

1 **Chapter 25.26 R-1 DISTRICT REGULATIONS**

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18  
19 25.26.010 Scope of regulations.

20 The regulations of this chapter shall apply to all R-1 Districts.

21 25.26.020 Permitted uses.

22 The following uses are permitted in the R-1 districts:

23 (a) One building designed and used as a single-family dwelling;

24 (b) Public buildings, public parks and playgrounds;

25 (c) Accessory buildings, structures or uses including private garages, parking spaces,  
26 greenhouses, lath houses, playhouses, sheds, swimming pools and accessory buildings to serve such  
27 swimming pools, but not including group pools or swimming pool clubs;

28 (d) Home occupations as defined in this title;

29 (e) Letting of rooms, with or without meals, to not more than three (3) persons;

30 (f) Storage of any trailer provided that no trailer shall be stored or permitted to be stored on  
31 that part of any lot or parcel of land upon which the construction of buildings is prohibited; and provided  
32

1 further, that no person shall use or permit to be used any trailer for the purpose of sleeping or as living  
2 quarters.

3 25.26.030 Conditional uses.

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

- 5 (a) Churches, convents, parish houses;
- 6 (b) Schools, public and private, including religious or parochial schools;
- 7 (c) Plant nurseries and truck gardening; provided that the produce therefrom shall not be  
8 retailed and delivered on the premises but may be delivered therefrom;

9 (d) Public utility and public service structures or installations when found by the commission  
10 to be necessary for the public health, safety, convenience and welfare.

11 (e) Demolition of a residential structure or an accessory structure thereto, which structure is  
12 built over or across two (2) or more legally subdivided lots, and the construction of a structure upon one  
13 or more of said lots. See Section 25.26.090.

14 (f) Demolition of a residential structure or any accessory structure thereto, which structure is  
15 built on a site consisting of a legally subdivided lot and a portion of another lot which when combined with  
16 an adjacent lot will result in more building sites than existed before the demolition of said structures, and  
17 the construction of a structure on one or more of said lots. See Section 25.26.090.

18 25.26.035 Uses allowed with a special permit.

19 The following are uses allowed in the district with a special permit:

- 20 (a) Attached garages for single family dwelling units.
- 21 (b) Reduction in the number of parking spaces existing on site.
- 22 (c) Construction exceeding the limits of the declining height envelope.
- 23 (d) A detached garage exempt from setback restrictions located within the rear forty (40)  
24 percent of the lot.

25 (e) An accessory structure that is in the rear of the lot and that is more than twenty-eight (28)  
26 feet in width or depth.

27 (f) A basement with any interior ceiling height of six and one-half (6-1/2) feet or greater.

28 (g) A direct exit from a basement to the exterior of the structure that is anything other than a  
29 light or window well.

30 (h) A bathroom (toilet and sink) exceeding twenty five (25) square feet located in a  
31 basement.  
32

1 25.26.037 Prohibited uses.

2 The following uses are specifically prohibited in the R-1 districts:

- 3 (a) Bathtubs and shower stalls in basements; and
- 4 (b) Bedrooms in basements.

5 25.26.040 Design review and hillside area construction permit.

6 Construction of or additions to second and taller stories of structures in the R-1 districts shall be  
7 subject to design review as provided in Chapter 25.57. Certain new construction and additions to  
8 residences on lots in specified hillside districts are subject to the requirements of the Hillside Area  
9 construction permit as defined in Chapter 25.61.

10 25.26.050 Lot dimensions and lot requirements.

11 (a) Lot dimensions:

12 (1) Lots of six thousand nine hundred ninety-nine (6,999) square feet or less must have an  
13 average width of not less than fifty (50) feet, and all such lots or parcels of land shall have a frontage of  
14 not less than fifty (50) feet on a public street;

15 (2) Lots of seven thousand (7,000) square feet to nine thousand nine hundred ninety-nine  
16 (9,999) square feet must have an average width of not less than fifty (50) feet, and all such lots or parcels  
17 of land shall have a frontage of not less than fifty-five (55) feet on a public street; and

18 (3) Lots of ten thousand (10,000) square feet or more must have an average width of not  
19 less than fifty (50) feet, and all such lots or parcels of land shall have a frontage of not less than sixty (60)  
20 feet on a public street.

