

City of Burlingame • Community Development Department • 501 Primrose Road • (650) 558-7250 • [planningdept@burlingame.org](mailto:planningdept@burlingame.org)



## Project Application - Planning Division

**Type of Application:** ☐ Accessory Dwelling Unit ☒ Conditional Use/Minor Use Permit  
☐ Design Review ☐ Hillside Area Construction Permit ☐ Minor Modification  
☐ Special Permit ☐ Variance ☐ Other

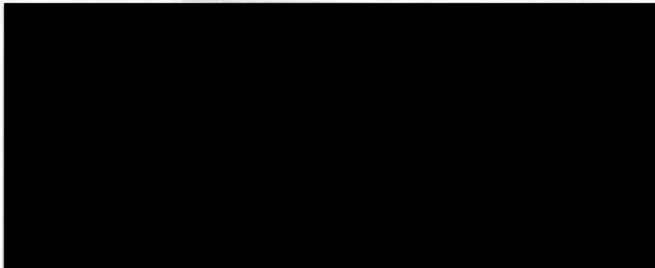
**Project Address:** 1241-1251 Whitehorn Way **Assessor's Parcel #:** 026-131-180 **Zoning:** I/I

### Project Description:

(See attached description for additional details). Application for a CUP to establish a private office and vehicle storage at 1241-1251 Whitehorn Way.

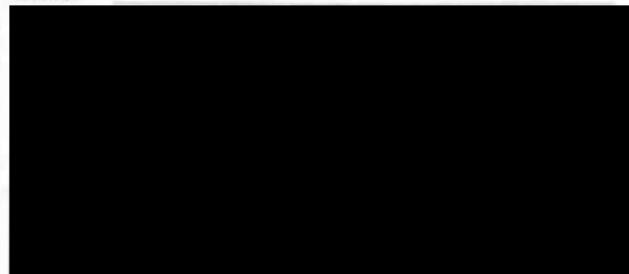
### Applicant

**Name:** Sailesh Mehra on behalf of Larry Solomon



### Property Owner

**Name:** Paul Dumesnil



### Architect/Designer

**Name:** Michael Nilmeyer

**Address:** 128 Pepper Ave, Burlingame CA 94010

**Phone:** 650.347.0757

**E-mail:** [michael@nilmeyer.com](mailto:michael@nilmeyer.com)

**Burlingame Business License #:** 20500349

\* Architect/Designer must have a valid Burlingame Business License.

### Authorization to Reproduce Project Plans:

I hereby grant the City of Burlingame the authority to post plans submitted with this application on the City's website as part of the Planning approval process and waive any claims against the City arising out of or related to such action.

MN

MN

(Initials of Architect/Designer)

**Applicant:** I hereby certify under penalty of perjury that the information given herein is true and correct to the best of my knowledge and belief.

**Applicant's signature:**



**Date:** 4/9/2024

**Property Owner:** I authorize the above applicant to submit this application to the Planning Division.

**Property owner's signature:**

**Date:** 4/9/2024

**Date Application Received (staff only):**

04.18.24



## City of Burlingame Commercial Application

1. Proposed use of the site: Private office and private car collection storage at 1241-1251 Whitehorn
2. Days and hours of operation: It varies, but typically 3-4 hours, three to four days a week
3. Number of trucks/service vehicles to be parked at site (by type): 25-35 vehicles

4. Current and projected maximum number of employees (including owner) at this location:

	At Opening/Existing		In 2 Years		In 5 Years	
Hours of Operation	Before 5:00 pm	After 5:00 pm	Before 5:00 pm	After 5:00 pm	Before 5:00 pm	After 5:00 pm
Weekdays	1	1	1	1	1	1
Weekends	1	1	1	1	1	1

5. Current and projected maximum number of visitors/customers who may come to the site:

	At Opening/Existing		In 2 Years		In 5 Years	
Hours of Operation	Before 5:00 pm	After 5:00 pm	Before 5:00 pm	After 5:00 pm	Before 5:00 pm	After 5:00 pm
Weekdays	1	1	1	1	1	1
Weekends	2	2	2	2	2	2

