

1 **Chapter 25.32 BAC (BURLINGAME AVENUE COMMERCIAL) DISTRICT REGULATIONS**

2 Sections:

- 3 25.32.010 Scope of regulations.
4 25.32.020 Permitted uses.
5 25.32.030 Conditional uses requiring a conditional use permit.
6 25.32.035 Prohibited uses.
7 25.32.040 Additional requirements for health services, beauty shops, barbershop, health studio,
8 tanning facilities.
9 25.32.045 Building replacement and design review in the BAC, Burlingame Avenue Commercial
10 District.
11 25.32.050 Minimum lot size and street frontage.
12 25.32.055 Building height.
13 25.32.060 Setbacks and build-to lines.
14 25.32.065 Exceptions allowed with a special permit.
15 25.32.070 Food establishments in the BAC, Burlingame Avenue Commercial District.

16
17 25.32.010 Scope of regulations.

18 The Burlingame Avenue Commercial District is the commercial and retail heart of Downtown
19 Burlingame. It is the purpose of this chapter to encourage and maintain the current mixture of retail,
20 personal service and restaurant uses which keep the heart of the downtown area lively. The following
21 regulations shall apply to all properties within the BAC district.

22 25.32.020 Permitted uses.

23 The following uses are permitted in the BAC district:

- 24 (a) Retail uses which achieve contiguous, pedestrian-oriented, retail frontage such as drug,
25 liquor, variety stores, paint and hardware, apparel, accessory, stationery, florists, household furnishings,
26 and furniture.
27 (b) Personal services, such as barber and beauty shops, photographic studios, shoe repair
28 and laundry and dry cleaning services which do not include on-site processing.
29 (c) Business services, such as printing services, mailing services and post office box
30 services.
31 (d) Hotels.
32 (e) Travel agencies.

- 1 (f) Government agencies.
- 2 (g) Above the first floor only:
- 3 (1) Offices, except health services and real estate.
- 4 (h) Above and below the first floor only:
- 5 (1) Personal trainer and assessment businesses.

6 25.32.030 Conditional uses requiring a conditional use permit.

7 The following are conditional uses requiring a conditional use permit in the BAC District:

- 8 (a) Instructional classes incidental to retail or service use.
- 9 (b) Grocery stores and markets.
- 10 (c) Schools, above or below the first floor only, which operate outside of peak retail hours
- 11 only.
- 12 (d) Above the first floor only:
- 13 (1) Real estate offices.
- 14 (2) Health Services.
- 15 (3) Financial Institutions.
- 16 (e) Public utility and public service buildings and facilities.
- 17 (f) Drive-in services or take-out services associated with permitted uses.
- 18 (g) Food establishments on certain sites, subject to the criteria established in Section

19 25.32.070.

- 20 (h) Any building or structure which is more than thirty-five (35) feet in height, up to a
- 21 maximum building height of fifty-five (55) feet.

22 25.32.035 Prohibited uses.

23 Uses not listed as permitted or conditional shall be prohibited and in particular, but not limited to

24 the following:

- 25 (a) Uses of any industrial nature, including, but not limited to junkyards and automobile
- 26 wrecking establishments.
- 27 (b) Massage, bathing or similar establishments, unless licensed by the California Massage
- 28 Therapy Council (CAMTC) pursuant to Chapter 10.5 of the California Business and Professions Code
- 29 (Section 4600 et seq), which requires that CAMTC licensed massage establishments shall be considered
- 30 a personal service.
- 31 (c) Laundry and dry cleaning agencies with on-site processing plants.
- 32 (d) Adult-oriented businesses as defined in Chapter 25.76.

1 (e) Warehouses for storage of furniture, household, personal, or other similar articles or
2 outdoor commercial storage.

3 25.32.040 Additional requirements for health services, beauty shops, barbershop, health studio,
4 tanning facilities.

5 A health service, beauty shop, barbershop, health studio, or tanning facility in any location in any
6 BAC district shall be limited to the hours of 7:00 a.m. to 9:00 p.m. unless a conditional use permit is
7 approved by the planning commission pursuant to Chapter 25.52 to allow use outside those hours. The
8 hours limitation imposed by this section does not apply to an occasional medical emergency at a health
9 service use.

10 25.32.045 Building replacement and design review in the BAC, Burlingame Avenue Commercial
11 District.

12 The following provisions shall apply to the removal, remodel or construction of any building
13 constructed within BAC, Burlingame Avenue Commercial District:

14 (a) Construction and alterations as designated in Chapter 25.57 shall be subject to design
15 review under that chapter. When any part of a commercial structure is subject to design review, any
16 awnings on the commercial structure shall be included in the design review; and

17 (b) In addition to the Design Review requirements contained in Chapter 25.57, all façade
18 changes within the BAC District shall also be subject to the design review process unless the changes
19 qualify for the administrative minor design review process outlined in Section 25.57.018; and

20 (c) No part of any building shall be removed or significantly altered on the exterior without
21 compliance with all the requirements of California Environmental Quality Act, including an analysis of the
22 contribution, both independently and cumulative, of the structure to be replaced or modified to the
23 pedestrian-oriented retail fabric of and the city's general and specific plan policies; and

24 (d) A demolition permit shall not be issued until the planning commission has approved the
25 design review application for the project.

