

1 **Chapter 25.28 R-3 DISTRICT REGULATIONS**

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20 25.28.010 Scope of regulations.

21 The following regulations of this chapter shall apply to all R-3 districts.

22 25.28.020 Permitted uses.

23 The following uses are permitted in the R-3 districts:

24 (a) All uses permitted in R-1 and R-2 districts, subject to the same restrictions, regulations
25 and limitations that apply to those uses in their respective districts;

26 (b) Multi-family residential uses. Within the boundaries of the Downtown Specific Plan, there
27 shall be an average maximum unit size for multi-family residential uses of 1250 square feet. Average
28 maximum unit size is defined as the maximum value allowed when averaging the square footage of gross
29 floor areas of all residential units in a project.

30 (c) Accessory uses as described for R-1 districts.

31 (d) Churches, convents and parish houses.
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1 25.28.030 Conditional uses.

2 The following are conditional uses requiring a conditional use permit:

3 (a) All uses allowed with a conditional use permit in the R-1 and R-2 districts and subject to
4 the same restrictions and exceptions;

5 (b) Parking areas;

6 (c) Roominghouses or boardinghouses; provided, however, that no roominghouse or
7 boardinghouse permit may be granted unless the commission determines that all following conditions are
8 met:

9 (1) No more than eight (8) paying guests shall be permitted in one building, and

10 (2) Separate and adequate sanitary facilities shall be provided for each sex, and

11 (3) State and local laws for access and egress must be observed, including the provision of
12 necessary fire escapes, and

13 (4) One garage space shall be provided for each rented room for the first four (4) rooms and
14 one additional space shall be provided for each additional two (2) rooms, and

15 (5) When common kitchen and eating facilities are provided as part of the house service,
16 such services shall be limited to the residents of the boardinghouse;

17 (d) Group residential facilities for the elderly;

18 (e) Any structure that is more than thirty-five (35) feet in height (see Section 25.28.060).

19 (f) In association with a church or nonprofit institution, provisions of any use or activity which
20 is not directly related to providing religious services by the church or religious organization including
21 leasing of premises for instructional uses or non-religious based counseling services;

22 (g) In association with a church or nonprofit institution, provision of temporary shelter for
23 homeless individuals or families, provided that the facility is located within a transportation corridor and
24 the use does not occur continuously at any one location for more than six (6) months of any twelve (12)
25 month period.

26 (h) Within the Anita Road residential subarea only, limited corner store retail as defined in
27 Section 25.08.392, subject to the following standards:

28 (1) There shall be no more than 2000 square feet of gross floor area devoted to the limited
29 corner store retail use.

30 (2) Limited corner store retail may sell food products, household items, hardware, newspaper
31 and magazines.
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1 (3) Limited corner store retail may offer freshly prepared foods for on-site consumption or
2 take-out, but the food preparation and dining space shall not exceed twenty (20) percent of the store's
3 gross floor area.

4 (4) Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

5 (5) No permanently installed security bars shall be allowed, only retractable or removable
6 security features may be used.

7 25.28.035 Uses allowed with special permit.

8 The following are uses requiring a special permit in the R-3 zone:

9 1. All two (2) story structures constructed after May 3, 2000, in the Rollins Road multiple
10 family subzone between Toyon Drive and Bloomfield Road as generally shown on the map attached to
11 Ordinance No. 1628.

12 25.28.040 Building regulations.

13 (a) No detached building accessory to the main building shall occupy the portion of any lot in
14 front of the main building, nor shall any accessory building be closer than four (4) feet distant from any
15 other building on the same lot.

16 (b) All buildings shall be subject to the height, area, landscape, and garage limitations as
17 provided in this code.

18 25.28.045 Design review.

19 Construction and alterations as designated in Chapter 25.57 shall be subject to design review
20 under that chapter.

21 25.28.050 Lot dimensions and lot requirements.

