

1 **Chapter 25.57 DESIGN REVIEW**

2 Sections:

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10 25.57.010 Design review required.

11 (a) Single Family Homes and Duplexes: Unless the proposed project has been reviewed
12 pursuant to this chapter, no building or construction permit shall be issued in any R-1 and R-2 districts
13 and for single family homes and duplexes constructed in R-3 & R-4 districts for the following:

14 (1) Construction of a new single family dwelling or duplex; or

15 (2) Addition to or construction of a second story or higher; or

16 (3) Substantial construction as defined in this title; or

17 (4) A single family dwelling or duplex addition having a plate height greater than nine (9) feet
18 above finished floor; or

19 (5) An increase to the height of the existing plate line of a single family dwelling or duplex; or

20 (6) Construction of a garage attached to a single family dwelling; or

21 (7) Any roof-top mounted mechanical equipment, except solar panels or other energy
22 efficient installations which are pre-empted from such review by State or Federal law.

23 (b) Multiple Family Residential: Unless the proposed project has been reviewed pursuant to
24 this chapter, no building or construction permit shall be issued in any R-3 and R-4 districts for the
25 following:

26 (1) New construction or substantial construction as defined in this title; or

27 (2) Addition to or construction of a second story or higher; or

28 (3) Changes to more than fifty (50) percent of the front façade.

29 (c) Commercial and Mixed Use: Unless the proposed project has been reviewed pursuant to
30 this chapter, no building or construction permit shall be issued in any commercial, industrial or mixed use
31 district for the following:

32 (1) Construction of a new building; or

- 1 (2) Substantial construction as defined in this title; or
- 2 (3) Addition to or construction of a second story or higher; or
- 3 (4) Change to more than fifty (50) percent of the front façade; or
- 4 (5) Change to more than fifty (50) percent of any façade facing a public or private street or
- 5 parking lot.

6 (d) In addition to the requirements of subsection (b) of this section, no building or
7 construction permit shall be issued for work on a building in the BAC District (Burlingame Avenue
8 Commercial District) that involves any change to the front façade or any façade facing a public or private
9 street or parking lot unless the proposed change has been reviewed pursuant to this chapter.

10 25.57.013 Minor design review.

11 (a) Within the BAC, Burlingame Avenue Commercial District, a façade improvement may
12 qualify for an administrative minor design review process if it meets the following criteria:

13 (1) Changes in material on the front façade that are determined by the Community
14 Development Director to be equal to or higher quality than the existing material to be replaced; and

15 (2) Any other minor changes that are determined by the Community Development Director to
16 comply with the Design Guidelines of the Burlingame Downtown Specific Plan.

17 (b) Minor Design Review Process. Notwithstanding any other provisions of this chapter, the
18 community development director shall have the authority to consider and take action on applications for
19 minor design review.

20 (1) Findings. Any decision on an application under this chapter shall be supported by written
21 findings addressing the criteria set forth in this section. In making a determination regarding an
22 application, the following findings shall be made.

23 (A) The changes to the façade are minor in nature, and the change in materials are
24 equivalent to or higher quality than the material being replaced;

25 (B) The blend of mass, scale and dominant characteristics of the façade change are
26 consistent with the existing structure's design and with the existing facades on the block; and

27 (C) The changes to the façade are found to be compatible with the Design and Character
28 Chapter of the Burlingame Downtown Specific Plan and the Commercial Design Guidebook.

29 (2) Decisions. If the requirements are met and the findings are made, the community
30 development director shall issue a written determination of the action and may grant or deny the minor
31 design review application based on the request meeting the findings outlined in Section 25.57.018
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1 (3) Public Notice for Minor Design Review. Notice of approval of an application for minor
2 design review shall be mailed to owners of property within one hundred (100) feet of the exterior
3 boundaries of the subject property. The property owners shall be informed of their right to appeal.

4 (4) Appeals of Minor Design Review determinations. Appeals from the decision of the
5 community development director shall be made to the planning commission within seven (7) days after
6 the public notice of the action of the community development director is mailed. Any member of the
7 planning commission or council may request a review of a minor design review application by making
8 such request to the community development director within seven (7) days of the date of mailing the
9 public notice. Upon receipt of an appeal, or a request for review by a commissioner or council member,
10 the community development director shall schedule a hearing before the planning commission at the
11 earliest available date and cause notice to be given as set forth in Chapter 25.16. The planning
12 commission shall consider the matter in the same manner as an application for design review. The
13 decision of the community development director shall be final seven (7) days after the mailing of the
14 public notice of the community development director's action, if no appeal is filed by any person or if no
15 council member or commissioner requests review of the decision within that time.

16 (5) Fees for minor design review. Filing fees for minor design review applications shall be
17 set by the city council in the master fee schedule.

18 25.57.015 Exceptions.

19 The following shall be exceptions to the requirement of a design review in commercial and mixed
20 use districts:

21 (a) Any façade with twenty-five (25) feet or less of parking lot or public or private street
22 frontage; and

23 (b) New or replacement awnings when the façade or building is not subject to design review.

24 25.57.020 Design review panel.

