellings not permitted on ground floor in BRMU.
Residential Care Facilities				
Limited	P	--	P	
General	CUP	--	CUP	See Section 25.48.220
Senior	CUP	--	CUP	See Section 25.48.220
Supportive and Transitional Housing	P	P	P	
Transportation, Communication, and Infrastructure Uses				
Air Courier, Terminal, and Freight Services	--	--	--	
Park and Fly, Accessory	--	--	--	
Park and Fly, Primary Use	--	--	--	
Parking Facility, Accessory	A	A	A	
Parking Facility, Primary Use	--	--	--	
Publicly Owned and Operated Drainage Facilities and Improvements	--	--	--	
Transit Facilities	--	--	CUP	
Utility Structures and Service Facilities	CUP	CUP	MUP	
Vehicle Storage	--	--	--	
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.

Table 25.14-1: Mixed Use 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	**CMU**	**BRMU**	**NBMU**	**Specific Use Regulations**
Outdoor Storage	--	--	--	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

§ 25.14.030. 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. Tiers 2 and 3 shall provide community benefits per Section 25.14.050.C. For parcels within one-quarter mile of the Millbrae BART/Caltrain station, see 25.20.080.
Density – Maximum	40 du/ac	80 du/ac	140 du/ac	
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: a. 35% of the linear frontage above the third story must step back a minimum 10 feet, in the form of insets, balconies, or stepbacks, or b. 80% of a building's linear frontage above the fifth story must step back a minimum of 10 feet, in the form of insets, balconies, or stepbacks For parcels within one-quarter mile of the Millbrae BART/Caltrain station, see 25.20.080.			

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)	
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 generally equivalent to the additional lot coverage (in square feet) is provided on a podium-level (non-rooftop) landscaped courtyard or plaza.

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)	
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.

a. 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.	

b. 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.

2. Parking Locations. No at-grade parking shall be visible from El Camino Real.

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. 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.

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

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 the 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. 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 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 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 that is significant and substantially beyond normal requirements. Examples are inclusion of a child care center 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).

§ 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. 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

Table 25.14-6: CMU And BRMU Development Standards

Development Standards	Standard		Additional Regulations
	CMU	BRMU	
			of achieving façade 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	1st and 2nd stories: 15 ft. 3rd story and above: 20 ft.	1st story: 0 ft. Upper stories: 2nd story: 10 ft. 3rd story and above: 15 ft.	
Edge Conditions (adjacent to existing residential uses)	1st 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.

§ 25.14.070. Minor Modifications.

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

§ 25.14.080. Design Review Required.

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

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.

Refer to the Downtown Specific Plan for the land use regulations, development standards, design guidelines, and other regulations for parcels within the Downtown Specific Plan area boundary.

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 the Zoning Code or applicable Specific Plans, the regulations of this chapter shall control.

§ 25.20.010. 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

P CUP MUP	Permitted Conditional Use Permit Minor Use Permit	TUP A --	Temporary Use Permit Accessory Use Not Permitted
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	P	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).

§ 25.20.020. Downtown Parking Sector Overlay.

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

§ 25.20.030. 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 excluding kitchens, bathrooms, dens, stairwells, entryways, and bedrooms.

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.

§ 25.20.040. 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).

§ 25.20.050. 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.

§ 25.20.060. Two-Unit Residential Overlay.

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 prelude 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.

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.

§ 25.20.070. Downtown Transit-Oriented Development Overlay (DTOD)

A. Purpose. The purpose of this section is to allow the development of qualifying housing development projects, as defined by California Government Code Sections 65589.5, within the DTOD Overlay in compliance with Government Code Section 65912.155.

B. Applicability. The Downtown Transit Oriented Development Overlay (DTOD) shall apply to parcels within one-quarter mile of a pedestrian access point to the Downtown Burlingame Caltrain Station as shown on the Zoning Map.

C. Development Standards. Qualifying housing development projects, as defined by California Government Code Sections 65589.5, are subject to the requirements of Government Code sections 65912.155 through 65912.162.1, except for the maximum density, height, and floor area ratio which are specified in subsections 1 and 2 below.