6. What is the maximum number of people expected on site at any one time (include owner, employees and visitors/customers): Just the owner and possibly one visitor
7. Where do/will the owner and employees park? There are two parking stalls allocated onsite
8. Where do/will the customers/visitors park? There is one onsite parking stall allocated for a visitor
9. Present or most recent use of site: Warehouse
10. List other tenants on property, their number of employees, hours of operation (attach a list if more room is needed): Only one tenant will occupy the site



## City of Burlingame

### Conditional Use Permit Application

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The Planning Commission is required by law to make findings as defined by the City's Ordinance (Code Section 25.66.060). Your answers to the following questions can assist the Planning Commission in making the decision as to whether the findings can be made for your request. Refer to the end of this form for assistance with these questions.

**A. How will the proposed use be consistent with the General Plan, Zoning Ordinance, and any applicable Specific Plan?**

The General Plan designates this property as "Innovation - Industrial" as does the zoning ordinance. As such, these documents' visions, plans and policies encourage retention of auto-related uses. The Land Use Element promotes a mix of uses for economic vitality for the city in that this use will provide another way to augment both private and public recreational uses. The proposed use is consistent with the goals, objectives and policies of the Updated (November 2019) General Plan in that the plan encourages the retention of buildings and uses that they were originally designed for. This building has been historically been used for warehousing and/or auto-oriented uses. Further, the proposed use will improve and modernize a building and it will occupy a vacant building. The proposed use will also be compatible to adjoining land uses in that it is auto-oriented and may make use of nearby auto repair and servicing businesses, thereby contributing to the city's economic base.

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

The proposed use is conditionally permitted per the zoning code of Burlingame. Additionally, with the conditions of approval, and the fact that the occupant and/or building owners will obtain all necessary permits before occupancy will ensure that the use complies with not only the zoning code, but also all other applicable codes. The proposed activity will be compatible with adjoining uses because a large number of these uses are auto-related. Additionally, the building is undergoing renovations, which will reduce interior noise but also upgrade HVAC systems to provide a safe and insulated environment and minimize, if not eliminate any potential conflicts with abutting uses.

**C. Explain how 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, or constitute a nuisance, or be materially injurious to the improvements, persons, property or uses in the vicinity of this property because it is low intensity, private and contained within a building. Furthermore, the findings, as well as conditions of approval will ensure that the strict application of the conditions, and Mr. Solomon's rare car collection is within the building, he intends to safeguard it without impacting adjoining properties, or calling attention to it. Also, as the site upgrades are considered to be minor and within an existing structure. Additionally, the proposed use and maintenance of the existing facility would not result in an increase in intensity as the users of the facility would include Mr. Solomon and sporadic visitors. Surrounding uses consist of a mixture of production/distribution/repair/wholesale, commercial and office uses, the proposed vehicle storage use will be compatible with the existing uses as it will be contained entirely within an existing structure.

**D. Explain how the site is physically suitable in terms of:**

- 1. Its design, location, shape, and size 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.).**

Responses:

1. The site's design, location, shape, and size 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 vicinity in that it consists of fully enclosed building. The property is well-maintained with landscaping and is well-lit. Furthermore, the site is developed with an existing warehouse building, which was built to applicable development standards in place at the time. The proposed use/tenant will obtain all necessary clearances from the city.
2. The property is accessible via city-maintained roads, which would allow emergency vehicle access to the proposed use;
3. The property and proposed use will comply with all life-safety provisions that the city codes require;
4. The existing building was built to city's utility standards in place at the time of construction. If any improvements are proposed, the tenant will obtain the necessary permits for any upgrades.

**A. *How will the proposed use be consistent with the General Plan, Zoning Ordinance, and any applicable Specific Plan?***

Ask the Planning Division for the General Plan Designation and Zoning District for the proposed project site, and an explanation of each designation. Once you have this information, you can compare your proposal with the stated designated use and zoning, then explain why this proposal would fit accordingly.

