

ORDINANCE NO.

**ORDINANCE OF THE CITY OF BURLINGAME AMENDING TITLE 22 OF THE MUNICIPAL CODE
(SIGN CODE) AND AMENDING TITLE 25 OF THE MUNICIPAL CODE (ZONING CODE) TO AMEND
THE REGULATIONS FOR THE APN (ANZA POINT NORTH) ZONING DISTRICT**

The CITY COUNCIL OF THE CITY OF BURLINGAME does hereby ordain as follows:

Section 1. On April 5, 2004, the City Council adopted the Bayfront Specific Plan as an amendment to the General Plan to provide a framework for future development within the Bayfront area. On April 17, 2006, the City Council adopted an ordinance which created the APN (Anza Point North) zoning district within the Bayfront area. On August 21, 2006, the City Council amended the Bayfront Specific Plan to clarify land use designations and design guidelines.

An application has been submitted for development of an 18.13 acre site located at 300 Airport Boulevard, within the APN zoning district, to construct an office/life science campus. As a part of this application, requests have been made to amend the zoning code for the APN zoning district and to amend Title 22 (the sign code) as it relates to the number of freestanding monument signs allowed on parcels with a frontage length which exceeds 300 feet within the SL, AA and APN zoning districts.

This ordinance would revise the sign code to allow additional freestanding monument signs in the SL, AA and APN zoning districts on parcels which exceed 300 feet in frontage length. Within the APN zoning district, this ordinance would increase the allowable floor area ratio (FAR) for office and commercial recreational uses from 0.6 and 0.5 FAR respectively to 1.0 FAR, would permit retail uses and incidental food establishments in business campuses or professional buildings of 20,000 square feet or more, would amend the requirements for front setback and setbacks from the shoreline, would amend the height regulations to require that height be determined by the impact on the prevailing wind and consistency with the community wind standards, would amend the design review criteria for the APN district, and would allow for a reduction in on-site parking for projects which propose a transportation demand management program.

Section 2. A Final Environmental Impact Report (FEIR) has been prepared and certified as completed in accordance with the California Environmental Quality Act (CEQA), as reflecting the independent judgment and analysis of the City and the CEQA findings have been adopted as required, all as more particularly set forth in City Council Resolution No. _____ adopted prior to this ordinance, which evaluates, among other things, the significant and potentially significant impacts of the development, the cumulative impacts of the development, the alternatives to the proposed Project and the significant and

unavoidable impacts and includes a statement of Overriding Considerations setting forth, on balance, how the benefits of the Project outweigh the significant unavoidable impacts.

The City Council has reviewed and considered the documents constituting the Final Environmental Impact Report (FEIR) and received testimony regarding the FEIR at public hearings. The FEIR contains additions, clarifications, modifications and other information in its Responses to Comments on the Draft EIR, and such additions, clarifications, modifications and other information are not significant new information as that term is defined under CEQA. On the basis of the FEIR documents and comments received and addressed by this Council, it is hereby found that the City Council has reviewed and considered the FEIR and hereby incorporates by reference the provisions of Resolution No. _____ certifying the FEIR and adopting findings.

Section 3. Section 22.20.040 of Chapter 22.20 is amended to read as follows:

22.20.040 Freestanding signs.

(a) In addition to the total sign area allowed under Section 22.22.030 above, one two-sided freestanding monument sign shall be permitted on each parcel frontage of at least one hundred-fifty (150) feet in length, or, for parcels which exceed three hundred (300) feet in frontage length, one two-sided free-standing monument sign for every one hundred-fifty (150) feet of frontage, based on the following criteria and subject to the standards in Chapter 22.34:

Street on which Parcel Frontage is Located	Maximum Height	Maximum Sign Area for Monument Sign	
Airport Boulevard	8 feet	75 square feet per side	150 square feet total area
Bayshore Highway	8 feet	75 square feet per side	150 square feet total area
All other Streets (local)	8 feet	40 square feet per side	80 square feet total area

(b) Monument Sign Incentive. In order to promote monument signs in this district, two-sided monument signs are considered to be one sign and in measuring total sign area, only one side of the sign is included in the calculation.

(c) In addition to the total sign area allowed under Section 22.22.030, one freestanding monument sign at a height of not more than eight (8) feet and with a maximum sign area of twenty-five (25) square feet per side (a maximum of fifty (50) square feet total) shall be permitted on each parcel frontage of less than one hundred-fifty (150) feet in length.