1. DTOD Sub-Area A: Parcels within the DTOD Sub-Area A boundary, as shown on the Zoning Map:

i. Maximum Density: 100 dwelling units per acre

ii. Maximum Height: 95 feet

iii. Maximum Floor Area Ratio (FAR): 4.5

2. DTOD Sub-Area B: Parcels within the DTOD Sub-Area B boundary, as shown on the

Zoning Map:

i. Maximum Density: 60 dwelling units per acre

ii. Maximum Height: 75 feet

iii. Maximum Floor Area Ratio (FAR): 3.5

3. All other applicable development standards set forth in the Municipal Code, underlying zoning district and/or the Downtown Specific Plan shall apply.

§ 25.20.080. North Burlingame Transit-Oriented Development Overlay (NBTOD)

A. Purpose: The purpose of this section is to allow the development of qualifying housing development projects, as defined by California Government Code Sections 65589.5, within the NBTOD Overlay in compliance with Government Code Section 65912.155.

B. Applicability: The North Burlingame Transit-Oriented Development Overlay (NBTOD) shall apply to parcels within one-quarter mile of a pedestrian access point to the Millbrae BART/Caltrain Station as shown on the Zoning Map.

C. Development Standards: Qualifying housing development projects, as defined by California Government Code Sections 65589.5, and subject to the requirements of Government Code sections 65912.155 through 65912.162.1, except for the maximum density, height, and floor area ratio which are specified in subsections 1 through 3 below.

1. Maximum Density: 150 dwelling units per acre

2. Maximum Height: 80 feet

3. Maximum Floor Area Ratio (FAR): 3.0

4. All other applicable development standards set forth in the Municipal Code, underlying zoning district and/or the North Rollins Specific Plan shall apply.

Article 6
Permit Processing Procedures

CHAPTER 25.78
SPECIAL PERMIT

§ 25.78.010. Purpose and Applicability.

A. Purpose. The Special Permit is established for the purpose of allowing the structures and development approaches specified in this chapter that are not permitted as a matter of right but which may be considered compatible and appropriate if such uses or features are designed or arranged on a site or in a structure in a particular manner and in accordance with conditions imposed by the Planning Commission.

B. Applicability. In its review of a Special Permit application, the Commission may impose such requirements and conditions with respect to location, construction, architectural features, architectural consistency within the structure, site planning, and time limits for the special permit as it deems necessary for the protection of adjacent properties, the streetscape, the neighborhood, and the public interest. Such deviations may apply to, but not be limited to, building height, variety of roofline on a structure, daylight plane

angle, façade articulation, and exterior finish materials. For qualifying projects within the Downtown Transit Oriented-Development Overlay and the North Burlingame Transit-Oriented Development Overlay, Special Permit requirements shall not apply.

§ 25.78.020. Structures and Development Approaches in the R-1 Zoning District Requiring a Special Permit.

A. Applicability. The following are structures and development approaches allowed in the R-1 zoning district with a Special Permit:

1. Attached garages for single-unit dwellings, except for replacement of an existing attached garage or 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, that is in the rear of the lot and that is more than 28 feet in width or depth.

5. Plate height exceeding maximum indicated in Table 25.10-2 (Residential Zoning Districts Development Standards).

6. 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 consider surrounding context, including window location of adjacent properties.

B. Required Findings. Any decision to approve a Special Permit application in the R-1 zoning district pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The blend of mass, scale, and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the well-defined character of the street and neighborhood;

2. The variety of roof line, façade, exterior finish materials, and elevations of the proposed new structure or addition are consistent with the existing structure, street, and neighborhood;

3. The proposed project is consistent with the residential design guidelines adopted by the City; and

4. Removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the City's reforestation requirements, and that the mitigation for the removal that is proposed is consistent with established City policies and practices.

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

A. Applicability. The following are structures and development approaches allowed in the R-2 zoning district with a Special Permit:

1. Building height exceeding 30 feet, but not to exceed 36 feet.

2. Construction exceeding the limits of the declining height envelope.

B. Required Findings. Any decision to approve a Special Permit application in the R-2 zoning district pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The blend of mass, scale, and dominant structural characteristics of the new construction or addition are consistent with the existing structure's design and with the well-defined character of the street and neighborhood;

2. The variety of roof line, façade, exterior finish materials, and elevations of the proposed new structure or addition are consistent with the existing structure, street, and neighborhood;

3. The proposed project is consistent with the residential design guidelines adopted by the City; and

4. Removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the City's reforestation requirements, and that the mitigation for the removal that is proposed is consistent with established City policies and practices.

