

Chapter 25.40

**NBMU (NORTH BURLINGAME MIXED USE)
DISTRICT REGULATIONS**

Sections:

- 25.40.010 Purpose and applicability.**
- 25.40.020 Land use regulations.**
- 25.40.030 Development standards.**
- 25.40.040 Design standards and objective design criteria.**
- 25.40.050 Parking.**
- 25.40.060 Review procedures.**
- 25.40.070 Comprehensive airport land use compatibility plan consistency.**

25.40.010 Purpose and applicability.

(a) The purpose of the North Burlingame Mixed-Use (NBMU) zone is to implement the General Plan North Burlingame Mixed Use designation by providing a distinct, defining area at the City’s north gateway on El

Camino Real, with housing and complementary commercial and office uses at urban-level intensities, and that takes advantage of the adjacent multimodal transit center. This transit-oriented development district accommodates housing at progressively higher densities based on the level of community benefits provided, with the goal of ensuring that new development adds value for all in the City.

(b) The provisions of this chapter shall apply to the areas in the city with the “North Burlingame Mixed Use” land use designation as shown on the Land Use Plan, Figure CC-1 of the Burlingame General Plan. (Ord. 1988 § 2, (2020))

25.40.020 Land use regulations.

(a) Table 25.40-1 identifies the land use regulations for the NBMU zone. Any use not listed below shall be prohibited, unless the Director finds that the proposed use is similar in characteristics to allowed uses.

(b) Stand-alone commercial and residential developments are permitted.

TABLE 25.40-1: NBMU LAND USE REGULATIONS		
	P Permitted CUP Conditional Use Permit MCUP Minor Conditional Use Permit TUP Temporary Use Permit A Accessory Use -- Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations
COMMERCIAL - RETAIL		
Eating and Drinking Establishments • Bars, Taverns • Night Club • Restaurant • Restaurant – Drive-through	MCUP CUP P --	
Food and Beverage Sales • General Market • Convenience Store • Liquor Store	P CUP --	
Nurseries and Garden Centers	--	
Retail Sales • General • Large Format • Specialized	P -- CUP	
Vehicle Fuel Sales and Service	CUP	

TABLE 25.40-1: NBMU LAND USE REGULATIONS		
	P Permitted CUP Conditional Use Permit MCUP Minor Conditional Use Permit TUP Temporary Use Permit A Accessory Use -- Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations
Vehicle Sales	--	
• Auto and Light Truck – New	--	
• Auto and Light Truck – Used	--	
• Heavy Equipment Sales and Rental	--	
COMMERCIAL – SERVICES AND RECREATION		
Adult Entertainment Businesses	--	
Animal Care Services		Grooming - No overnight animal stays permitted.
• Boarding/Kennels	--	
• Grooming	P	
• Veterinarian	MCUP	
Banks and Financial Institutions	P	
Check Cashing and Pay Day Loan Establishments	--	
Commercial Recreation	CUP	
Day Care Centers	CUP	<p>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.</p> <p>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.</p>
Food Preparation (catering)	MCUP	
Funeral Services and Cemeteries	--	
Office – Medical or Dental	P	
Office – Professional	P	

TABLE 25.40-1: NBMU LAND USE REGULATIONS		
	P Permitted CUP Conditional Use Permit MCUP Minor Conditional Use Permit TUP Temporary Use Permit A Accessory Use -- Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations
Personal Services – General	P	
Personal Services – Specialized	CUP	
Light Research/Development and Laboratories	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.
Theaters • Live • Movie or similar	CUP CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
Vehicle Service, Repairs, and Rentals • Car Wash • Major Repair/Body Work • Minor Repair/Body Work • Rental Facilities	-- -- -- A	
EDUCATIONAL SERVICES		
Class or School Uses	CUP	Public and private schools serving preschool through grade 12 not allowed.
Trade Schools	--	
LODGING		
Bed and Breakfast	--	
Emergency Shelters	--	
Hostels	--	
Hotels and Motels	CUP	
PUBLIC AND QUASI-PUBLIC USES		
Community Open Space	P	
Hospitals and Clinics	CUP	
Public Assembly Facilities	--	
Public Parks	P	
Places of Religious Assembly	CUP	SFO Safety Compatibility Zone 2: Facilities seating more than 300 people not allowed.
RESIDENTIAL USES		
Multi-Family Residential	P	

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	P Permitted CUP Conditional Use Permit MCUP Minor Conditional Use Permit TUP Temporary Use Permit A Accessory Use -- Not Permitted	
Land Use	Permit Requirement	Specific Use Regulations
Residential Care Facilities	CUP	Nursing homes not allowed
Supportive and Transitional Housing	P	
MIXED USES		
Mixed Use Developments	P	With individual specific uses subject to land use regulatory requirements set forth in this table.
TRANSPORTATION AND UTILITIES		
Parking facilities, including parking garages	--	
Transit Facilities	CUP	
Utilities	MCUP	
SPECIFIC AND TEMPORARY USES		
Outdoor Temporary and Seasonal Sales	TUP	
Temporary Uses	TUP	
Vending machines	A	
Outdoor dining	A	
Note: 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 including Noise/Land Use Compatibility and Safety Compatibility Criteria listed in Tables IV-1 and IV-2. Some uses listed above may be incompatible in safety zones. The northwestern portion of the North Burlingame Mixed Use Zone is within Safety Compatibility Zone 2 – Inner Approach/Departure Zone; while the remainder is within Safety Compatibility Zone 3 – Inner Turning Zone. (Ord. 1988 § 2, (2020))		

25.40.030 Development standards.

(a) Development Standards Generally; Calculation of FAR and Density.

