

# City of Burlingame

Conditional Use Permit

Item No. 9d  
Regular Action Item

**Address:** 1241-1251 Whitehorn Way

**Meeting Date:** July 8, 2024

**Request:** Application for Conditional Use Permit for vehicle storage within an existing commercial building.

**Architect:** Michael Nilmeyer, Nilmeyer/Nilmeyer Associates

**APN:** 026-131-180

**Applicant:** Sailesh Mehra c/o Larry Soloman

**Property Owners:** Whitehorn LLC c/o SC Properties (Kevin Cullinane)

**Lot Area:** 77,110 SF

**General Plan:** Innovation Industrial

**Zoning:** I/I

**Environmental Review Status:** The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15301 - Existing facilities, Class 1(a) 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.

**Site History:** The subject property is a flag lot accessed only via Whitehorn Way, a private road. The project site consists of a single parcel (APN: 026-131-180) containing three commercial buildings. The addresses for the buildings are: 1) 1221 through 1251 Whitehorn Way (subject building); 2) 1271 Whitehorn Way; and 3) 55 and 65 Star Way. The recently constructed building at 1221-1251 Whitehorn Way was approved by the Planning Commission in 2021 which included applications for Commercial Design Review, Variance for site landscaping (3.1% provided where 10% is required), and Variance for required off-street parking for six parking spaces (48 spaces provided for on-site uses where 54 spaces were required). The building was constructed to be divided into four tenant spaces.

**Project Description:** The applicant is requesting approval of a Conditional Use Permit to utilize two of the four tenant spaces 1241-1251 Whitehorn Way for vehicle storage with a private office. The tenant space totals 9,901 square feet and would be used by the applicant for private vehicle storage. The building was recently completed as a "shell" and the proposed use would include construction of a demising wall to separate the other tenant spaces. In addition, the tenant improvement to finish out this space would include new walls for the entry, storage space, restrooms, and the office area as detailed on Sheet A1.0.

The proposed vehicle storage use is for a private car collection to be stored on-site, inside the building. Depending on the size of the vehicles, the number of cars to be stored would vary between 25-35 cars. A sample parking diagram is shown on Sheet A1.2. There would be no vehicle sales on-site. The vehicles would not be serviced at this site and there would be no detailing or washing; all such services would be provided off-site.

The interior improvements include creating a private office space for the applicant. Given that this space is proposed for personal use rather than a business, the hours of operation would vary and it is anticipated that the applicant would be on-site between three to four hours per day, ranging from three to five days per week. The building would not be open to the public. There would periodically be visitors to the site, by invitation only, and there would be no events hosted at this site.

**Off-Street Parking:** A Parking Variance was granted for the subject property in 2021. The Parking Variance was for six spaces; with a total of 48 parking spaces provided on-site where 54 parking spaces were required. The proposed warehouse use requires nine on-site parking spaces (1 space for each 1,000 SF for warehouse use), but it is anticipated that the parking demand for the proposed use will be much lower given that the proposed use is for the storage of a private car collection.

The applicant is requesting the following application:

- Conditional Use Permit for vehicle storage within an existing commercial building (Code Section 25.12.020 and 25.12-1).

### 1241-1251 Whitehorn Way

Lot Area: 77,110 SF

Plans date stamped: June 26, 2024

	Existing	Proposed	Allowed/Req'd
<b>Use:</b>	vacant (no previous tenant – new construction)	private car storage	permitted with approval of a Conditional Use Permit  (Code Section 25.12.020)
<b>Off-Street Parking Required:</b>	vacant (no previous tenant – new construction)	9,101 SF - warehouse (1:1,000 SF) <hr/> 9.1 spaces  9 spaces dedicated for use by 1241-1251	Warehouse 1 space / 1,000 SF (Code Section 25.40.030)  48 spaces for all tenant spaces  9 spaces dedicated on site for the proposed warehouse use at 1241-1251