22 (a) Lots of six thousand nine hundred ninety-nine (6,999) square feet or less must have an
23 average width of not less than fifty (50) feet and all such lots or parcels of land shall have a frontage of
24 not less than fifty (50) feet on a public street; lots of seven thousand (7,000) square feet to nine thousand
25 nine hundred ninety-nine (9,999) square feet must have an average width of not less than fifty (50) feet
26 and all such lots or parcels of land shall have a frontage of not less than fifty-five (55) feet on a public
27 street; and lots of ten thousand (10,000) square feet or more must have an average width of not less than
28 fifty (50) feet and all such lots or parcels of land shall have a frontage of not less than sixty (60) feet on a
29 public street; provided, however, that lots or parcels which face on the curve of a curved street, where the
30 radius of such curvature is less than forty-five (45) feet may have a lesser frontage but not less than thirty
31 (30) feet for a six thousand nine hundred ninety-nine (6,999) square foot or less lot or parcel, thirty-five
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1 (35) feet for a seven thousand (7,000) square foot to nine thousand nine hundred ninety-nine (9,999)
2 square foot lot or parcel, or forty (40) feet for a ten thousand (10,000) square foot or larger lot or parcel.

3 (b) On the map adopted by Ordinance 712 and as subsequently amended, all lots shown in
4 white shall have an area of not less than five thousand (5,000) square feet; all lots shown within a border
5 of horizontal crosshatching shall have an area of not less than seven thousand (7,000) square feet; and
6 all lots shown within a border of vertical crosshatching shall have an area of not less than ten thousand
7 (10,000) square feet.

8 (c) Where frontage on a public street is impossible or impractical, the planning commission
9 may recommend an easement or easements providing ingress from and egress to a public street in lieu
10 of such street frontage. In any case, the city of Burlingame shall be made an owner of such easement.

11 An offer of grant or dedication of any such easement made to the city council shall be referred by
12 it to the planning commission which shall recommend the acceptance or denial of such offer to the city
13 council. Recommendations of acceptance may be conditional. The city council shall not accept or refuse
14 to accept any such offer until it has received and considered the recommendations of the planning
15 commission. The provisions of this subsection shall not apply to public service easements as such
16 easements are defined by Section 50432 of the California Government Code.

17 (d) Variances may be granted to the provisions of subsections a and b above in accordance
18 with the provisions of Chapter 25.54 of this code.

19 (e) The average width, lot frontage and minimum areas provided for in subsections a and b
20 above shall not apply to any lot or parcel of land of smaller dimensions appearing of record in the office of
21 the county recorder of the County of San Mateo, or of the city engineer of the city of Burlingame, prior to
22 June 18, 1958. No building permit shall be issued after said date for the construction of any building on
23 any lot divided or subdivided which does not comply with the minimum requirements set forth above,
24 except as varied by subsections c and d of this section.

25 (f) All the development requirements of Chapter 25.28 lot dimensions and requirements
26 shall apply to lands hereafter subdivided in accordance with the provisions of the Subdivision Map Act of
27 the State of California; provided, however, that the planning commission and the city council may, in the
28 considerations and acceptance of any tentative or final map submitted pursuant to the provisions of said
29 Subdivision Map Act, approve or accept any such tentative or final map wherein one or more lots or
30 parcels of land do not conform to all of the provisions of Chapter 25.28, when the planning commission
31 and the city council find that by reason of exceptional or extraordinary circumstances the approval or
32 acceptance of such maps will not adversely affect the comprehensive zoning plan of the city.

1 (g) No lands annexed to the city of Burlingame after May 31, 1960, which are thereupon
2 classified for residential uses shall be divided into lots having areas of less than ten thousand (10,000)
3 square feet each.

4 25.28.060 Height limitations.

5 No building or structure shall be constructed in an R-3 district which exceeds four (4) stories or
6 fifty-five (55) feet in height No building shall be constructed in the Anita Road Subarea of the R-3 district
7 which exceeds forty-five (45) feet in height (see Section 25.28.030-e). A conditional use permit is
8 required for any building or structure which is more than thirty-five (35) feet in height (refer to Section
9 25.28.030(e)).

10 25.28.070 Lot coverage.

11 The maximum lot coverage for all buildings and structures, including balconies, stairs, roof
12 overhangs exceeding twenty-four (24) inches, trellises and improvements which exceed thirty (30) inches
13 in height, shall be fifty (50) percent for interior lots and sixty (60) percent for corner lots.

14 25.28.075 Setback lines.

15 (a) Front.

16 (1) The minimum front setback line shall be fifteen (15) feet as measured from the lot front,
17 provided that the setback line delineated on any approved subdivision map shall supersede any provision
18 of this chapter.