(1) Development projects shall comply with the development standards set forth in Table 25.40-2 (NBMU Development Standards). The floor area ratio (FAR) standards shall apply to the non-residential component on a development on a site; the density standards

shall apply to any residential component. The non-residential (FAR) and residential (density) components are additive.

(2) A developer may elect to develop consistent with either Tier 1, Tier 2, or Tier 3 development standards. Projects using Tier 2 or Tier 3 standards shall provide community benefits pursuant to subparagraph 25.40.030(b), below.

TABLE 25.40-2: NBMU DEVELOPMENT STANDARDS				
Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
a. Density – Maximum (applies to residential component)	40 du/ac	80 du/ac	140 du/ac	Tier 2 and 3 must provide community benefits per subparagraph (b), below.
b. Floor Area Ratio (FAR) – Maximum (applies to non-residential component) ¹	0.50 Office 0.25 Commercial	1.25 Office 0.50 Commercial	2.0 Office 1.0 Commercial	Tier 2 and 3 must provide community benefits per subparagraph (b), below.
c. Height ³	4 stories/45 ft. maximum	5 stories/55 ft. maximum	7 stories/75 ft. maximum For properties on the east side of El Camino Real, 9 stories/100 ft. subject to additional setback standards, below	Tier 2 and 3 must provide community benefits per subparagraph (b), below. Special Requirements and Exceptions: 1. 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 35 feet must step back a minimum 5 feet, in the form of insets, balconies, or stepbacks, or b. 80% of a building's linear frontage above 55 feet stories must step back a minimum of 10 feet, in the form of insets, balconies, or stepbacks
d. Setbacks				
• For any building adjacent to properties zoned R-1 or R-2	Any building façade that faces the adjacent R-1 or R-2 property line and that is above 15 feet in height shall have additional setback distance added to the required setback. That additional setback shall apply to any portion of the building above 15 feet in height and shall be a minimum horizontal distance of one foot for every one foot of building height above 30 feet.			
• Front: El Camino Real	0 to 10 ft. for first 35 ft.			Subject to streetscape frontage standards in Table 25.40-3

TABLE 25.40-2: NBMU DEVELOPMENT STANDARDS				
Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
•Front: Mixed-Use Arterial (Trousdale Drive, Murchison Drive, California Drive)	0 to 10 ft., with at least 60 percent of the structure located at the streetscape frontage line per Table 25.40-3			Subject to streetscape frontage standards in Table 25.40-3
• Front: Mixed-Use Collector (Magnolia Drive) and Neighborhood Access (Ogden Drive, Marco Polo Way)	0 to 10 ft., with at least 40 percent of the structure located at the streetscape frontage line per Table 25.40-3			Subject to streetscape frontage standards in Table 25.40-3
• Side – Interior: El Camino Real	10 ft.			
• Side – Interior: Trousdale Drive, Murchison Drive, California Drive, Ogden Drive, and Marco Polo Way	10 ft.			
• Side – Street	0 to 10 ft., with at least 40 percent of the structure located at the streetscape frontage line per Table 25.40-3			Subject to streetscape frontage standards in Table 25.40-3
• Rear	15 ft. minimum 20 ft. minimum if abutting a lot zoned R-1 or R-2			
e. Lot Dimensions – Minimum • Size • Width at street frontage	20,000 sf 150 ft.			Minimum applies to new subdivisions of land; legally established lots of smaller size may be developed consistent with the requirements of this Chapter 25.40.
f. Lot Coverage – Maximum ²	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 rooftop garden and hardscape.
g. Open Space and Landscaping • Open space for residential units – Minimum • Percent landscape coverage – Minimum	100 sf per unit of open space per unit. Open space may be either private, common, or include both. 10% of entire site; see also Section 25.40.040.			Minimum dimensions of open space: • Private: 5 ft. deep, 8 ft. wide • Common: 15 ft. in any direction
h. Parking	1. Parking shall be provided as set forth in Chapter 25.70. 2. Garages may be constructed entirely below ground level, and such underground garages may project into any required yard or building setback area. 3. No at-grade parking shall be visible or accessed from El Camino Real.			

TABLE 25.40-2: NBMU DEVELOPMENT STANDARDS

Development Standards	Base Standard (Tier 1)	Increased Intensity (Tier 2)	Maximum Intensity (Tier 3)	Additional Regulations
<p>Notes:</p> <p>¹ Above-ground parking structures shall be exempt from Floor Area Ratio (FAR) calculations.</p> <p>² Lot coverage may be increased if additional useable common open space equivalent to the additional lot coverage (in square feet) is provided on a podium-level landscaped courtyard or plaza.</p> <p>³ Maximum building heights are also required to comply with Airspace Protection Policies AP-1 through AP-4 of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (ALUCP). This includes determining the need to file Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA for any proposed project that would exceed the FAA notification heights, as shown approximately on ALUCP Exhibit IV-10 and complying with FAA Aeronautical Study Findings. It also includes complying with the maximum compatible building height, which includes all parapets, elevator overruns, etc. of a building, as noted in ALUCP policy AP-3 and depicted in Exhibits IV-17 and IV-18 of the ALUCP.</p>				

(b) Community Benefits – Required Enhancements for Tier 2 and 3 Increased FAR, Density, and Height.