§ 25.78.040. Structures and Development Approaches in the R-3 Zoning Districts Requiring a Special Permit.

A. Applicability. The following are structures and development approaches allowed in the R-3 zoning district with a Special Permit:

1. Any proposal utilizing Tier 2 development standards to exceed the maximum building height. Additional building height provided in Tier 2 may only be allowed with the applicant's provision of community benefits approved by the Review Authority.

2. Buildings exceeding maximum height limits in the R-3 zoning district within the Rollins Road Residential Overlay (Section 25.20.050)

3. 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.

B. Required Findings. Any decision to approve a Special Permit application in the R-3 zoning district pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;

2. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties;

3. The additional development capacity is consistent with General Plan goals and policies; and

4. The project conditions of approval, a development agreement, or some other form of binding agreement will be in place to ensure provision of the required community benefits (if applicable).

§ 25.78.050. Structures and Development Approaches in the CMU and BRMU Zoning Districts Requiring a Special Permit.

A. Applicability. The following are structures and development approaches allowed in the CMU and BRMU zoning districts with a Special Permit:

1. Buildings exceeding maximum height limits.

2. Architectural features in excess of the maximum building height which do not extend more than 10 feet above the maximum height and do not occupy more than 10 percent of the roof area. The architectural features shall be reviewed as a part of the design review process outlined in Chapter 25.68 (Design Review).

B. Required Findings. Any decision to approve a Special Permit application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. Building Height.

a. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;

b. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties; and

c. The additional development capacity is consistent with General Plan goals and policies.

2. Architectural Features.

a. The architectural features enhance the overall design of the development; and

b. The architectural features are designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties.

§ 25.78.060. Structures and Development Approaches in the BFC, I-I, and NBMU Zoning Districts Requiring a Special Permit.

A. Applicability. The following are structures and development approaches allowed in the BFC, I-I, and NBMU zoning districts with a Special Permit:

1. Any proposal in the NBMU zoning district utilizing Tier 2 or Tier 3 development standards to exceed the maximum building height. Additional building height provided in Tier 2 or Tier 3 may only be allowed with the applicant's provision of community benefits approved by the Review Authority.

2. Buildings exceeding maximum height limits in the BFC and I-I zoning districts.

B. Required Findings. Any decision to approve a Special Permit application pursuant to this chapter shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The proposed modification to standards respects and preserves the character of the neighborhood in which the project is located;

2. The proposed modification to standards results in a project that is designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring properties; and

3. The additional development capacity is consistent with General Plan goals and policies.

§ 25.78.070. Community Benefits in the BFC, I-I, and NBMU Zoning Districts Requiring a Special Permit.

A. Applicability. In the BFC, I-I, and NBMU zoning districts, a Special Permit application is required for any proposal utilizing Tier 2 or Tier 3 development standards as provided in the respective chapter. Additional development capacity provided in Tiers 2 and 3 may only be allowed with the applicant's provision of community benefits approved by the Review Authority. The value of the benefit shall be proportional to the value of the additional development capacity provided in Tiers 2 and 3, as determined by the Review Authority.

B. Required Findings. Any decision to approve a Special Permit application for additional development capacity as provided in Tiers 2 and 3 shall be supported by written findings addressing the criteria set forth in this chapter. In making such determination, the following findings shall be made:

1. The value of the community benefits provided is proportional to the value derived from the additional development capacity provided in Tiers 2 and 3;

2. The additional development capacity will not pose adverse impacts on the public health, safety, and general welfare, nor on neighboring properties in particular;

3. The additional development capacity is consistent with General Plan goals and policies; and

4. The project conditions of approval, a development agreement, or some other form of binding agreement will be in place to ensure provision of the required community benefits.