21 (b) Lots facing on a curved street: Lots or parcels which face on the curve of a curved street,  
22 where the radius of such curvature is less than forty-five (45) feet, may have a lesser frontage than  
23 required above, but not less than:

24 (1) Thirty (30) feet for a six thousand nine hundred ninety-nine (6,999) square foot or less lot  
25 or parcel;

26 (2) Thirty-five (35) feet for a seven thousand (7,000) square foot to nine thousand nine  
27 hundred ninety-nine (9,999) square foot lot or parcel; or

28 (3) Forty (40) feet for a ten thousand (10,000) square foot or larger lot or parcel.

29 (c) Lot Sizes Shown on Ordinance 712. On the map adopted by Ordinance 712 and as  
30 subsequently amended:

31 (1) All lots shown in white shall have an area of not less than five thousand (5,000) square  
32 feet;

1 (2) All lots shown within a border of horizontal crosshatching shall have an area of not less  
2 than seven thousand (7,000) square feet; and

3 (3) All lots shown within a border of vertical crosshatching shall have an area of not less than  
4 ten thousand (10,000) square feet.

5 (d) Dedication of Easements to Public Streets. Where frontage on a public street is  
6 impossible or impractical, the planning commission may recommend to the city council an easement or  
7 easements providing ingress from and egress to a public street in lieu of such street frontage. In any  
8 case, the city of Burlingame shall be made an owner of such easement. Recommendations of acceptance  
9 may be conditional.

10 (e) Variances. Variances may be granted, in accordance with the provisions of Chapter  
11 25.54 of this code, only to the provisions of subsections (a), (b), and (c) of this section.

12 (f) Effect on Lots or Parcels Recorded Before 1958. The average width, lot frontage and  
13 minimum areas provided for in subsections (a), (b), and (c) of this section shall not apply to any lot or  
14 parcel of land of smaller dimensions appearing of record in the office of the county recorder of the county  
15 of San Mateo, or of the city engineer of the city of Burlingame, prior to June 18, 1958. No building permit  
16 shall be issued for the construction of any building on any lot divided or subdivided after said date which  
17 does not comply with the minimum requirements set forth above, except as varied by subsections (d) and  
18 (e) of this section.

19 (g) Conformance to This Chapter. All the development requirements of Chapter 25.26 lot  
20 dimensions and requirements shall apply to lands hereafter subdivided in accordance with the provisions  
21 of the Subdivision Map Act of the state of California; provided, however, that the planning commission  
22 and the city council may, in the considerations and acceptance of any tentative or final map submitted  
23 pursuant to the provisions of said Subdivision Map Act, approve or accept any such tentative or final map  
24 wherein one or more lots or parcels of land do not conform to all of the provisions of Chapter 25.26, when  
25 the planning commission and the city council find that by reason of exceptional or extraordinary  
26 circumstances the approval or acceptance of such maps will not adversely affect the comprehensive  
27 zoning plan of the city.

28 (h) Minimum Lot Size for Lands Annexed After 1960. No lands annexed to the city of  
29 Burlingame after May 31, 1960, which are thereupon classified for residential uses shall be divided into  
30 lots having areas of less than ten thousand (10,000) square feet each.

1 25.26.060 Height limitations.

2 (a) No structure in an R-1 district shall exceed two-and-one-half (2-1/2) stories or thirty (30)  
3 feet in height, whichever is less, as measured from average top of curb taken from the corners of the lot  
4 extended, except as follows:

5 (1) A structure between thirty (30) and thirty-six (36) feet upon approval of a special permit  
6 under Chapter 25.51;

7 (2) A structure of thirty-six (36) feet or taller upon approval of a variance under Chapter  
8 25.54.

9 (b) Notwithstanding subsection (a) above, on a lot that slopes downward more than twenty-  
10 five (25) percent from the front property line toward the rear property line, no structure shall exceed  
11 twenty (20) feet in height above average top of curb taken from the corners of the lot extended.

12 (c) Notwithstanding subsection (a) above, on a lot that slopes upward more than twenty-five  
13 (25) percent from the front property line to the rear property line, no structure shall exceed thirty (30) feet  
14 above average elevation as measured fifteen (15) feet behind the front property line of the lot at the  
15 intersection of the front and side setback lines at each side of the lot.

16 25.26.065 Lot coverage.