(1) Purpose and Applicability. The community benefits program is established to provide incentives for higher intensity development not otherwise allowed by these zoning regulations, and to create new community benefits that may not otherwise result from development activity. The Planning Commission, through a discretionary review and public hearing process, may grant increased FAR, density, or building 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, and in finding that these benefits cannot be realized without granting increased FAR, height, and/or density. 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) Tier 2 – Number of Community Benefits. The Planning Commission may approve Tier 2 projects if it determines that the project includes at least two (2) community benefits from subsection (b)(4) of this Section (Community Benefits Objectives). At least one affordable and workforce housing objective from (4)(A) shall be chosen.

(3) Tier 3 – Number of Community Benefits. The Planning Commission may approve Tier 3 projects if it determines that the project includes at least three (3) community benefits from subsection (b)(4) of this Section (Community Benefits Objectives). At least one affordable and workforce housing objective from (4)(A) shall be chosen.

(4) Community Benefit Options.

(A) Affordable and Workforce Housing.

(i) The project provides affordable housing at the rate of five (5) percent for low-income households, or ten (10) percent for moderate-income households, as a percentage of the total number of housing units built for a period of fifty-five (55) years or greater.

(ii) The project qualifies for, and utilizes, a density bonus in compliance with the City's affordable housing incentives (Chapter 25.63).

(B) Pedestrian Amenities. The project includes major pedestrian connections in excess of minimum pedestrian requirements.

(C) Public Plazas.

(i) The minimum area of any public plaza shall be two thousand (2,000) square feet;

(ii) The public plaza is owned, operated, and maintained by the developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the Community Development Director;

(iii) Each part of the public plaza shall be accessible from other parts of the open space without leaving the open space area;

(iv) The public plaza shall be on the ground level and directly accessible from the sidewalk, and be accessible to persons with disabilities;

(v) 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; and

(vi) At a minimum, the following elements shall be included within the open space: trees and landscaping,

seating, bicycle racks, trash and recycling receptacles, and signage that include hours of operation.

(D) Off-Site Streetscape Improvements. These provisions do not include improvements along the frontage of a development site that would normally be required. 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 (e.g. dead-ends and cul-de-sacs).

(v) Upgrading traffic signals to enhance pedestrian and bicycle safety.

(E) Cultural Arts Space. Includes space for visual arts, performing arts, artist housing, and other activities that support arts and culture.

(F) Pedestrian and Similar Paths and Connections between Adjacent Properties. To effectuate the goal of creating walkable and bikeable environments, improved pedestrian ways and other paths open to the public that accommodate easy movement across and between properties under separate ownership.

(G) Historic Preservation (Off-Site). Where there are no historic resources on the project 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.

(H) Mode Split. The project provides for the permanent mode shift towards alternative transportation for building occupants through a Transportation Demand Management Program that achieves the objectives of General Plan Chapter VI: Mobility. Prior to the issuance of building permits, a covenant agreement shall be recorded that discloses the required Transportation Demand Management provisions. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property of any ongoing programmatic requirements.

(I) Zero Net Energy. The project provides one hundred (100) percent of total building energy load measured as kilowatt per square foot through solar panels, wind turbines, or other renewable sources.

(J) 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.

(K) Flexible (Miscellaneous) Benefit. The applicant agrees to provide a currently undefined community benefit approved by the City Council that is significant and substantially beyond normal requirements. Examples are inclusion of a child care center or community event space in a new development project, off-site utility infrastructure improvements above and beyond those required to serve the development, additional funding for City programs such as contribution to a local façade improvement program, or subsidy for existing commercial tenants or other local small businesses. (Ord. 1988 § 2, (2020))

25.40.040 Design standards and objective design criteria.

In addition to the development standards in Section 25.40.030, the following design standards and criteria shall apply to all new development projects.

(a) Design Standards. All new development shall be designed to achieve the following objectives:

(1) The design shall provide for internal compatibility between the different uses in terms of noise, hours of operation, vehicle and pedestrian circulation, access, use of open space, and other operating characteristics that affect quality of life.

(2) Potential noise, odors, glare, pedestrian traffic, and other impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.

(3) The design of the mixed-use project shall ensure that the residential units are of a residential character and that privacy between residential units and between other uses on the site is maximized.

(4) The design of the structures and site planning shall encourage integration of the street pedestrian environment with the nonresidential uses through the use of plazas, courtyards, walkways, and street furniture.

(5) Site planning and building design shall be compatible with and enhance the adjacent and surrounding built environment in terms of scale, building design, color, exterior materials, roof styles, lighting, landscaping, and signage.

(b) Building Orientation, Entrances, and Articulation.

(1) Orientation. The main building of a development shall be oriented to face a public street. Building frontages shall be generally parallel to streets. For all residential, retail, service, and office uses, at least one primary entrance to a ground-floor use shall face the adjacent street right-of-way. Ground-related entrances include entrances to ground-floor uses, residential units, clusters of residential units, lobbies, or private courtyards.

(2) Ground-Floor Transparency. At least seventy-five (75) percent of the exterior walls on the ground floor facing the street shall include windows, doors, or other openings.

(3) Nonresidential Entrances. Entries shall be clearly defined features of front façades and of a scale that is in proportion to the size of the building and number of units being accessed. Larger buildings shall have a more prominent building entrance while maintaining a pedestrian scale.

(4) Transitional Space at Residential Entries. New residential buildings shall provide transitional spaces in the form of stoops, overhangs, and porches between public areas fronting the primary street and entrances. This type of element or equivalent shall be required for each unit or group of units, but no less than one of this type of element shall be provided.