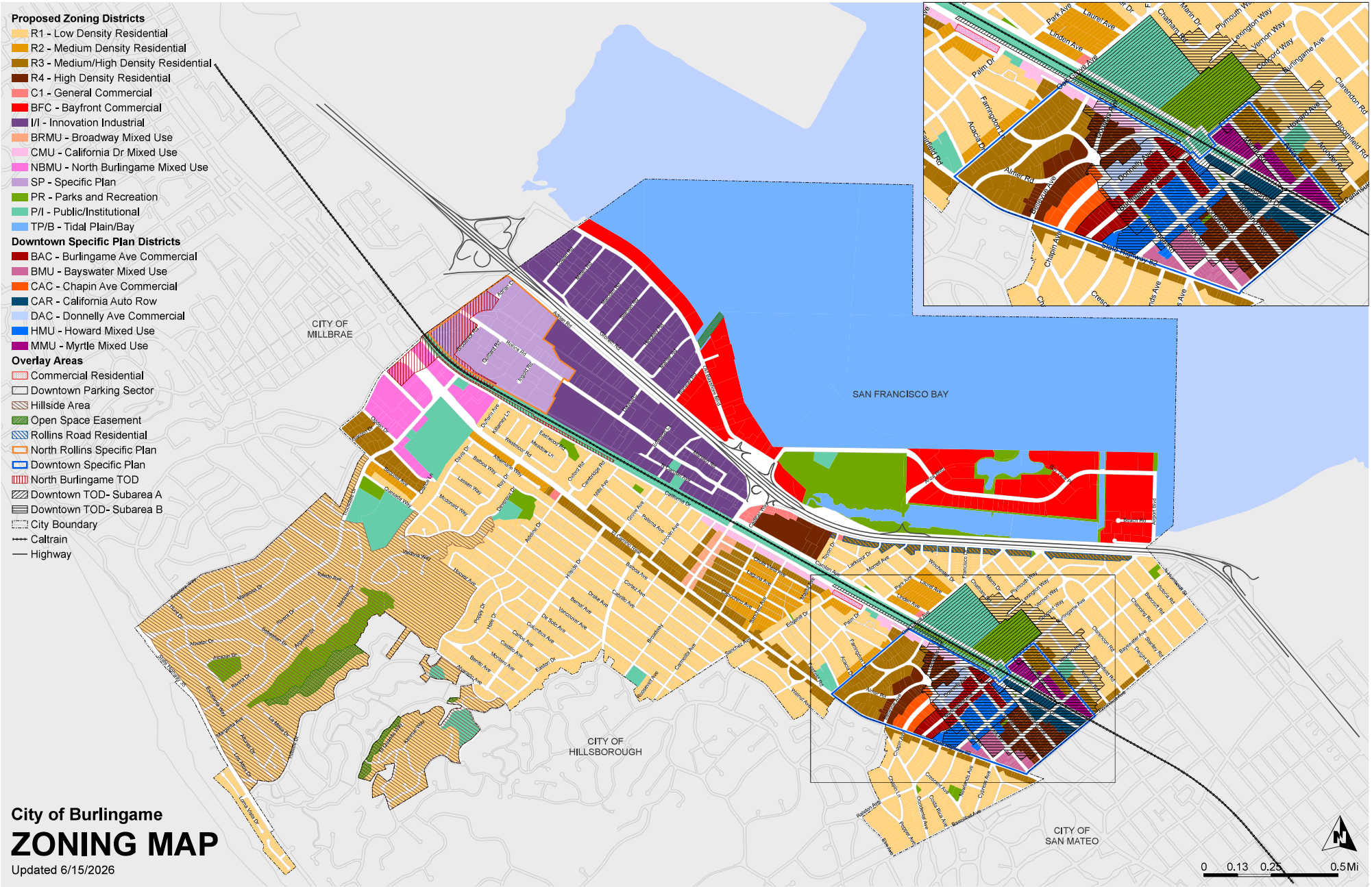
§ 25.78.080. Review Procedures for Special Permits.

A. Investigation by Director. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter. A staff report shall be prepared pursuant to Section 25.62.080 (Project Evaluation and Staff Reports).

B. Notice and Hearings. A public hearing before the Planning Commission shall be required for all Special Permits in compliance with Chapter 25.100 (Public Hearings and Notice).

§ 25.78.090. Conditions of Approval.

In approving a Special Permit, the Commission, or City Council on appeal, may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with this chapter, State law, and with the findings required by this chapter. The Commission may require tangible guarantees or evidence that those conditions are being, or will be, complied with.



City of Burlingame

ZONING MAP

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