1 Section 4. Chapter 25.48 is amended to read as follows:

2
3 **Chapter 25.48 ANZA POINT NORTH (APN)**

4 **25.48.010 Scope and purpose of regulations.**

5 It is the purpose and policy of this chapter to establish and maintain land uses for the northern
6 portion of the area designated as the Anza Point subarea in the Bayfront Specific Plan. The Anza Point
7 subarea lies east of Sanchez Channel, is bounded on two sides by San Francisco Bay and by US 101 on
8 the south side. The Anza Point subarea is divided into two sections: the northern one of currently vacant
9 land served by Airport Boulevard. These provisions address the Anza Point North area which include all
10 the properties north of Beach and Lang Road with frontage on Airport Boulevard. The purpose of these
11 regulations is to direct the siting and development of structures which adhere to the development policies
12 and adopted design guidelines of the Bayfront Plan in general and to the properties in the north portion of
13 the Anza Point subarea specifically. The intention is to attract development which will benefit from the
14 proximity to the open water areas of San Francisco Bay and its estuaries, will support public recreation
15 and access along San Francisco Bay, and will protect this irreplaceable natural and recreation resource.
16 Future development consistent with the Bayfront Specific Plan will create a viable transition from the
17 heavy commercial uses along US 101 to the visitor oriented and office uses with Bay orientation to be
18 developed on the vacant land at the north end of the Anza Point subarea, establish a bayside gateway to
19 Burlingame on its eastern end, and contribute to the revenue base of the city. In creating this district, the
20 city asserts that economic as well as aesthetic advantages accrue to the land, its occupants and the
21 public from the required controls and regulations.

22 **25.48.020 Permitted uses.**

23 The following uses are permitted in the Anza Point North district:

24 (a) Motels and hotels with a maximum density of eighty-five (85) rooms to the acre and a
25 floor area ratio of 1.0 or less; facilities provided on site may include such retail sales and personal service
26 uses as meal and beverage services, barber and beauty shops, smoke shops, and shuttle bus service to
27 serve only hotel guests so long as the operation does not use parking required for primary hotel use,
28 convention and meeting facilities, and similar services which are clearly incidental and accessory to
29 provision of lodging accommodations; and no more than one dwelling unit within the motel or hotel
30 structure that is used exclusively by the owner or manager of the motel or hotel;

31 (b) Restaurants with a maximum floor area ratio of 0.15;

1 (c) Office uses with a maximum floor area ratio of 1.0, including research and development
2 facilities and laboratories; however, manufacturing is not allowed, and health services or medical clinics
3 are only allowed pursuant to Section 25.48.025 of this chapter;

4 (d) Training facilities associated with and related to a primary activity of research and
5 development facilities located in the Anza Area, Anza Point North, or Anza Point South district;

6 (e) Commercial recreation facility with a maximum floor area ratio of 1.0; these facilities may
7 include the sale of merchandise and items which are related to the principal use that do not exceed a total
8 of one thousand five hundred (1,500) square feet of support retail sales area located within the facility;

9 (f) Publicly owned recreation areas;

10 (g) Adult oriented businesses that meet all of the requirements of Chapters 25.76 and 10.58
11 of this code;

12 (h) Accessory uses which are necessary for the permitted uses under this section; and

13 (i) Incidental food establishments and retail uses in business campuses or professional
14 buildings of twenty thousand (20,000) square feet or more, where the food establishment is not the
15 primary use of the building or structure.

16 **25.48.025 Conditional uses.**

17 The following are uses requiring a conditional use permit:

18 (a) Commercial recreation facilities including gymnasiums with a floor area ratio of more than
19 0.5 or that include a total space of more than one thousand five hundred (1,500) square feet of recreation
20 business related merchandise which are related to the principal use in the facility;

21 (b) Commercial parking lots as an interim use as is described in the Bayfront Specific Plan
22 as adopted by the city council, which comply with at least the following criteria:

23 (1) The sole purpose of the use is the parking for one day or longer of vehicles of persons
24 using San Francisco International Airport, and

25 (2) A minimum lot size of three (3) acres, and

26 (3) Permit term limited to five (5) years, and

27 (4) No more peak hour vehicle trips are generated than allowed by the traffic analyzer for the
28 use designated for the site in the general plan;

29 (c) Day care with on-site drop-off and parking as required by Chapter 25.70 of this code;

30 (d) Educational institutions, trade and technical schools in buildings with twenty thousand
31 (20,000) or more gross square footage, with all educational uses in a single building occupying no more
32

1 than a total of ten thousand (10,000) gross square feet and whose trip generation as calculated using the
2 Bayfront traffic analyzer is no greater than that of a use permitted on the same site;