(5) Building Articulation. No street frontage wall may run in a continuous plane for more than twenty (20) feet without an opening (door or window) or offsets, or

as approved by the review authority if the project is constrained by unusual parcel size, shape, use, or other features that the responsible review authority accepts as rendering this requirement infeasible. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces. Offsets shall vary in depth and/or direction of at least eighteen (18) inches, or a repeated pattern of offsets, recesses, or projections of similar depth.

(6) Parking Lot and Structure Location. Surface parking lots, to the greatest extent practicable, shall be located to the rear of a lot. Parking structures shall be integrated into building design unless a separate structure is required for fire safety purposes or due to the shape or configuration of a lot.

(c) Site Layout.

(1) Streetscape. Street frontages shall meet the standards set forth in Table 25.40-3 (NBMU Street Frontage Standards).

TABLE 25.40-3: NBMU STREET FRONTAGE STANDARDS		
Street Type	Frontage – Measured from Back of Curb to Building Face	
El Camino Real – with frontage road	Building Frontage Setback	15 ft. minimum from frontage road curb
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
El Camino Real – without frontage road	Building Frontage Setback	20 ft. minimum from frontage road curb
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Mixed-Use Arterial (Trousdale Drive, Murchison Drive, California Drive)	Building Frontage Setback	15 ft. minimum
	Walk Zone (Public)	10 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Mixed-Use Collector (Magnolia Avenue)	Building Frontage Setback	12 feet
	Walk Zone (Public)	6 ft. minimum
	Amenity/Planter Zone	5 ft. minimum
	Tree Wells	5 ft. by 5 ft. minimum
Neighborhood Access (Ogden Drive, Marco Polo Drive)	Building Frontage Setback	10 ft.
	Walk Zone (Public)	6 ft. minimum
	Amenity/Planter Zone	4 ft. minimum
	Tree Wells	4 ft. by 4 ft. minimum
Build-To Lines	At least sixty (60) percent of the structure shall be located at the Building Frontage Setback.	
Exceptions	Exceptions to Building Frontage Standards may be granted to accommodate conflicts with recorded easements, rights-of-way, etc.	

(2) Pedestrian Access. On-site pedestrian circulation and access shall be provided per the following standards:

(A) Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

(B) To Circulation Network. Regular and convenient connections between on-site walkways and the public sidewalk and other existing or planned pedestrian routes, such as safe routes to school, shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

(C) To Adjacent Areas. Direct and convenient access shall be provided from mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

(D) To Transit. Safe and convenient pedestrian connections shall be provided from adjacent transit stops to building entrances.

(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.

(4) Location of Residential Units. In mixed-use developments, it is the intent that residential units not occupy the ground floor within the first fifty (50) 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.

(d) Landscaping.

(1) Front and Street Side Setbacks. Within any required front setback area or side yard setback adjacent to a public street, at least sixty (60) percent of the required setback area shall be landscaped to provide a transition to the sidewalk.

(2) Parking Lot Screening. Where a surface parking lot abuts a public street, a minimum ten (10) foot-deep landscape buffer shall be provided between the sidewalk and the first parking row.

(3) Parking Garage. Where the wall of a parking garage directly faces a public street, a minimum ten (10) foot-deep landscaped area shall be provided between the sidewalk and the parking structure wall. (Ord. 1988 § 2, (2020))

25.40.050 Parking.

(a) Off-Street Vehicle Parking. Parking shall be provided as set forth in Chapter 25.70 (Off-Street Parking), with the following exceptions for live/work units, stand-alone residential development, and the residential component of a mixed-use development:

Number of Bedrooms in a Unit	Minimum Number of Parking Spaces Required
0 (Studio)	1 space/unit
1	1 space/unit
2	1.5 spaces/unit for multifamily housing; 2 spaces/unit for live/work
3 or more	2 spaces/unit
Guest parking	None required

(b) Vehicle Parking Stall Dimensions. All parking stalls may be provided in a single dimension, eight and one-half feet (8½) in width by seventeen (17) feet in length, except for required accessible parking spaces which shall meet the dimensions required in the California Building Code in effect at the time a project is submitted for City review. No compact parking stalls shall be allowed if only a single dimension stall is used.

(c) Aisle Dimensions. All aisles within a parking area shall be as set forth in Table 25.40-5 (NBMU Parking Aisle Dimensions)

Parking Space Angle	Required Backup Aisle (minimum)
90 degree	24 feet
60 degree	18 feet
30 degree	13 feet

(d) Stacked/Mechanical Parking. Parking utilizing stackers or mechanical systems may be approved with a Conditional Use Permit.

(e) Bicycle Parking. Bicycle parking shall be provided as set forth in Table 25.40-6 (NBMU Bicycle Parking).

Class	Minimum Number of Parking Spaces Required
Class I – Resident bicycles	0.5 spaces/unit
Class II – Guest bicycles	0.05 spaces/unit

(f) Electric Vehicle (EV) Charging Stalls. Five (5) percent of all spaces shall be prepared for EV charging equipment.

(g) Parking Reductions for Transportation Demand Management (TDM) Plan. Projects utilizing a Transportation Demand Management (TDM) Plan per Section 25.40.030(b)(4)(H) shall be allowed up to twenty (20) percent reduction in required off-street vehicle parking (not including bicycle parking and EV stalls), provided the project provides for a permanent mobility mode shift towards alternative transportation of twenty-five (25) percent or greater for building occupants through the TDM program. (Ord. 1988 § 2, (2020))

25.40.060 Review procedures.

(a) Design Review Required. Design review shall be required pursuant to Chapter 25.57.