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

How does the proposed structure or use compare with the design, location, size and operating characteristics in the existing neighborhood and structures in the vicinity? If changes to a structure are proposed, are the improvements designed to match the existing architecture and development pattern on adjacent properties in the area? If a use will affect the way a neighborhood/area looks, compare your proposal to other uses in the area and explain why it fits.

How will the proposed project be compatible with existing and potential uses in the general vicinity? Compare your project with existing uses. State why your project would be consistent with existing and potential uses in the vicinity.

**C. *Explain how 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.***

How will the proposed structure or use within the structure affect neighboring properties or structures on those properties? If neighboring properties will not be affected, state why. Think about traffic, noise, lighting, paving, landscaping sunlight/shade, views from neighboring properties, etc.

Convenience. How would the proposed structure or use affect public convenience (such as access to or parking for this site or adjacent sites)? Is the proposal accessible to particular segments of the public such as the elderly or handicapped?

Public health includes such things as sanitation (garbage), air quality, discharges into sewer and stormwater systems, water supply safety, and things which have the potential to affect public health (i.e., underground storage tanks, storage of chemicals, situations which encourage the spread of rodents, insects or communicable diseases).

Public safety. How will the structure or use within the structure affect police or fire protection? Will alarm systems or sprinklers be installed? Could the structure or use within the structure create a nuisance or need for police services (i.e., noise, unruly gatherings, loitering, and traffic) or fire services (i.e., storage or use of flammable or hazardous materials, or potentially dangerous activities like welding, woodwork, engine removal).

**D. Explain how the site is physically suitable in terms of:**

- 1. Its design, location, shape, and size 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.).**

Briefly explain how the sites' design, location, shape and size will be able to accommodate the proposed structure or use. Will improvements be required to accommodate public and emergency vehicle access, public protection services, and utilities? If improvements to these elements are required, please list them here.

## **1241-1251 Whitehorn Way**

### **Project Description**

This is an application for a Conditional Use Permit (CUP), pursuant to Chapter 25 of the Municipal Code of the City of Burlingame, private "vehicle storage" within the "Innovation-Industrial" zoning district requires a CUP, as stated in Table 25.12-1: Commercial and Industrial Zoning Districts Use Regulations contained in 25.12.020. As such, the narrative will provide a description of the proposed use at a commercial warehouse building located 1221 Whitehorn Way.

This application for a CUP, on behalf of Larry Solomon, proposes to establish private vehicle storage for his car collection within this 9,901 square foot commercial warehouse building (see attached interior and exterior photos). The attached plans will provide additional details. The building has a private office, storage, bathroom and counters with coffee maker and a mini refrigerator and a mezzanine for storage. The building is not going to be open to the public, but serve as Mr. Solomon's private office and car storage facility. In addition to working here, part of his car collection will reside here. He may take the cars out for drives periodically. The vehicles will not be serviced here, nor will they be washed on-site. He may get visitors from time to time, but the total number of visitors is not expected to exceed eight at any given time. Mr. Solomon's hours at the building will vary, but he will not keep regular business hours. The number of vehicles he expects to keep here will also vary, but will be in the range of 25 to 35 cars. The building is ideally suited for vehicle storage in that it is sprinklered, has high ceilings (see photos) and four roll-up doors. There will be no events held here. There will be no amplified or live music at the property and as stated above, this building will be "by invitation only". [consider providing photos of a few cars]

### **Findings**

Pursuant to Section 25.66.060, of the Zoning Code, the following findings shall be made in order for a Conditional Use Permit to be granted:

Before a conditional use permit and minor use permit may be granted, the Review Authority shall make the following findings:

- A. The proposed use is consistent with the General Plan and any applicable specific plan.

The General Plan designates this property as "Innovation - Industrial" as does the zoning ordinance. As such, these documents' visions, plans and policies encourage indoor recreational uses. The Land Use Element promotes a mix of uses for economic vitality for the city in that this use will provide another way to augment both private and public recreational and instructional facilities Burlingame's residents. The proposed use is consistent with the goals, objectives and policies of the Updated (November 2019) General Plan in that the plan encourages the retention of buildings and uses that they were originally designed for. This building has been historically been used for warehousing and/or auto-oriented uses. Further, the proposed use will improve and modernize a building and it will occupy a vacant building. The proposed use will also be compatible to adjoining land uses in that it is auto-oriented and may make use of nearby auto repair and servicing businesses, thereby contributing to the city's economic base.