3 (e) Extended stay hotels;

4 (f) Motels and hotels with more than eighty-five (85) rooms to the acre or with a floor area
5 ratio of more than 1.0; facilities provided on site may include such retail sales and service uses as meal
6 and beverage services, barber and beauty shops, smoke shops, and shuttle bus service to serve only
7 hotel guests so long as the operation does not use parking required for primary hotel use, convention and
8 meeting facilities, and similar services which are clearly incidental and accessory to provision of lodging
9 accommodations, including park and fly programs associated with the letting of hotel rooms which does
10 not impact the availability of on-site parking for guests and the use and parking for any on-site meeting
11 facilities; and no more than one dwelling unit within the motel or hotel structure that is used exclusively by
12 the owner or manager of the motel or hotel;

13 (g) As part of a hotel or motel use, an automobile rental desk or a park and fly program
14 associated with renting of rooms and that does not affect the availability of on-site parking for hotel or
15 motel guests and the use and parking for any on-site meeting facilities;

16 (h) Health services and medical clinics that do not exceed five thousand (5,000) square feet
17 total in office structures over twenty thousand (20,000) gross square feet, with parking as set forth in
18 Section 25.48.080 of this chapter;

19 (i) Any building, structure or site plan that does not comply with the adopted design
20 guidelines in the Bayfront Specific Plan for the Anza Point subarea as established by resolution of the city
21 council;

22 (j) Drive-in services or take out services associated with permitted and conditional uses;

23 (k) Any use similar in nature to one which is permitted or for which a permit is required in this
24 district that is:

25 (1) Consistent with planned land uses in the Anza Point subarea, and

26 (2) At a density determined not to exceed the trip generation for the planned use of the site
27 using the adopted Bayfront traffic analyzer. (Ord. 1780 § 2 (part), (2006))

28 **25.48.027 Hours for health service uses and conditional use permit.**

29 A health service use shall be limited to the hours of 7:00 a.m. to 9:00 p.m. unless a conditional
30 use permit is approved by the planning commission pursuant to Chapter 25.52 to allow use outside those
31 hours. The hours limitation imposed by this section does not apply to an occasional medical emergency
32 at a health service use.

1 **25.48.030 Prohibited uses.**

2 Uses not listed as permitted or conditional shall be prohibited, including:

- 3 (a) Automobile rental uses;
- 4 (b) Automobile dealers and sales lots;
- 5 (c) Automobile wrecking and junk yards, storage or baling of scraps, paper rags, sacks, or
- 6 metals, including recycling facilities for green waste and other materials;
- 7 (d) Commercial parking lots except as expressly allowed pursuant to Section 25.48.025(c) of
- 8 this chapter;
- 9 (e) Retail sales uses except as expressly allowed within the uses designated in Section
- 10 25.48.020 or 25.48.025 of this chapter;
- 11 (f) Service businesses, except as expressly allowed within the uses designated in Section
- 12 25.48.020 or 25.48.025 of this chapter;
- 13 (g) Personal services, except as expressly allowed within the uses designated in Section
- 14 25.48.020 or 25.48.025 of this chapter;
- 15 (h) Air courier, delivery or other trans-shipment services, including freight forwarding;
- 16 (i) Free standing specialty food establishments or any specialty food establishment with
- 17 direct external access within any building;
- 18 (j) Warehouse, storage and distribution of goods, materials, liquids and equipment;
- 19 (k) Outdoor storage of materials including contractors storage yards;
- 20 (l) Health services and medical clinics, except as expressly allowed under Section
- 21 25.48.025 of this chapter;
- 22 (m) Industrial and manufacturing uses;
- 23 (n) Massage, bathing or similar establishments;
- 24 (o) Residential uses and buildings, except for an owner/manager residence in a hotel or
- 25 motel as expressly allowed under Section 25.48.020 or 25.48.025 of this chapter;
- 26 (p) Gasoline service stations and major and minor automobile repair, including auto body
- 27 work;
- 28 (q) Time-share property;
- 29 (r) Any use determined to be obnoxious or offensive.

30 **25.48.040 Setbacks.**

31 The following minimum setbacks shall apply to all parcels, buildings and structures or any

32 enlargement thereof located in the district:

1 (a) Front Setback. Structures shall be set back a minimum of ten feet.

2 (b) Side Setback. There shall be a ten (10) foot side setback.

3 (c) Distance Between Buildings. To provide useable wind-sheltered outdoor area and to
4 provide a visual connection to the Bay Trail, there shall be a distance of at least twenty (20) feet between
5 buildings on the same lot.