(b) Planning Commission Approval of Community Benefits Bonuses. The Planning Commission shall be the final review authority for an application for Tier 2 or 3 projects. (Ord. 1988 § 2, (2020))

25.40.070 Comprehensive airport land use compatibility plan consistency.

The following requirements and criteria shall be incorporated into site-specific development projects:

(a) Airport Disclosure Notices. All new development is required to comply with the real estate disclosure requirements of state law. The following statement must be included in the notice of intention to offer the property for sale:

“Notice of Airport in Vicinity

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

(b) Airport Noise Evaluation and Mitigation. Project applicants shall be required to evaluate potential airport noise impacts if the project is located within the sixty-five (65) CNEL contour line of San Francisco International Airport (as mapped in the Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport). All projects shall be required to mitigate

impacts to comply with the interior (CNEL forty-five (45) dB or lower, unless otherwise stated) and exterior noise standards established by the Airport Land Use Compatibility Plan or Burlingame General Plan, whichever is more restrictive.

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

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

(1) Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in command of an aircraft in flight;

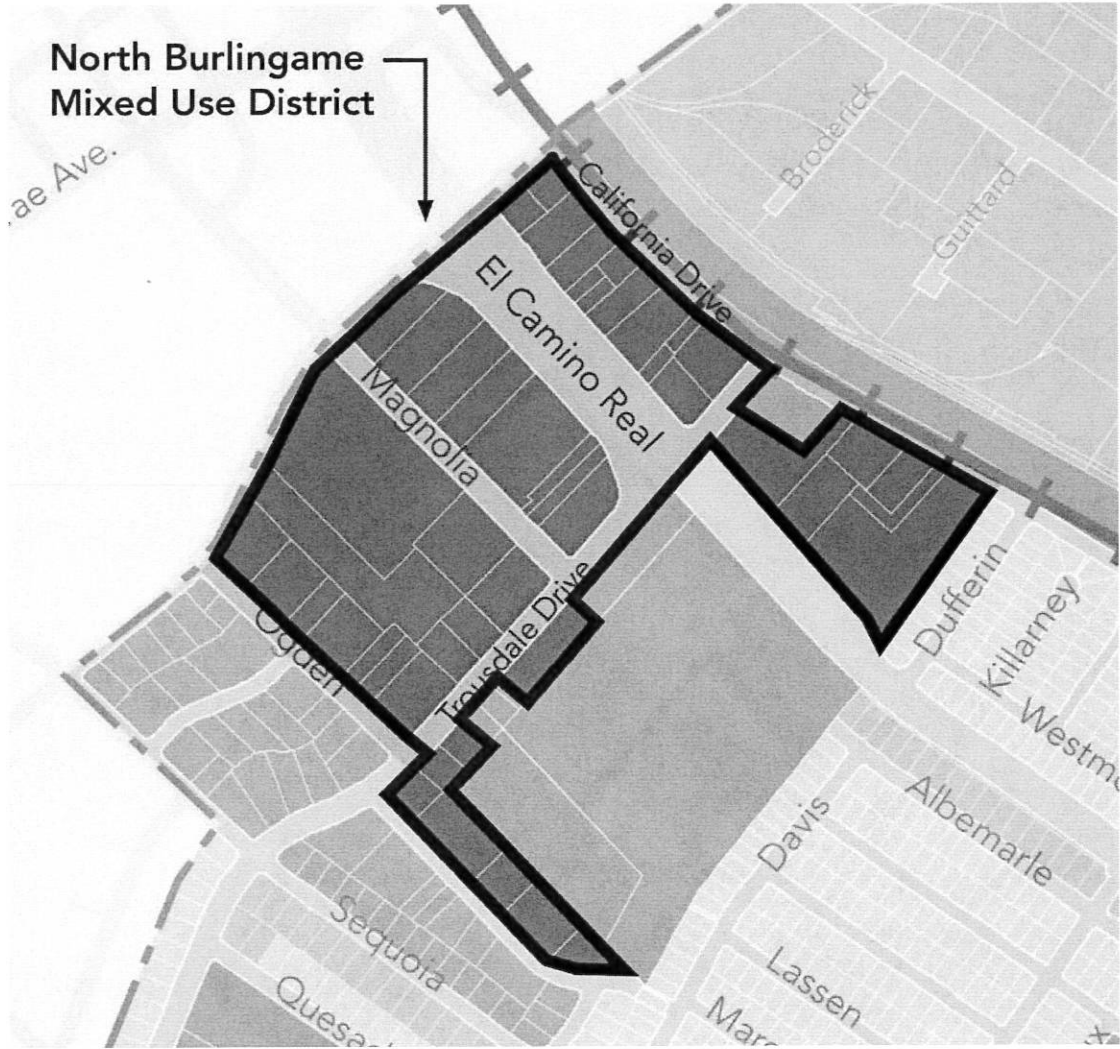
(2) Distracting lights that could be mistaken for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting;

(3) Sources of dust, smoke, water vapor, or steam that may impair the visibility of a pilot in command of and aircraft in flight;