- 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.

The proposed use is conditionally permitted per the zoning code of Burlingame. Additionally, with the conditions of approval, and the fact that the occupant and/or building owners will obtain all necessary permits before occupancy will ensure that the use complies with not only the zoning code, but also all other applicable codes.

- 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.

The proposed activity will be compatible with adjoining uses because a large number of these uses are auto-related. Additionally, the building is undergoing renovations, which will reduce interior noise but also upgrade HVAC systems to provide a safe and insulated environment and minimize, if not eliminate any potential conflicts with abutting uses.

- 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.).

Responses:

1. The site's design, location, shape, and size 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 vicinity in that it consists of fully enclosed building. The property is well-maintained with landscaping and is well-lit. Furthermore, the site is developed with an existing warehouse building, which was built to applicable development standards in place at the time. The proposed use/tenant will obtain all necessary clearances from the city.
  2. The property is accessible via city-maintained roads, which would allow emergency vehicle access to the proposed use;
  3. The property and proposed use will comply with all life-safety provisions that the city codes require;
  4. The existing building was built to city's utility standards in place at the time of construction. If any improvements are proposed, the tenant will obtain the necessary permits for any upgrades.
- 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. (Ord. 2000 § 2, (2021))

The proposed use will not adversely affect the public convenience, health, interest, safety, or general welfare, or constitute a nuisance, or be materially injurious to the improvements, persons, property or uses in the vicinity of this property because it is low intensity, private and contained within a building. Furthermore, the findings, as well as conditions of approval will ensure that the strict application of the conditions, and Mr. Solomon's rare car collection is within the building, he intends to safeguard it without impacting adjoining properties, or calling attention to it. Also, as the site upgrades are considered to be minor and within an existing structure. Additionally, the proposed use and maintenance of the existing facility would not result in an increase in intensity as the users of the facility would include Mr. Solomon and sporadic visitors. Surrounding uses consist of a mixture of production/distribution/repair/wholesale, commercial and office uses, the proposed vehicle storage use will be compatible with the existing uses as it will be contained entirely within an existing structure.



## ***Project Comments – Planning Application***

Project Address: **1241-1251 Whitehorn Way, zoned I/I, APN: 026-131-180**

Description: **Application for a Conditional Use Permit for vehicle storage in an existing warehouse building.**

From: Patricia Koch  
Central County Fire

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**Please address the following comments at this time; provide a written response and revised plans with your resubmittal:**

1. ~~Provide occupancy classification and occupant load based on use and square footage.~~  
Corrected.
2. ~~Demonstrate that means of egress requirements are met based on occupancy classification and use. Show exit routes with the vehicle storage placement and from the mezzanine to the public way.~~ Corrected
3. ~~Provide details of storage area:~~
  - ~~Storage layout in building~~
  - ~~Number of vehicles stored.~~
  - ~~How they will be stored (in racks?)~~
  - ~~Any other storage in the warehouse?~~Corrected .
4. CFC 314.4 Vehicles stored indoors shall meet the following requirements: (Add note to plans)
  - a. The engine starting system is made inoperable, or batteries are disconnected except where the fire code official requires that batteries remain connected to maintain safety features.
  - b. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons whichever is less.
  - c. Fuel tanks and fill openings are closed and sealed to prevent tampering.
  - d. Vehicles, aircraft, boats or other motor craft equipment are not fueled or defueled within the building. **Required for building permit as condition of approval.**
5. ~~Will there be EVA charging or batter charging inside the building?~~ corrected
6. Does the building have a fire sprinkler system, and if so, is it designed to accommodate the storage of motor vehicles as a commodity. Deferred to building permit
7. ~~Location of fire extinguishers~~ corrected

**The following comments do not need to be addressed now, but you should be aware of them as they will need to be addressed at the time of building permit submittal.**

1. CFC 314.4 Vehicles stored indoors shall meet the following requirements: (Add note to plans)
  - a. The engine starting system is made inoperable, or batteries are disconnected except where the fire code official requires that batteries remain connected to maintain safety features.
  - b. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons whichever is less.
  - c. Fuel tanks and fill openings are closed and sealed to prevent tampering.