26 25.32.050 Minimum lot size and street frontage.

27 Each lot in this district shall have an area of at least five thousand (5,000) square feet and a
28 street frontage of at least fifty (50) feet.

29 25.32.055 Building height.

30 (a) No building or structure shall be constructed in the BAC district which exceeds fifty-five
31 (55) feet in height. A conditional use permit is required for any building or structure which exceeds thirty-
32 five (35) feet in height (refer to Section 25.32.030(h)).

1 25.32.060 Setbacks and build-to lines.

2 (a) El Camino Real. There shall be a ten (10) foot build-to line along El Camino Real. A
3 minimum of sixty (60) percent of the structure shall be located at the build-to line.

4 (b) Except for properties fronting on El Camino Real, the front wall of the first story of any
5 structure shall have no minimum front setback, and a minimum of sixty (60) percent of the structure shall
6 be located at the front property line.

7 (c) There shall be no minimum side or rear setback, except properties with side or rear
8 setbacks along El Camino Real.

9 25.32.065 Exceptions allowed with a special permit.

10 The following exceptions shall be allowed in the district with a special permit:

11 (a) Architectural features in excess of the maximum building height which do not extend
12 more than ten feet above the maximum height and do not occupy more than ten (10) percent of the roof
13 area. The architectural features shall enhance the design of the building and shall be reviewed as a part
14 of the Design Review process as outlined in Chapter 25.57 of this code.

15 25.32.070 Food establishments in the BAC, Burlingame Avenue Commercial District.

16 (a) Applicability. The provisions of this section shall only apply to food establishments in the
17 Burlingame Avenue Commercial District.

18 (b) In the BAC, Burlingame Avenue Commercial District, the number of food establishments
19 shall be limited as follows:

20 (1) To those existing and in business on November 1, 1998, and at the locations as shown
21 on the Burlingame Avenue Commercial District Food Establishments by Type Tables approved by the city
22 council on September 19, 2011. A food establishment is a business as defined in Section 25.08.268 and
23 shall be deemed in business if it was legally open for business as a food establishment to the public on
24 November 1, 1998; and

25 (c) Seating Area. The seating area of the food establishments described in subsection (b) of
26 this section as shown on the Burlingame Avenue Commercial District Food Establishments by Type
27 Tables approved by the city council on September 19, 2011, above may be enlarged only by amendment
28 to the applicable conditional use permit for the establishment.

29 (d) Changes in Classification and Replacement.

30 (1) A food establishment use classified as a full service restaurant by the Burlingame Avenue
31 Commercial District Food Establishments by Type Tables may change its food establishment
32

1 classification only to a limited food service or bar upon approval of an amendment to the conditional use
2 permit to the establishment.

3 (2) A food establishment use classified as a limited food service by the Burlingame Avenue
4 Commercial District Food Establishments by Type Tables may change its food establishment
5 classification only to a full service restaurant or bar with approval of an amendment to the conditional use
6 permit for the establishment.

7 (3) A food establishment use classified as a bar by the Burlingame Avenue Commercial
8 District Food Establishments by Type Tables may change its food establishment classification only to a
9 full service restaurant or a limited food service with approval of an amendment to the conditional use
10 permit for the establishment.

11 (4) A food establishment use classified as a specialty shop by the Burlingame Avenue
12 Commercial District Food Establishments by Type Table shall be allowed to change to a different type of
13 food establishment. A specialty shop may be replaced by another specialty shop at the same location
14 within the same or less square footage. If a specialty shop is changed to any other classification the site
15 shall not return to specialty shop use.

16 (5) A food establishment may be replaced by another food establishment of the same
17 classification so long as the replacement business is of the same classification as that shown for the site
18 on the Burlingame Avenue Commercial District Food Establishments by Type Tables subject to the
19 conditions of the existing conditional use permit, and it complies with the same conditions as in the
20 existing conditional use permit.

21 (e) Change in Location.

22 (1) No food establishment shall occupy a location not shown on the Burlingame Avenue
23 Commercial District Food Establishments by Type Tables as approved by the city council on September
24 19, 2011.

25 (2) Specialty shops shall not relocate to any other location on the Burlingame Avenue
26 Commercial District Food Establishment by Type Tables list as approved by the city council on
27 September 19, 2011.

28 (f) Review of Number of Food Establishments. When the total number of food
29 establishments in the Burlingame Avenue Commercial Area drops below forty (40) for a period of more
30 than twelve (12) consecutive months, the director of community development shall report this to the
31 planning commission and city council.
32

1 (g) Expansion. An existing food establishment, including specialty shops, may be expanded
2 at its existing location so long as the expansion does not increase the size of the seating area.

3 (h) Loss of Use. A food establishment shall be deemed out of business when the premises is
4 occupied by another business which is not a food establishment.

5 (i) Performance Standards. All food establishments shall comply with the following:

6 (1) Provide trash receptacle(s) at location(s) and of a design selected by the city;

7 (2) Provide litter control along all frontages of the business and within fifty (50) feet of all
8 frontages of the business;

9 (3) Apply for a conditional use permit for delivery of prepared food from the premise; and

10 (4) Food sales from a window or any opening within ten (10) feet of property line shall be
11 prohibited.