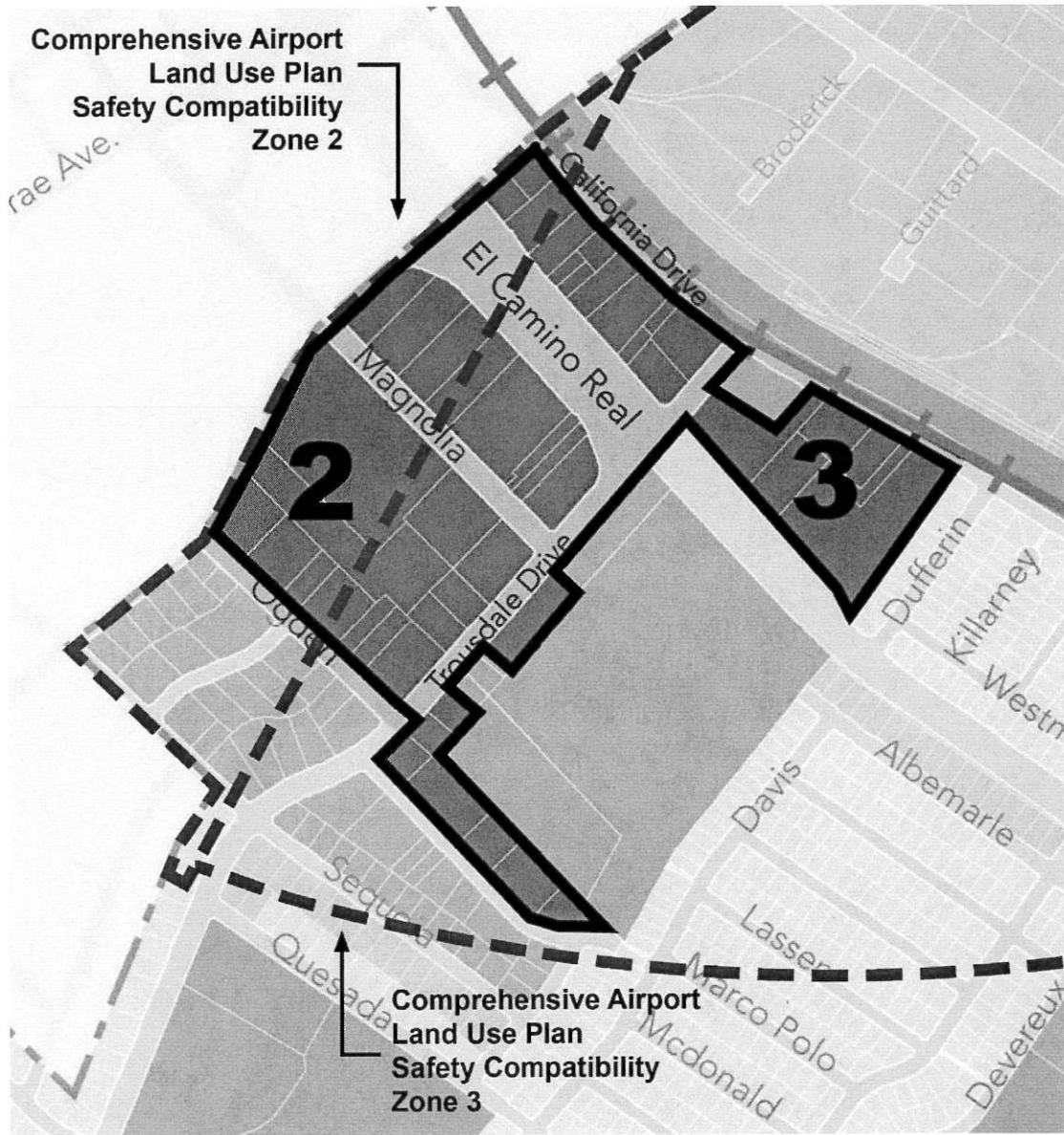
(4) Sources of electrical/electronic interference with aircraft communications/navigation equipment;

(5) Any use that creates an increased attraction for wildlife, particularly large flocks of birds, that is inconsistent with FAA rules and regulations, including but not limited to FAA Order 5200.5A, Waste Disposal Site On or Near Airports and FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports and any successor or replacement orders or advisory circulars.

NORTH BURLINGAME MIXED USE DISTRICT BOUNDARIES



**NORTH BURLINGAME MIXED USE DISTRICT
COMPREHENSIVE AIRPORT LAND USE PLAN SAFETY COMPATIBILITY ZONES**



(Ord. 1988 § 2, (2020))

Chapter 25.63**DENSITY BONUS****Sections:**

25.63.010	Purpose.
25.63.015	Definitions.
25.63.020	Density bonus.
25.63.030	Development standards for affordable units.
25.63.040	Development concessions and incentives.
25.63.050	Waiver/modification of development standards.
25.63.060	Child care facilities.
25.63.070	Application and review process.
25.63.080	Regulatory agreement.

25.63.010 Purpose.

(a) It is the City Council's intent that this chapter be implemented in a manner consistent with the provisions set forth in Government Code Sections 65915 through 65919, hereinafter the "density bonus law." This chapter creates procedures for identifying qualifying developments, and the submission, review, and granting of incentives and concessions consistent with state law.

(b) All applicable provisions of the density bonus law are hereby incorporated by reference and shall be the default law unless otherwise provided by this chapter.

(c) This chapter shall not abrogate any other requirements set forth by federal, state, or local law, including, but not limited to, California Environmental Quality Act requirements and Burlingame Municipal Code. (Ord. 1909 § 1, (2015))

25.63.015 Definitions.

The following terms shall have the following meanings when used in this chapter. All other terms shall be interpreted consistent with the meaning set forth in the density bonus law.