17 The maximum lot coverage for all buildings and structures shall be forty (40) percent, including  
18 balconies, stairs, roof overhangs extending more than twenty-four (24) inches, trellises and improvements  
19 which exceed thirty (30) inches in height above adjacent existing grade. The following shall be excepted  
20 from lot coverage:

21 (a) Arbors where the maximum roof area as measured exterior edge to exterior edge  
22 cumulative on a property does not exceed thirty-two (32) square feet and the maximum height, as  
23 measured from adjacent grade does not exceed nine (9) feet. Trellises where the maximum roof area as  
24 measured exterior edge to exterior edge cumulative on a property does not exceed one hundred (100)  
25 square feet and the maximum height, as measured from adjacent grade does not exceed nine and one-  
26 half (9-1/2) feet.

27 25.26.070 Floor area ratio.

28 The maximum allowable floor area ratio based on gross floor area of structures for all  
29 construction on lots zoned R-1 shall be:

30 (a) For interior lots with attached garages: thirty-two (32) percent plus one thousand one  
31 hundred (1,100) square feet which shall include attached garage and attached covered parking and other  
32 accessory structures;

1 (b) For interior lots with detached garages: thirty-two (32) percent plus one thousand one  
2 hundred (1,100) square feet plus up to four hundred (400) square feet in a detached single or two (2) car  
3 garage and other accessory structures;

4 (c) For corner lots with attached garages: thirty-two (32) percent plus nine hundred (900)  
5 square feet which shall include attached garage and attached covered parking and other accessory  
6 structures;

7 (d) For corner lots with detached garages: thirty-two (32) percent plus nine hundred (900)  
8 square feet plus up to three hundred fifty (350) square feet in a detached single or two (2) car garage and  
9 other accessory structures.

10 (e) Maximum home size. The maximum single family residential house size shall be eight  
11 thousand (8,000) gross square feet, excluding accessory structures.

12 25.26.072 Setback lines.

13 (a) Measurement. Measurement of all setbacks shall be from the lot line to the closest wall or  
14 any covered projection of any existing or proposed structure.

15 (b) Front setbacks.

16 (1) The minimum front setback to the first floor shall be fifteen (15) feet as measured from  
17 the lot front or the average front setback of properties with front setbacks on the same side of the street of  
18 that block, whichever is greater. The measurement shall be taken from the front property line to any wall  
19 or any covered projection of any existing or proposed structure.

20 (2) Notwithstanding subsection (b)(1) above, the minimum front setback of an attached  
21 garage or attached covered parking shall be as follows:

22 (A) Twenty-five (25) feet for a single car garage;

23 (B) Thirty-five (35) feet for a two (2)-car garage. However, if the garage doors for the two (2)  
24 car garage are provided by two (2) single doors, the front setback may be staggered at twenty (20) feet  
25 for one door and twenty-five (25) feet for the second door or side-by-side at twenty-five (25) feet.

26 (3) The minimum front setback to a second floor shall be twenty (20) feet. However if the  
27 required front setback to all or a portion of the first floor under the second floor is greater than twenty (20)  
28 feet, then the minimum front setback to each portion of the second floor shall be the same as that for the  
29 portion of the first floor immediately underneath it.

30 (4) Notwithstanding subsection (b)(1) above, the minimum front setback to all structures on  
31 lots fronting on El Camino Real shall be twenty (20) feet.  
32

1 (5) Notwithstanding subsections (b)(1), (2), (3), and (4) above, the front setback delineated  
2 on any approved subdivision map shall supersede any provision of this chapter.

3 (c) Side setbacks.

4 (1) If front and rear lot lines are equal, the minimum side setback shall be based on the front  
5 property line dimension; if front and rear lot lines are unequal, the setback shall be based on the width of  
6 the lot as measured between the midpoints of the two (2) side lot lines. In either case the setbacks based  
7 on lot width shall be as follows:

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

9 Lot Width	Feet
10 Lots 42' wide or less	3
11 Lots wider than 42', but less than 51'	4
12 Lots 51' wide or more, but less than 54'	5
13 Lots 54' wide or more, but less than 61'	6
14 Lots 61' wide or more	7

15 (2) The minimum side setback to second stories shall be based on the declining height  
16 envelope.

17 (d) Rear setbacks.