19 (2) If forty (40) percent or more of the frontage upon one side of a block is developed with
20 structures the front setback line for any new structure shall be the average of the actual front setback of
21 such existing structures, if such average exceeds fifteen (15) feet. Such measurement shall be to the
22 front wall or to any projection of the existing structure.

23 (b) Side and rear.

24 (1) Setbacks on certain streets. There shall be a minimum front setback of five (5) feet on all
25 buildings constructed on lots which front on Park Road, between Howard and Peninsula Avenues.

26 There shall be a minimum front setback of ten (10) feet on all buildings constructed on lots which
27 front on Primrose Road, between Howard and Bayswater Avenues.

28 There shall be a minimum setback of twenty (20) feet on all buildings constructed on El Camino
29 Real.

30 (c) The minimum side and rear setback lines shall be as follows; if front and rear lot lines are
31 unequal their average shall be the width at the midpoints of the two (2) side lot lines:
32

1 **Side Setback Lines (in feet)**

| | |
|--|---|
| 2 Lots 42' wide or less | 3 |
| 3 Lots wider than 42', but less than 51' | 4 |
| 4 Lots 51' wide or more, but less than 54' | 5 |
| 5 Lots 54' wide or more, but less than 61' | 6 |
| 6 Lots over 61' wide and over | 7 |

7 **Rear Setback Lines (in feet)**

| | |
|-----------------------|----|
| 8 1 and 2 story | 15 |
| 9 More than 2 stories | 20 |

10 (d) Minimum side setback for condominium developments shall be five (5) feet.

11 (e) The side setback requirement shall be increased one foot for each floor above the first
12 floor.

13 (f) The exterior side setback for any dwelling on a corner lot shall be seven and one half (7-
14 1/2) feet for a building of two (2) stories or less and shall increase one foot for each additional story.

15 (g) A public building, church, library, museum or other similar use, either governmental or
16 private, shall be set back at least ten (10) feet from all lot lines.

17 **25.28.080 Exceptions.**

18 (a) The following shall be exceptions to both lot coverage and setback lines:

19 (1) Cornices or eaves projecting into a side setback no more than fifty (50) percent of the
20 required setback to a maximum of four (4) feet.

21 (2) Front entrance stairs and stoops with no roof to a maximum projection of six (6) feet into
22 the front and rear setback, such coverings shall be counted in lot coverage.

23 (3) Bay windows on the first floor projecting into the front setback no more than one foot six
24 (6) inches and not exceeding twenty (20) square feet in window casement area.

25 (4) Fireplace chimneys projecting into the front setback no more than two (2) feet and not
26 exceeding six (6) feet in width.

27 (b) The following shall be exceptions only to side and rear setback lines:

28 (1) Bay windows projecting not more than one foot six (6) inches into exterior side setbacks
29 on corner lots and not exceeding twenty (20) square feet in window casement area, at least three (3) feet
30 from any lot line, provided that bay window may not project into an interior side setback.

31 (2) A detached garage or other one story accessory building located within the rear thirty
32 (30) percent of a lot.

1 (3) Greenhouse windows projecting no more than one foot, a minimum of three (3) feet
2 above finished floor, not exceeding seventeen (17) square feet in window casement area and at least
3 three (3) feet from any lot line.

4 (c) The following shall be exceptions to lot coverage and side and rear setback lines:

5 (1) Fireplace chimneys projecting into the side and rear setback no more than two (2) feet
6 but not closer than two and one-half (2-1/2) feet from side property line and not exceeding six (6) feet in
7 width.

8 (d) Open balconies projecting not more than four (4) feet into a front setback and not to
9 exceed sixteen (16) feet in length. Multiple balconies so projecting from the same floor shall have a
10 minimum horizontal separation of ten (10) feet.

11 25.28.090 Underground garages in setback areas.

12 Garages may be constructed entirely below ground level and such underground garages may
13 project into any required yard or building setback area, subject to the following limitations:

14 (a) Plans for such underground garages, together with methods of access and egress for the
15 vehicles, must be prepared and submitted for approval by the planning commission prior to the issuance
16 of a building permit;

17 (b) The surface of the structure lying within a required yard or setback area shall be suitably
18 landscaped in keeping with the general character of the surrounding neighborhood;

19 (c) Plans for such landscaping and use of open space must be included in the submitted
20 plans and must be approved by the planning commission;

21 (d) The uppermost portion of any structure or attachment thereto within any required yard or
22 setback area shall not extend above natural grade;

23 (e) On lots abutting or fronting El Camino Real, underground garages may not be
24 constructed in any portion of the property line and the building setback line on such frontage but may be
25 constructed in accordance with the foregoing regulations in other portions of the property.