(a) "Affordable units" shall collectively mean units qualifying as "very low," "lower," and "moderate" income units as used in this chapter and in the density bonus law.

(b) "Applicant" shall mean any person, firm, partnership, association, joint venture, corporation, entity, or any combination thereof, who seeks a density bonus and/or concessions as defined in this section.

(c) "Child care facility" shall mean a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and schoolage child care centers.

(d) "Concessions" shall be interchangeable with "incentives," unless otherwise indicated. The meaning shall be consistent with Government Code Section 65915(k).

(e) "Density bonus" shall mean a density increase over the otherwise maximum allowable residential density as of the date of the application.

(f) "Development" shall have the meaning set forth in Government Code Section 65915(i).

(g) "Incentives" shall be interchangeable with "concessions," unless otherwise indicated. The meaning shall be consistent with Government Code Section 65915(k).

(h) "Lower income" shall have the same definition set forth in Health and Safety Code Section 50079.5.

(i) "Moderate income" shall have the same definition set forth in Health and Safety Code Section 50093.

(j) "Specific adverse impact" shall have the same definition as set forth in Government Code Section 65589.5(d)(2).

(k) "Very low income" shall have the same definition as set forth in Health and Safety Code Section 50105. (Ord. 1909 § 1, (2015))

25.63.020 Density bonus.

This section describes the density bonuses that will be provided, at the request of an applicant, when that applicant provides restricted affordable units as described below.

(a) The City shall grant a twenty (20) percent density bonus when an applicant for a development of five (5) or more dwelling units seeks and agrees to construct at least any one of the following in accordance with the requirements of this section and Government Code Section 65915:

(1) At least ten (10) percent of the total dwelling units of the development as restricted affordable units affordable to lower income households. For each one (1) percent increase in the percentage of restricted lower income units, a development will receive an additional one and one-half (1.5) percent density bonus up to thirty-five (35) percent of the maximum residential density; or

(2) At least five (5) percent of the total dwelling units of the development as restricted affordable units affordable to very low income households. For each one (1) percent increase in the percentage of restricted very low income units, a development will receive an additional two and one-half (2.5) percent density bonus up to thirty-five (35) percent of the maximum residential density; or

(3) A senior citizen housing development; or

(4) A qualifying mobile home park.

(b) The City shall grant a five (5) percent density bonus when an applicant for a development of five (5) or more additional dwelling units seeks and agrees to con-

struct, in accordance with the requirements of this section and Government Code Section 65915, at least ten (10) percent of the total dwelling units in a common interest development as defined in California Civil Code Section 4100 for moderate income households, provided that all dwelling units in the development are offered to the public for purchase. For each one (1) percent increase in the percentage of restricted moderate income units, a development will receive an additional one (1) percent density bonus up to thirty-five (35) percent of the maximum residential density.

(c) No additional density bonus shall be authorized for a senior citizen development or qualifying mobile home park beyond the density bonus authorized by subsection (a) of this section.

(d) When calculating the number of permitted density bonus units, any fractions of units shall be rounded to the next highest number. An applicant may elect to receive a density bonus that is less than the amount permitted by this section; however, the City shall not be required to similarly reduce the number of restricted affordable units required to be dedicated pursuant to this section and Government Code Section 65915(b).

(e) Each development is entitled to only one density bonus, which shall be selected by the applicant based on the percentage of very low restricted affordable units, lower income restricted affordable units, or moderate income restricted affordable units, or the development’s status as a senior citizen housing development or qualifying mobile home park. Density bonuses from more than one category may not be combined. In no case shall a development be entitled to a density bonus of more than thirty-five (35) percent.

(f) The density bonus units shall not be included when determining the number of restricted affordable units required to qualify for a density bonus. When calculating the required number of restricted affordable units, any resulting decimal fraction shall be rounded to the next larger integer.

(g) Certain other types of development activities are specifically eligible for a density bonus pursuant to state law:

(1) A development may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code Section 65915(g).

(2) A condominium conversion may be eligible for a density bonus or concession pursuant to the requirements set forth in Government Code Section 65915.5.

(h) Notwithstanding any provision of this chapter, all developments must satisfy all applicable requirements of any below market rate housing program adopted by the City, which may impose requirements for restricted af-

fordable units in addition to those required to receive a density bonus or concessions.

Table 1 summarizes the density bonus provisions described in this section.

Table 1: Density Bonus Summary Table

Restricted Affordable Units or Category	Minimum Percentage of Restricted Affordable Units	Percentage of Density Bonus Granted	Additional Bonus for Each 1% Increase in Restricted Affordable Units	Percentage of Restricted Units Required for Maximum 35% Density Bonus
Very Low Income	5%	20%	2.50%	11%
Lower Income	10%	20%	1.50%	20%
Moderate Income	10%	5%	1%	40%
Senior Citizen Housing	100%	20%	—	—
Qualifying Mobile Park	100%	20%	—	—

Note: A density bonus may be selected from only one category up to a maximum of 35% of the maximum residential density.

(Ord. 1909 § 1, (2015))

25.63.030 Development standards for affordable units.

The affordable housing standards are as follows:

(a) Concurrent Construction. The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the final decision-making authority of the City and developer agree within the affordable housing agreement to an alternative schedule for development.

(b) Moderate income restricted affordable units shall remain restricted and affordable to the designated income group for a minimum period of thirty (30) years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program). Very low and lower restricted affordable units shall remain restricted and affordable to the designated income group for a period of

thirty (30) years for both rental and for-sale units (or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program).