026-131-180 USES AND PARKING			
<b>1221 - 1251 Whitethorn Way (New Building):</b>	---	1,431 SF - office 16,510 SF - auto repair 3,460 SF - storage	4.7 spaces 20.66 spaces <u>3.5 spaces</u> 28.9 spaces
<b>1261 &amp; 1271 Whitethorn Way:</b>	9,855 SF storage	no change	9.9 spaces
<b>55 &amp; 65 Star Way:</b>	9,072 SF Auto repair 1,720 SF Storage 628 SF Office	no change	11.3 spaces 1.7 spaces <u>2.1 spaces</u> 15.1 spaces
			54 total spaces required

**Staff Comments:** Central County Fire has unresolved comments dated June 26, 2024 (see attachments). The applicant will work with this Division to address these comments during the building permit process.

Staff would note that this application was brought directly to the Planning Commission as a Regular Action Item due to the low impact nature of the business and size of the business/tenant space. However, if the Commission feels there is a need for more discussion, this item may be placed on a future action calendar for a second review and/or public hearing with direction to the applicant.

**Findings for a Conditional Use Permit:** In order to grant a Conditional Use Permit, the Planning Commission must find that the following conditions exist on the property (Code Section 25.66.060, A-E):

- A. The proposed use is consistent with the General Plan and any applicable specific plan.
- B. 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.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.
- D. The site is physically suitable in terms of:
  - 1. 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;
  - 2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;
  - 3. Public protection services (e.g., fire protection, police protection, etc.); and
  - 4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
- E. 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.

***Suggested Conditional Use Permit Findings:***

- A. That Burlingame Municipal Code Section 25.106.230 defines *Vehicle Storage* as “*The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but does not include vehicle dismantling or off-site airport parking*” and that the proposed use is for storage of a personal car collection which is a use that is consistent with the General Plan land uses envisioned for the Innovation Industrial area.
- B. 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.
- C. 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 proposed automobile storage will operate indoors within an existing commercial building with no outdoor display area and no changes to the building envelope; that the vehicles are part of a private collection and the warehouse will not be open to the public with all visitors to the site by invitation only therefore the proposed use will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare or convenience.
- D. The site is physically suitable for the proposed use in that there is no change to the site other than interior improvements that will be subject to all Building and Fire code requirements applicable to the automobile storage use.

- E. The proposed vehicle storage use for a private car collection within an existing commercial building, 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.

For these reasons, the use may be found to be compatible with the Conditional Use Permit criteria listed above.

**Planning Commission Action:** The Planning Commission should conduct a public hearing on the application, and consider public testimony and the analysis contained within the staff report. Action should include specific findings supporting the Planning Commission's decision, and should be affirmed by resolution of the Planning Commission. The reasons for any action should be stated clearly for the record. At the public hearing the following conditions should be considered:

1. that the vehicle storage use shall be limited to operating inside the building at 1241-1251 Whitehorn Way, in approximately 9,101 SF within the designated areas as shown on the plans submitted to the Planning Division and date stamped June 26, 2024, sheets CS 1.0, A0.0 through A 1.2;
2. that any changes in operation, floor area, or use, shall require an amendment to this use permit;
3. that vehicles may not be displayed outdoors in driveways, drive aisles or fire lanes;
4. that the Conditional Use Permit shall apply only to vehicle storage and does not include vehicle sales, repair, or detailing; the addition of vehicles sales, repair or detailing at this site shall require an amendment to this use permit;
5. that the Conditional Use Permit shall apply only to vehicle storage inside the existing commercial building at 1241-1251 Whitehorn Way and shall become void if the vehicle storage use ceases, is replaced by a permitted use, or is ever expanded, demolished or destroyed by catastrophe or natural disaster or for replacement; and
6. 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.

Catherine Keylon  
Senior Planner

c. Michael Nilmeyer, project architect  
Sailesh Mehra c/o Larry Soloman, applicant  
Whitehorn LLC c/o SC Properties, property owner

Attachments:

Application to the Planning Commission  
Commercial Application  
Conditional Use Permit Application  
Project Description / Explanation Letter,  
Staff Comments – Central County Fire, dated June 26, 2024  
Planning Commission Resolution (Proposed)  
Notice of Public Hearing – Mailed June 28, 2024  
Area Map