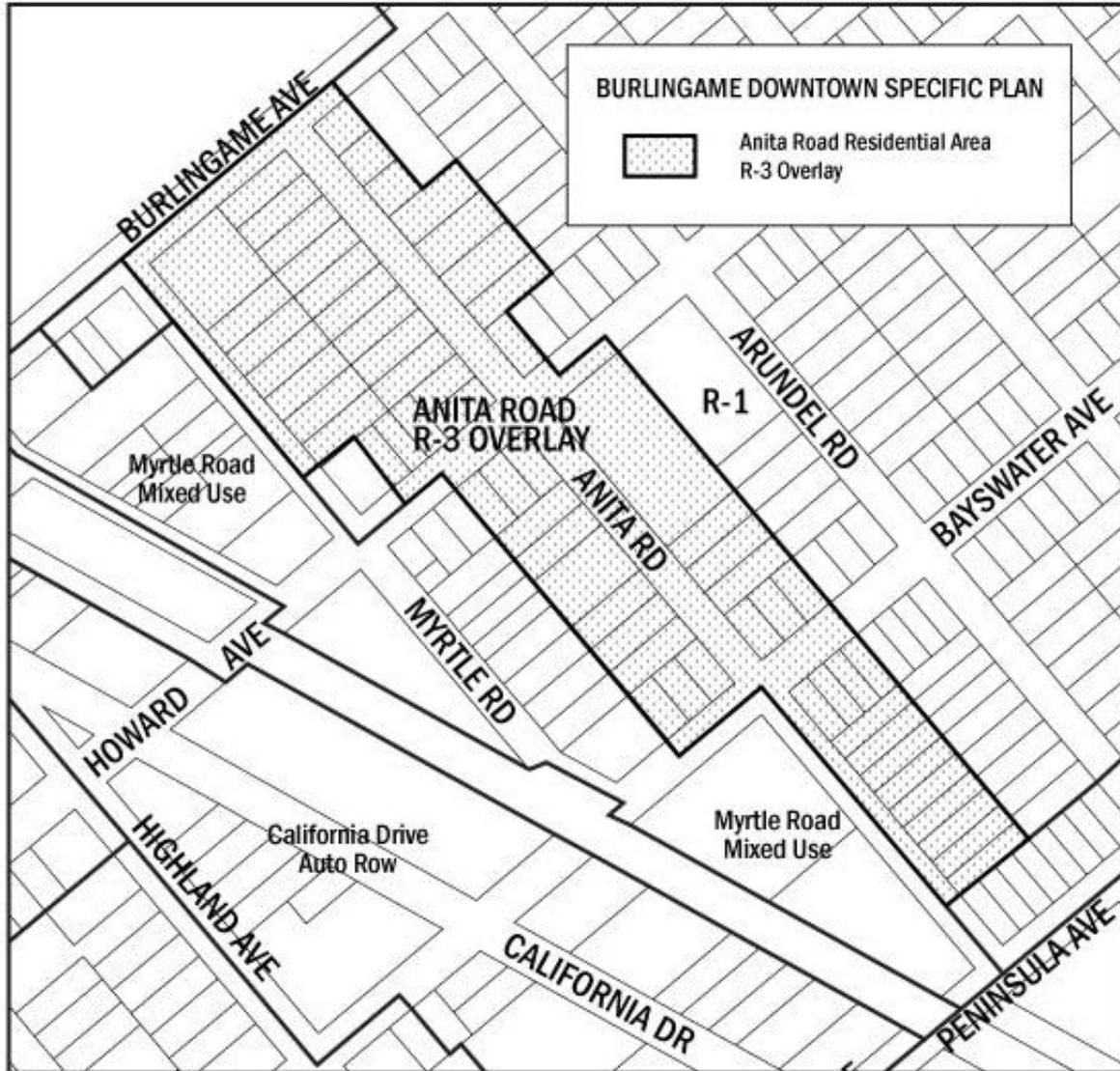
26 25.28.092 Anita Road residential subarea.