(c) Design. Restricted affordable units shall be built on-site and be dispersed within the development. The number of bedrooms of the restricted affordable units shall be equivalent to the bedroom mix and average sizes of the non-restricted units in the development; except that the applicant may include a higher proportion of restricted affordable units with more bedrooms. The design and construction of the affordable dwelling units shall be consistent with the design, unit layout, and construction of the total project development in terms of appearance, exterior construction materials, and unit layout, and be consistent with any affordable residential development standards that may be prepared by the City.

(d) A regulatory agreement, as described in Section 25.63.080, shall be made a condition of the discretionary permits for all developments pursuant to this chapter. The regulatory agreement shall be recorded as a restriction on the development. (Ord. 1909 § 1, (2015))

25.63.040 Development concessions and incentives.

(a) By Right Parking Incentives. Upon request by the applicant a development that is eligible for a density bonus may provide parking as provided in this subsection (a), consistent with Government Code Section 65915(p), inclusive of accessible and guest parking:

- (1) Zero- to one-bedroom unit: one (1) on-site parking space;
- (2) Two- to three-bedroom unit: two (2) on-site parking spaces;
- (3) Four- or more bedroom unit: two and one-half (2.5) parking spaces.

(b) Other Incentives and Concessions. A development is eligible for other concessions or incentives as follows:

	% very low income units	% lower income units	% moderate income units
1 incentive	5	10	10
2 incentives	10	20	20
3 incentives	15	30	30

(c) In submitting a request for concessions or incentives, an applicant may request the specific concessions set forth below. The following concessions and incentives are deemed not to have a specific adverse impact:

(1) In zoning districts where a Conditional Use Permit is required for buildings or structures more than thirty-five

(35) feet in height, a height up to forty-six (46) feet without a Conditional Use Permit; or

(2) Reduction of common open space in the rear yard of a residential development by up to fifty (50) percent or two hundred (200) square feet, whichever is more, without necessity of a variance, so long as no dimension of the common open space provided is less than ten (10) feet in any direction; or

(3) Use of unistall parking spaces each with a clear interior measurement of eight and one-half (8 1/2) feet in width and eighteen (18) feet in length without necessity of a variance; or

(4) Allowance of up to fifty (50) percent of the required parking as compact parking stalls as defined in Chapter 25.70, without necessity of a variance.

(d) Nothing in this chapter shall be construed to require the provision of direct financial concessions for the development, including the provision of publicly owned land by the City or the waiver of fees or dedication requirements. (Ord. 1909 § 1, (2015))

25.63.050 Waiver/modification of development standards.

An applicant may apply for a waiver or modification of development standards that will have the effect of physically precluding the construction of a development at the densities or with the concessions or incentives permitted by this chapter. The developer must demonstrate that development standards that are requested to be waived or modified will have the effect of physically precluding the construction of a development meeting the criteria of subsection (a) of Section 25.63.020 at the densities or with the concessions or incentives permitted by this chapter. (Ord. 1909 § 1, (2015))

25.63.060 Child care facilities.

(a) An applicant otherwise qualifying for density bonuses and/or incentives under this chapter may be eligible for the following density bonuses or incentives if they propose to construct a qualifying child care facility, consistent with Section 65915(h).

(b) The density bonus shall be in an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(c) The incentive shall be granted if it contributes significantly to the economic feasibility of the construction of the child care facility.

(d) The City may deny the density bonus or incentives described in this section if it finds, based on substantial evidence, that the community has adequate child care facilities. (Ord. 1909 § 1, (2015))

25.63.070 Application and review process.

(a) An application for a density bonus or incentive shall be made to the Community Development Department on forms provided by the City. The application shall include the following information:

(1) A brief description of the proposed housing development, including the total number of dwelling units, affordable housing units, and density bonus units proposed.

(2) The requested density bonus amount and requested incentives, if any.

(3) Site plans showing the location of market-rate, density bonus, and affordable housing units.

(4) Any other such information as is necessary to verify that the applicant and/or the housing development meets all requirements set forth by state and local law.

(b) The application, or an incentive therein, may be wholly or partially denied for any of the following reasons:

(1) The application is incomplete.

(2) The application contains a material misrepresentation.

(3) The incentive has an insufficient relationship to providing affordable housing.

(4) The incentive has a specific, adverse impact as defined in this chapter.

(5) The incentive is contrary to federal or state law.

(c) The applicant may file an appeal to the City Council within fourteen (14) days of being notified of his or her application's final denial. (Ord. 1909 § 1, (2015))

provals and shall be fully executed and recorded prior to the issuance of any building or construction permit for the project in question. (Ord. 1909 § 1, (2015))

25.63.080 Regulatory agreement.

(a) After approval of the application as detailed in Section 25.63.050, applicant shall enter into a regulatory agreement with the City. The terms of this agreement shall be approved as to form by the City Attorney's Office, and reviewed and revised as appropriate by the reviewing City official. This agreement shall be on a form provided by the City, and shall include the following terms:

(1) The affordability of very low, lower, and moderate income housing shall be assured in a manner consistent with Government Code Section 65915(c)(1).

(2) An equity sharing agreement pursuant to Government Code Section 65915(c)(2).

(3) The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units.

(4) A description of any bonuses and incentives, if any, provided by the City.

(5) Any other terms as required to ensure implementation and compliance with this section, and the applicable sections of the density bonus law.

(b) This agreement shall be binding on all future owners and successors in interest. The agreement required by this section shall be a condition of all development ap-