18 (1) The minimum rear setback to the first floor shall be fifteen (15) feet;

19 (2) The minimum rear setback to the second floor shall be twenty (20) feet from the rear  
20 property line.

21 (e) Corner lots.

22 (1) Front and rear setbacks to first and second floors shall be the same as for interior lots.

23 (2) The minimum side setback to the first floor of any structure or accessory structure shall  
24 conform to the district minimum for the interior side lot line and shall be seven and one-half (7-1/2) feet on  
25 the exterior side lot line;

26 (3) The side setback to the second floor shall average at least twelve (12) feet from the  
27 exterior side property line with the following limitations:

28 (A) The second floor shall not be closer than seven and one-half (7-1/2) feet to the exterior  
29 side property line; and

30 (B) No more than twenty-five (25) percent of the length of the second floor wall shall be  
31 placed in the area between twelve (12) feet and seven and one-half (7-1/2) feet from the exterior side  
32 property line; and

1 (C) The second floor side setback along the interior side shall comply with the declining  
2 height envelope requirements.

3 25.26.073 Exceptions.

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

5 (1) Front entrance stairs and stoops with no roof, a maximum height from existing adjacent  
6 grade of three (3) feet, extend up to a maximum of six (6) feet into the front setback and extend no closer  
7 than three (3) feet to a lot line.

8 (2) Bay windows on the first floor projecting into the front setback no more than one and one  
9 half (1 ½) feet and not exceeding twenty (20) square feet in footprint.

10 (3) Fireplace chimneys projecting into the front setback no more than two (2) feet and not  
11 exceeding six (6) feet in width.

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

13 (1) Fireplace chimneys projecting into a setback no more than two and one half (2-1/2) feet  
14 from a lot line shall be counted in lot coverage but not in setbacks.

15 (2) Bay window(s) projecting into exterior side setback not more than one and one half (1 ½)  
16 feet and not exceeding twenty (20) square feet in total footprint area, at least three (3) feet from any lot  
17 line, provided that bay window(s) may not project into the interior side setback.

18 (3) Cornices or eaves projecting into a side setback no more than fifty (50) percent of the  
19 required setback to a maximum of two (2) feet.

20 (4) A detached garage or other one-story accessory buildings located within the rear thirty  
21 (30) percent of the length of the lot line;

22 (5) Greenhouse window(s) projecting no more than one foot and a minimum of three (3) feet  
23 above finished floor, not exceeding seventeen (17) square feet inside the window casement area and at  
24 least three (3) feet from any lot line.

25 (6) Open balconies projecting not more than four (4) feet into a front setback. Multiple  
26 balconies projecting from the same floor shall have a minimum horizontal separation of ten (10) feet.

27 (c) The exceptions herein are subject to the following limitations:

28 (1) No portion of the primary residential structure shall extend closer than thirty (30) inches to  
29 the property line on the interior side setback.

30 (2) Chimneys:

31 (A) No portion of an existing chimney shall be allowed within one and one-half (1.5) feet of a  
32 side property line;

1 (B) A new chimney shall be set back a minimum of two (2) feet from property line.

2 25.26.075 Declining height envelope.

3 (a) There shall be a declining height envelope in this district departing from a height of twelve  
4 (12) feet above original existing grade at each side property line as determined by the average of the  
5 elevations at the front and rear property line corners at each side; at twelve (12) feet above grade, an  
6 angle of forty-five (45) degrees shall be set until it intersects with a point seven and one-half (7-1/2) feet  
7 above the second story finished floor, then the line shall extend vertically to a maximum of thirty (30) feet  
8 or two and one-half (2-1/2) stories.

9 (b) No structure shall extend above or beyond said envelope except:

10 (1) Chimneys or flues, eaves to a maximum of two (2) feet or one-half the distance to  
11 property line whichever is less, and architectural features including gables without windows which do not  
12 create improved space and do not extend within the first story side setback;

13 (2) Window enclosures which create no more than thirty-five (35) square feet of floor area  
14 within the structure and have a length no greater than ten (10) feet. At least twenty-five (25) percent of the  
15 face of such enclosure as measured between the finished floor and the plate line shall be window area.