25 (a) With the approval of the planning commission, the director of community development
26 shall appoint one or more design professionals to advise the director of community development and the
27 planning commission on applications in residential districts made under this chapter. The panel
28 appointees shall be persons in the business of residential design who have practiced their design
29 profession involving residential designs in the city and who are willing to contract with the city to provide
30 advisory services under this chapter.

31 (b) For applications in the commercial, industrial and mixed use districts, with the approval of
32 the planning commission, the director of community development shall appoint one or more design

1 professionals who shall be persons in the business of commercial design and who are willing to contract
2 with the city to provide advisory services under this chapter.

3 25.57.030 Design review process.

4 (a) Any person seeking approval of construction to be reviewed under this chapter shall
5 submit an application for design review to the director of community development in the same form and
6 containing the same signatures as provided in Section 25.16.040 of this title. The schematic design plans
7 submitted with the application shall demonstrate the architectural details of the proposal, and in the case
8 of an addition, of the existing structure and the addition.

9 (b) Upon completion of the application, the schematic design plans and the application shall
10 be referred to the planning commission for study. The study meeting shall be noticed in accordance with
11 the provisions for notice in this title. If at the study meeting, the planning commission determines that
12 formal design review is not required for the application or that only minor changes are needed, the
13 planning commission may order that the application not be subject to subsection (c) below and will
14 proceed directly to hearing under subsection (e). Criteria for review shall be established by the
15 Community Development Director, based on design guidelines contained in the adopted specific plan for
16 the area. For properties outside the boundaries of a Specific Plan, design guidelines shall be developed
17 by the Community Development Department.

18 (c) If the commission instead refers the application for further design review, the plans
19 submitted shall be referred by the director of community development on a random basis to the appointee
20 professional described above for review and comment. The appointee's analysis shall be forwarded to the
21 planning commission.

22 (d) No prior mailed notice of the appointee's review is necessary. However, notice of the
23 commission's review of and hearing on each application under this chapter shall be given as provided in
24 Section 25.16.050.

25 (e) A design review application in an R-1 and R-2 districts shall be reviewed by the planning
26 commission for the following considerations:

27 (1) Compatibility of the architectural style with that of the existing character of the
28 neighborhood;

29 (2) Respect for the parking and garage patterns in the neighborhood;

30 (3) Architectural style and consistency and mass and bulk of structures, including accessory
31 structures;

32 (4) Interface of the proposed structure with the structures on adjacent properties;

1 (5) Landscaping and its proportion to mass and bulk of structural components; and
2 (6) In the case of an addition, compatibility with the architectural style and character of the
3 existing structure as remodeled.

4 (f) A design review application in multi-family residential (R-3 & R-4) districts shall be
5 reviewed by the planning commission for the following considerations:

6 (1) Compatibility with the existing character of the neighborhood;
7 (2) Respect the mass and fine scale of adjacent buildings even when using differing
8 architectural styles;

9 (3) Maintain the tradition of architectural diversity, but with human scale regardless of the
10 architectural style used; and

11 (4) Incorporate quality materials and thoughtful design which will last into the future.

12 (g) A design review application in commercial, industrial and mixed use districts shall be
13 reviewed by the planning commission for the following considerations:

14 (1) Support of the pattern of diverse architectural styles that characterize the city's
15 commercial, industrial and mixed use areas; and

16 (2) Respect and promotion of pedestrian activity by placement of buildings to maximize
17 commercial use of the street frontage, off-street public spaces, and by locating parking so that it does not
18 dominate street frontages; and

19 (3) On visually prominent and gateway sites, whether the design fits the site and is
20 compatible with the surrounding development; and

21 (4) Compatibility of the architecture with the mass, bulk, scale, and existing materials of
22 existing development and compatibility with transitions where changes in land use occur nearby; and

23 (5) Architectural design consistency by using a single architectural style on the site that is
24 consistent among primary elements of the structure, restores or retains existing or significant original
25 architectural features, and is compatible in mass and bulk with other structures in the immediate area;
26 and

27 (6) Provision of site features such as fencing, landscaping, and pedestrian circulation that
28 enriches the existing opportunities of the commercial neighborhood.

29 (g) The applicant shall bear the burden of demonstrating to the satisfaction of the planning
30 commission that the applicant's design and project comply with the design criteria set forth in subsections

31 (e) or (f) above, as applicable. The commission may deny, deny without prejudice, approve, or
32 approve with conditions any application under this chapter.

1 (h) Decisions of the planning commission under this chapter shall be subject to appeal to the
2 city council and the effectiveness as provided in Sections 25.16.070 through 25.16.130.

3 25.57.040 Exemptions.

4 The following applications are exempt from the chapter:

5 (a) Applications for building permits or planning approvals for developments in R-1 districts
6 filed before March 17, 1998 and certain amendments to those applications or permits as specifically
7 provided in Ordinance No. 1602.

8 (b) Applications for building permits or planning approvals for developments in R-1 districts
9 filed before 5:00 p.m. on November 18, 1999, and certain amendments to those applications or permits
10 as specifically provided in Ordinance No. 1620.