6 (d) Rear Setback. Structures shall be set back at least ten (10) feet from rear property line.

7 (e) Setbacks from Shoreline. In any event, structures shall be set back an average of sixty-
8 five (65) feet from Sanchez Channel and seventy-five (75) feet from San Francisco Bay and the shoreline
9 as defined by the Bay Conservation and Development Commission; in addition, for any building within
10 100 feet of the shoreline that is forty (40) feet or taller, the setback of the building to the shoreline shall be
11 equal to or greater than the height of the building.

12 (f) Below grade construction adjacent to Airport Boulevard shall accommodate landscape
13 plantings within the required setback consistent with landscape plans approved pursuant to section
14 25.48.050.

15 (g) No parking spaces shall be provided within the ten (10) foot minimum setback across the
16 lot front on any property. Driveways are allowed in the setback, but the driveways shall not be considered
17 as landscaped area. Parking areas located between any structure and the lot front other than loading
18 zones shall be separated from the sidewalk by a landscaped buffer of at least ten (10) feet average width
19 including walkways. Placement of parking shall be consistent with the design guidelines for the Anza
20 Point subarea.

21 **25.48.042 Height and bulk of structures.**

22 (a) Maximum height shall be determined by impact on the prevailing wind and consistency
23 with the community wind standards for the Anza Point North area.

24 (b) Maximum bulk and mass shall be determined by the floor area ratio established in the
25 Bayfront Specific Plan for the land uses in the Anza Point subarea. Where no floor area ratio is provided,
26 mass and bulk shall be based on the adopted design guidelines, the development constraints
27 documented in the Bayfront Specific Plan, and the zoning regulations where the property is located.

28 **25.48.045 Minimum lot size and street frontage.**

29 There shall be a minimum lot size of two (2) acres and a minimum street frontage of one hundred
30 fifty (150) feet. No property in the district may be divided or subdivided into a lot with less area or less
31 street frontage.
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1 **25.48.048 No variance for lot size or street frontage.**

2 Notwithstanding any other provision of this code, no variance for lot size or street frontage shall
3 be granted to any property within this district.

4 **25.48.050 Landscaping.**

5 The following landscaping requirements shall apply to all lots:

6 (a) The landscape requirements of the design guidelines for the Anza Point subarea of the
7 Bayfront Specific Plan as adopted by the city council shall be met; and

8 (b) A minimum of ten (10) percent of the parking area shall be landscaped; and

9 (c) A minimum of eighty (80) percent of the front setback shall be landscaped; and

10 (d) A minimum of forty (40) percent of the lot area within the Bay Conservation and
11 Development Commission jurisdiction shall be landscaped.

12 **25.48.052 Design review.**

13 Construction and alterations including substantial construction or change to more than fifty (50)
14 percent of the front façade or change to more than fifty (50) percent of any façade facing a public or
15 private street, parking lot, or the Bay Trail shall be subject to design review based on the design
16 guidelines for the Anza Point North subarea of the Bayfront Specific Plan and shall be processed as
17 provided in Section 25.57.030 of this title.

18 (a) A design review application in the APN district shall be reviewed by the planning
19 commission for the following considerations:

20 (1) Support of the pattern of diverse architectural styles as defined in the design guidelines
21 for the Anza Point subarea and the role of the shoreline in creating a network of interconnected open
22 spaces;

23 (2) Respect and promotion of the streetscape by the placement of buildings to maximize the
24 pedestrian use of street frontage, off-street public spaces , and by locating parking so that it does not
25 dominate street frontages, and for properties fronting on Airport Boulevard, that the design is sensitive to
26 the surrounding bodies of water, physical and visual presence of the Bay Trail, orientation of the
27 prevailing winds and to the Coyote Point recreation area;

28 (3) On visually prominent and sites with shoreline as defined by the Bay Conservation and
29 Development Commission, the design shall fit the site, support the Bay Trail and its park and recreational
30 uses, provide for maximum user access and support recreational use by those who work in the area as
31 well as those who visit; and the design is compatible with the surrounding development and consistent
32 with the design guidelines for the Anza Point subarea;

(4) Compatibility of the architecture and landscaping with the design guidelines for the Anza Point subarea including materials used in existing development, location and use of plant materials, and compatibility with transitions where changes in land use occur nearby;

(5) Architectural design consistency by using a single architectural style on the site that is consistent among primary elements of the structure(s) and consistent with the directives of the design guidelines for the Anza Point subarea; and

(6) Provision of site features identified in the design guidelines such as orientation to minimize wind obstruction on San Francisco Bay, landscaping, and pedestrian circulation which enriches and enhances the existing recreation opportunities of the area, including extension of the Bay Trail.