16 (3) The side of a single-family or duplex structure which is located adjacent to an existing two  
17 (2)-story residential structure so that the properties on which they are located share a side property line,  
18 provided:

19 (A) The second story is not closer to the property line than the required first floor setback;  
20 and

21 (B) If the second story wall is outside of the declining height envelope and adjacent to an  
22 existing two (2) story wall, the second story plate line is no higher and no longer than the second story  
23 plate line on the adjacent property; and

24 (C) If there is a two (2) story residential structure on each side of a lot, only one side wall may  
25 be exempt from the declining height envelope; and

26 (D) If any portion of the second story of an existing two (2) story house adjacent to either side  
27 of the lot complies with the declining height requirements, the adjacent wall of the new construction shall  
28 not be exempt.

29 (4) Where the slope on a lot between the front setback and rear setback lines on either side  
30 property line varies by two (2) feet or more, the measurement for the declining height envelope point of  
31 departure shall be the average elevation as taken at the intersection of the adjacent side property lines  
32 with the fifteen (15) foot front setback line and the fifteen (15) foot rear setback line.

1 (5) Where the finished first floor of a house is more than three (3) feet above average  
2 finished grade and the area below or basement is not improved area, the measurement for the declining  
3 height envelope shall be fourteen (14) feet above the side property line.

4 25.26.080 Interior access.

5 There shall be a stairway, elevator, ramp or similar access between all floors of improved area  
6 within a single family residential structure. Such access shall be located within the exterior walls of the  
7 structure.

8 25.26.090 Multiple lots developed with a single structure.

9 (a) This section shall apply to all lots which are required to obtain a conditional use permit  
10 pursuant to Section 25.26.030 (5) or (6). Demolition of existing structures or construction of new  
11 structures upon any such lot shall not be commenced until and unless a conditional use permit and any  
12 variances and special permits required by this section and a building permit are first obtained.

13 (b) In considering the conditional use permit for either standard or substandard lots the  
14 commission shall evaluate in addition to the criteria for a conditional use permit:

15 (1) The blend of mass, scale and dominant structural characteristics of the new construction  
16 with the existing street and neighborhood; and

17 (2) The variety of roof line, façade, exterior finish materials and elevations of the proposed  
18 new structures.

19 (3) The commission shall also consider the necessity or mitigation for the removal of any  
20 protected trees, as defined in Section 11.06.020 of this code, which are located within the footprint of any  
21 proposed structure.

22 (c) A variance shall be required, in addition to and as a part of the conditional use permit, if,  
23 on a substandard lot, the following maximum gross floor area ratio of all structures is not met:

24 (1) Thirty-two (32) percent plus seven hundred fifty (750) square feet with an attached  
25 garage.

26 (2) Thirty-two (32) percent plus seven hundred fifty (750) square feet plus up to three  
27 hundred fifty (350) square feet in a detached single or two (2) car garage and other accessory structures.

28 Such maximum allowable house size shall become effective upon the issuance of a building  
29 permit for the construction and may not be exceeded without amendment of the conditional use permit.

1 **Chapter 25.27 R-2 DISTRICT REGULATIONS**

2 Sections:

- 3 25.27.010 Scope of regulations.
- 4 25.27.020 Permitted uses.
- 5 25.27.030 Conditional uses.
- 6 25.27.040 Building regulations.
- 7 25.27.045 Design review.
- 8 25.27.050 Lot dimensions and lot requirements.
- 9 25.27.060 Height limitations.
- 10 25.27.070 Lot coverage.
- 11 25.27.071 Setback lines.
- 12 25.27.072 Exceptions.
- 13 25.27.075 Declining height envelope.

14  
15 25.27.010 Scope of regulations.

16 The regulations of this chapter shall apply to all R-2 districts.

17 25.27.020 Permitted uses.

18 The following uses are permitted in the R-2 districts:

- 19 (a) All uses permitted in R-1 districts, and subject to the same restrictions, regulations and  
20 exceptions;
- 21 (b) Duplexes, flats or other buildings designed for and occupied by not more than two (2)  
22 families;
- 23 (c) Accessory uses as described for R-1 districts.

24 25.27.030 Conditional uses.

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

- 26 (a) All uses allowed with a permit in the R-1 district and subject to the same restrictions and  
27 limitations;
  - 28 (b) Community clubhouses.
- 29 25.27.040 Building regulations.
- 30 (a) Only one building designed or used as a residence for one or two (2) families, or two (2)  
31 dwellings designed or used as residences, each for one family, may be erected, located or maintained on  
32 any one lot.