27 (a) The Anita Road Residential Subarea is meant to serve as a buffer between the
28 downtown commercial area and Myrtle Road mixed use area to the west and the single family
29 neighborhood to the east. All lots in this subarea, which consists of properties on both sides of Anita
30 Road between Burlingame Avenue and Bayswater Avenue, shall be subject to the following additional
31 requirements to provide the appropriate transition.
32

1 (1) Building Height: Buildings over 35 feet in height and not more than forty-five feet in
2 height shall require a conditional use permit (See section 25.28.030 – e & 25.28.060).

3 (2) Side Setbacks: There shall be a minimum side setback of five (5) feet. The side
4 setback requirement shall be increased one foot for each floor above the first floor.

5 (3) Rear Setback: There shall be a minimum rear setback of twenty (20) feet.



28 25.28.095 Rollins Road multiple family subzone—Bloomfield Road to Burlingame Avenue.

29 All lots in this zone having a boundary on Rollins Road, between Burlingame Avenue and
30 Bloomfield Road, and Lots 22 and 23, Block 19, Burlingables Subdivision No. 2, all as shown on the map
31 attached to the ordinance codified in this section, shall be subject to the following additional requirements:

32 (a) Thirty (30) foot maximum height limit;

- 1 (b) Fifteen (15) foot minimum rear setback;
- 2 (c) No more than fifty (50) percent of the front setback shall be paving or other impermeable
- 3 surface;
- 4 (d) One dwelling unit for each two thousand (2,000) square feet of land contained in the total
- 5 area of the lot, plus one for any fraction over two thousand (2000) feet or any multiple thereof.

6 25.28.097 Rollins Road multiple family subzone—Toyon Drive to Bloomfield Road.

7 In order to create a more livable environment for reuse and new development and an appropriate

8 transition between the existing freeway and intercommunity arterial for the established single-family

9 residential area behind the properties within this overlay zone, all lots within this zone having a frontage

10 on Rollins Road, between Toyon Drive and Bloomfield Road, as generally shown on the map attached to

11 Ordinance No. 1627, shall be subject to the following additional requirements and limitations:

- 12 (a) Structures used for residential purposes; and
- 13 (b) The following height limits:
- 14 (1) A second-floor plate height of no more than twenty-one (21) feet; and
- 15 (2) No more than two (2) stories; and
- 16 (3) A height of building of no more than thirty (30) feet; and
- 17 (c) No more than one dwelling unit per one thousand five hundred (1,500) square feet of
- 18 land contained in the total area of a lot, plus one additional dwelling unit for any remaining land more than
- 19 one thousand (1,000) square feet and less than one thousand five hundred (1,500) square feet; and
- 20 (d) Where two (2) or more recorded lots are combined to create a single lot that then has
- 21 combined lot area of ten thousand (10,000) square feet or more, one dwelling unit more than allowed
- 22 under subsection (c) above may be built; and
- 23 (e) A minimum of one hundred (100) square feet per dwelling unit of at-grade landscaped
- 24 area with improvements that make the landscaped area usable for passive or active recreational
- 25 purposes in a courtyard; at least twenty-five (25) percent of this area shall be in soft landscape. The
- 26 provision of this landscaped area shall be used in this district instead of the requirement for private open
- 27 space under the adopted standards for a condominium permit pursuant to Chapter 26.30. If the parcel on
- 28 which the landscaped area under this subsection is to be placed is larger than ten thousand (10,000)
- 29 square feet, then the courtyard shall have a minimum dimension of at least twenty-five (25) feet in any
- 30 direction. If the parcel on which the landscaped area under this subsection is to be placed is ten thousand
- 31 (10,000) square feet or less, then the courtyard shall have a minimum dimension of fifteen (15) feet in any
- 32 direction; and

1 (f) At least sixty (60) percent of the required front setback area shall be developed in
2 vegetative landscaping; and

3 (g) Approval of a special permit for any construction of a two (2)-story structure or addition of
4 a second story to an existing single-story structure.

5 25.28.100 Landscape requirements.

6 No more than forty (40) percent of the front setback of the building shall be paving or other
7 impervious surface.