(b) When any part of a commercial structure is subject to design review, any awnings on the commercial structures shall be included in the design review.

(c) Exemptions from design review:

(1) Applications for building permits or planning approvals for development in the Anza Point North district filed before May 17, 2006;

(2) Any amendment to a project exempt from design review pursuant to subsection (1) above shall be subject to design review if the project involved would have otherwise been subject to design review under subsection (a) above, the project has not been completed, and the amendment would extend any structure involved in the application outside the envelope of the structure for which the approval was granted or sought in the underlying application or would change a facade. Changes to, additions of, or deletions of awnings as an amendment to a project shall not trigger design review under this subsection.

25.48.060 Public access.

Public access shall be maintained and developed based on the city-adopted and Bay Conservation and Development Commission-approved Public Access Guidelines for Burlingame based on the applicable water frontage as follows:

(a) On San Francisco Bay proper: An average setback of seventy-five (75) feet of the lot as measured from the shoreline as defined by the Bay Conservation and Development Commission; in no case shall the area as measured from the top of bank be less than the minimum width for the Bay Trail as required by the Bay Conservation and Development Commission; and

(b) On Sanchez Channel: An average setback of sixty-five (65) feet as measured from the shoreline as defined by the Bay Conservation and Development Commission; in no case shall the area as

1 measured from the top of bank be less than the minimum width for the Bay Trail as required by the Bay
2 Conservation and Development Commission.

3 (c) All areas improved for public access within the jurisdiction of the Bay Conservation and
4 Development Commission shall be maintained by the property owner and shall be available to the public
5 in perpetuity as determined by the Bay Conservation and Development Commission.

6 **25.48.080 Parking requirements.**

7 All uses shall provide parking in accordance with the applicable provisions of Chapter 25.70 of
8 this code with the following changes or additions:

9 (a) Food Establishments.

10 (1) Food establishments that are the primary use of the lot shall provide the following:

11 (A) Customer parking shall be provided on-site at the rate of one parking space for each one
12 hundred (100) square feet of gross floor area; and

13 (B) In addition, employee parking shall be provided on-site or within reasonable proximity, in
14 the judgment of the director of community development, at the rate of one car space for each one
15 thousand (1,000) square feet of gross floor area;

16 (2) Food establishments that are located in an office building of twenty thousand (20,000)
17 square feet or more or that are not the primary use of the lot shall provide parking on-site at the rate of
18 one parking space for each three hundred (300) square feet of gross floor area of food establishment.

19 (b) Instructional Uses. Instructional uses related to a permitted or conditional use shall
20 provide parking on-site at the rate of one space for each three hundred (300) square feet of gross floor
21 area.

22 (c) Health Services and Medical Clinics. Health services and medical clinic uses shall
23 provide parking on-site at the rate of one parking space for each three hundred (300) square feet of gross
24 floor area occupied by the uses.

25 (d) Bay Trail Parking. On sites with frontage on San Francisco Bay and its estuary including
26 Anza Lagoon, Sanchez Channel, and Burlingame Lagoon, the Bay Conservation and Development
27 Commission shall determine the number of on-site parking spaces to be designated for public Bay Trail
28 access parking; these on-site spaces shall be designated from the required parking for the site, shall be
29 available to the public without charge during the hours that the Bay Trail is open, and shall be posted as
30 public access parking by the property owner as required by the Bay Conservation and Development
31 Commission.

32 (e) Hotels. A hotel shall provide one additional, designated parking space for a shuttle bus.

1 (f) Transportation Demand Management. Where a project proposes a transportation
2 demand management (TDM) plan for a demand-generating use, the minimum requirements specified for
3 that use in Chapter 25.70 may be reduced by the amount of parking demand offset by the approved TDM
4 plan. The reduction in required parking spaces shall be determined by the Community Development
5 Director.

6 Section 5. This ordinance shall be published as required by law.
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9 _____
Mayor
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11 I, MARY ELLEN KEARNEY, City Clerk of the City of Burlingame, do hereby certify that the
12 foregoing ordinance was introduced at a regular meeting of the City Council held on the 4th day of June,
13 2012 and adopted thereafter at a regular meeting of the City Council held on the 18th day of June, 2012,
by the following vote:

14 AYES: COUNCILMEMBERS:
15 NOES: COUNCILMEMBERS:
16 ABSENT: COUNCILMEMBERS:

17 _____
City Clerk
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