



BURLINGAME ZONING ORDINANCE

“Burlingame Municipal Code Title 25”

City of Burlingame
501 Primrose Road
Burlingame, CA 94010

December 6, 2021

25.12.050 – Public Access, Flood and Sea Level Rise Performance Guidelines

- A. Performance Standards – Variations.** Development shall conform to the standards outlined in this section. Unless otherwise stated below, the Planning Commission shall have the authority to allow variations to particular standards in this section in order to encourage sound site planning and development practices, provided any such variation shall meet the overall intent of the particular standard and remain consistent with the General Plan.
- B. City of Burlingame Map of Future Conditions.** The City of Burlingame Map of Future Conditions (Map) was adopted by the City Council to provide community resilience to sea level rise and storms. The Map may be revised by the City Council based on updates to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), sea level rise science, monitoring results, and shoreline and creek conditions. All proposals for new construction shall be based on the Map currently in effect at the time a complete project application is submitted (Application Date).
- C. Bay Access – Buffer Zones.** Buffer zones extending 100 feet inland from the San Francisco Bay Shoreline are intended to provide an area to accommodate and maintain built and natural shoreline infrastructure for sea level rise protection, environmental enhancement, and public access trails. For the purposes of this Section 25.12.050, the San Francisco Bay Shoreline (Shoreline) is defined by California Code of Regulations §10121, which describes the jurisdiction of the Bay Conservation and Development Commission (BCDC) within a 100-foot “Shoreline Band.” Building encroachments may be accommodated within the 100-foot buffer zones provided that the City determines that such encroachments do not inhibit a planned infrastructure project of the City and San Mateo County Flood and Sea Level Rise Resiliency District (District) as of the Application Date. Project applicants shall coordinate with staff of the City and District to obtain the most current design standards for the planned infrastructure project. Buffer zones shall be developed and maintained based on the applicable water frontage and BCDC’s public access guidelines and as follows:
- 1. On San Francisco Bay.** A minimum buffer zone of 100 feet from the Shoreline within which the shoreline infrastructure will be built. The top of this infrastructure must include a trail consistent with guidelines of the San Francisco Bay Trail Project and, unless otherwise directed by BCDC, the inboard (opposite the Bay) edge of that trail shall be located an average of 75 feet from the Shoreline.
 - 2. On Anza Lagoon, Bay Front Channel, and Burlingame Lagoon.** A minimum buffer zone of 100 feet from the Shoreline within which the shoreline infrastructure will be built. The top of this infrastructure must include a trail consistent with guidelines of the San Francisco Bay Trail Project.
- D. Bay Access – Public Access.** Public access shall be maintained and developed within the Shoreline buffer zones based on the City-adopted and Bay Conservation and Development Commission-approved public access guidelines.
- E. Bay Access – Trail Connectivity.** Unless it is demonstrated to the satisfaction of City staff that no feasible alternative exists, any property with frontage on the Shoreline within the jurisdiction of the BCDC shall be required to provide, as a part of the on-site landscaping plan and Shoreline infrastructure, connectivity improvements by constructing a new or improved portion of the Bay Trail along the site, including improving access to the Bay Trail from and through the site. The trail shall be compliant with specifications of the City Public Works Department, BCDC, and San Francisco Bay Trail Program. Each such trail segment shall connect directly to the trail segment of adjacent properties.
- F. Bay Access – Maintenance.** All areas improved for public access within the jurisdiction of BCDC shall be maintained by the property owner and shall be available to the public in perpetuity, as determined by the BCDC.

- G. Creek Access – Buffer Zones.** Buffer zones measured from the top of creek bank are intended to provide an area to accommodate and maintain flood protection and public access trail infrastructure. For properties with frontage on Sanchez Creek, Easton Creek, Mills Creek, Gilbreth Creek, and El Portal Creek, a minimum buffer zone of 35 feet from the top of creek bank is required to accommodate and maintain future infrastructure and a public access trail. Building encroachments may be accommodated within the buffer zones provided that the City determines that such encroachments do not inhibit planned infrastructure projects of the City and District as of the Application Date.
- H. Creek Access – Trail Connectivity.** Unless it is demonstrated to the satisfaction of City staff that no feasible alternative exists, any property with frontage on Sanchez, Easton, Mills, Gilbreth, and El Portal Creeks shall be required to provide, as a part of the on-site landscaping plan, a paved public-access trail along the top of the bank for the portion of the creek bank on the site. The trail shall be compliant with specifications of the City Public Works Department and BCDC, if applicable. Each such trail segment shall connect directly to the termination of the public access trail segment along the Shoreline (e.g., the Bay Trail) or the creek bank on each adjacent property.
- I. Flood Protection and Sea Level Rise Resilience – Building Elevations and Shoreline Infrastructure.** For all properties within the Sea Level Rise Overlay Area indicated on the City’s Map of Future Conditions current as of the Application Date, the first floor of new buildings must be elevated in conformance with this Map. For properties that are also with frontage on San Francisco Bay, Anza Lagoon, Bay Front Channel, and Burlingame Lagoon, new construction requiring discretionary review must include shoreline infrastructure that meets the requirements included in this Map. All required elevations shall be certified by a professional land surveyor.
- J. Flood Protection and Sea Level Rise Resilience – Determination of Compliance.** Prior to issuance of a Building Permit, a registered professional engineer retained by the applicant shall certify that the design, specifications, and plans for the construction of Shoreline infrastructure are in accordance with the requirements in Chapter 25.12.050.E, Chapter 25.12.050.I, and FEMA guidance and the Code of Federal Regulations (CFR) related to the mapping of areas protected by levee systems in place as of the Application Date. An applicant’s proposal that meets the requirements in Chapter 25.12.050.E, Chapter 25.12.050.I, and the CFR, but is not consistent with the planned infrastructure project of the City and District, shall be permitted if the proposal is demonstrated to be a less or equally environmentally impactful practical alternative (including environmentally-beneficial features such as listed species habitat, marsh, open space, etc.).
- K. Flood Protection and Sea Level Rise Resilience – Data Collection.** Applicant shall submit two topographic surveys of the property, such as a LiDAR or field survey, prepared by a licensed professional land surveyor: one within 12 months of the Application Date and prior to construction, and one within 12 months of project completion. Such survey shall be at the landowner or applicant’s expense and shall be conducted in consultation with City staff to be approved as compliant with City survey standards.
- L. Flood Protection and Sea Level Rise Resilience – Maintenance.** As a condition of project approval, the applicant shall execute an agreement with the City identifying the landowner’s ongoing maintenance obligations for the shoreline infrastructure approved as part of a development.
- M. Flood Protection and Sea Level Rise Resilience – Stormwater Drainage.** One hundred percent (100%) of the drainage from impervious surfaces on the site shall be captured and retained on site with sufficient storage to keep the first 1.25 inches of rainwater from an individual rain event on site without discharging onto neighboring properties or rights-of-way unless a regional stormwater management system is available to serve the development and the specific discharges from the site into the system have been approved by the City Public Works Department.

- N. Flood Protection and Sea Level Rise Resilience – Real Estate Disclosure of Hazards.** In any contract for the sale of real estate located in the Sea Level Rise Overlay Area indicated on the current Map of Future Conditions adopted by the City of Burlingame, the seller shall include in the contract a real estate disclosure of all hazards associated with anticipated sea level rise, geologic hazards, groundwater inundation, or coastal and fluvial flooding. Any site-specific analyses related to sea level rise must also be disclosed in real estate transactions.