

**CITY OF BURLINGAME**

**PLANNING COMMISSION RESOLUTION 2025-\_\_  
APPROVING CONDITIONAL USE PERMIT FOR 1210 DONNELLY AVENUE  
PROJECT NO. CUP24-0003**

**WHEREAS**, an application has been made by Lorene Pescareta, on behalf of Authorized Agent for the Property Owner, Brett Barron, for a Conditional Use Permit for a commercial recreation – small scale use in an existing commercial building in the DAC (Donnelly Avenue Commercial) zoning district, APN: 029-151-140; and

**WHEREAS**, on January 27, 2025, the Planning Commission of the City of Burlingame held a duly noticed public hearing at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing; and

**WHEREAS**, on January 27, 2025, the Planning Commission of the City of Burlingame reviewed and considered a Categorical Exemption under Section 15301 (Class 1, Existing Facilities) for the Project; and

**NOW, THEREFORE**, the Planning Commission of the City of Burlingame does here by resolve, find, determine and order as follows:

**SECTION 1:** The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1(a), Existing Facilities) of the CEQA Guidelines, which states that interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances are exempt from environmental review.

**SECTION 2:** City of Burlingame Municipal Code (BMC) authorizes the Planning Commission to grant a Conditional Use Permit upon making certain findings. The Planning Commission finds the following:

**CONDITIONAL USE PERMIT FINDINGS (BMC SECTION 25.66.060)**

1. *The proposed use is consistent with the General Plan and any applicable specific plan.*

The proposed commercial recreation use (pilates studio) is consistent with the General Plan and Downtown Specific Plan in that it adds to the current mix of uses in the downtown area which is encouraged to promote a pedestrian-oriented district.

2. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

The proposed use is allowed within the zoning district with a Conditional Use Permit and complies with all other applicable provisions of this Zoning Code and the Municipal Code.

3. *The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.*

The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity in that the pilates studio is located within an existing commercial building and there are no changes proposed to the interior or exterior of the building.

4. *The site is physically suitable in terms of:*

- a. *Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;*
- b. *Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;*
- c. *Public protection services (e.g., fire protection, police protection, etc.); and*
- d. *The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).*

The site is physically suitable for the proposed use in that there is no change to the site or commercial building required; there is no change to the existing street which has been adequate to accommodate public and emergency vehicles; and the proposed use does not impact public protection services or provision of utilities to the site.

5. *The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.*

The proposed use will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located in that the proposed use includes a pilates studio within an existing commercial building.

**SECTION 3:** The Planning Commission of the City of Burlingame after conducting the public hearing **HEREBY APPROVES** CUP24-0003 subject to the following conditions:

**CONDITIONS OF APPROVAL**

1. that the small scale commercial recreation use (pilates studio) shall be limited to operating at 1210 Donnelly Avenue and within the designated areas shown on the plans submitted to the Planning Division and date stamped December 11, 2024;
2. that the Conditional Use Permit shall apply only to a small scale commercial recreation use (pilates studio) and shall become void if the small scale commercial recreation use ceases, is replaced by a permitted use, or is ever expanded, demolished or destroyed by catastrophe or natural disaster or for replacement; and
3. that the project shall meet all the requirements of the California Building and Uniform Fire Codes, in effect at time of business operating, as amended by the City of Burlingame.

**SECTION 4:** The Conditional Use Permit approval shall be subject to revocation if the applicant fails to comply with the conditions listed herein at any time. If, at any time, the Community Development Director or Planning Commission determine that there has been or may be a violation of the findings or conditions of this approval, or of the Zoning Regulations, a public hearing may be held before the Planning Commission to review this approval pursuant to Zoning Regulation Section 25.88.050. At said hearing, the Planning Commission may add conditions, or recommend enforcement actions, or

revoke the approval entirely, as necessary to ensure compliance with the Zoning Regulations, and to provide for the health, safety, and general welfare of the community.

**PASSED AND ADOPTED** this 27th day of January 2025.

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Chairperson

I, \_\_\_\_\_, Secretary of the Planning Commission of the City of Burlingame, do hereby certify that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission held on the 27th day of January 2025 by the following vote:

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Secretary

Exhibits:

Exhibit A - Project Plans dated December 11, 2024