- d. Vehicles, aircraft, boats or other motor craft equipment are not fueled or defueled within the building. **Required for building permit as condition of approval.**
- 2. Confirm fire sprinkler system meets the requirements for vehicle storage, consult with fire sprinkler contractor who will verify at annual required maintenance for the building.

**Reviewed By:** Patricia Koch

**Date:** 6/26/2024

## RESOLUTION APPROVING CATEGORICAL EXEMPTION AND CONDITIONAL USE PERMIT

RESOLVED, by the Planning Commission of the City of Burlingame that:

WHEREAS, a Categorical Exemption has been prepared and application has been made for Conditional Use Permit for vehicle storage within an existing commercial building at 1241-1251 Whitehorn Way Zoned I/I, Whitehorn LLC c/o SC Properties (Kevin Cullinane), APN: 026-131-180;

WHEREAS, said matters were heard by the Planning Commission of the City of Burlingame on July 8, 2024, at which time it reviewed and considered the staff report and all other written materials and testimony presented at said hearing;

NOW, THEREFORE, it is RESOLVED and DETERMINED by this Planning Commission that:

1. On the basis of the Initial Study and the documents submitted and reviewed, and comments received and addressed by this Commission, it is hereby found that there is no substantial evidence that the project set forth above will have a significant effect on the environment, and categorical exemption, per CEQA 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, is hereby approved.
2. Said Conditional Use Permit is approved subject to the conditions set forth in Exhibit "A" attached hereto. Findings for such Conditional Use Permit are set forth in the staff report, minutes, and recording of said meeting.
3. It is further directed that a certified copy of this resolution be recorded in the official records of the County of San Mateo.

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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 8th day of July, 2024 by the following vote:

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Secretary

## EXHIBIT "A"

Conditions of Approval for Categorical Exemption and Conditional Use Permit

**1241-1251 Whitehorn Way**

Effective **July 18, 2024**

Page 1

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.



CITY OF BURLINGAME  
COMMUNITY DEVELOPMENT DEPARTMENT  
501 PRIMROSE ROAD  
BURLINGAME, CA 94010  
PH: (650) 558-7250  
[www.burlingame.org](http://www.burlingame.org)

**Project Site: 1241-1251 Whitehorn Way, zoned I/I**

The City of Burlingame Planning Commission announces the following public hearing **on Monday, July 8, 2024 at 7:00 P.M.** You may attend the meeting in person at City Hall (501 Primrose Rd), virtually via Zoom at [www.zoom.us/join](https://www.zoom.us/join), or by dialing 1-699-444-9171. For Zoom meeting access information, visit [www.burlingame.org/pcmeetings](http://www.burlingame.org/pcmeetings).

**Description:** Application for a Conditional Use Permit for vehicle storage in an existing warehouse building.

Members of the public may speak in person at the meeting or provide comments by email to [publiccomment@burlingame.org](mailto:publiccomment@burlingame.org).

Mailed: June 28, 2024

**PUBLIC HEARING  
NOTICE**

*(Please refer to other side)*

**City of Burlingame - Public Hearing Notice**

If you have any questions about this application or would like to schedule an appointment to view a hard copy of the application and plans, please send an email to [planningdept@burlingame.org](mailto:planningdept@burlingame.org) or call (650) 558-7250.

Individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed, should contact the Planning Division at [planningdept@burlingame.org](mailto:planningdept@burlingame.org) or (650) 558-7250 by 10 am on the day of the meeting.

If you challenge the subject application(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in the notice or in written correspondence delivered to the city at or prior to the public hearing.

Property owners who receive this notice are responsible for informing their tenants about this notice.

Kevin Gardiner, AICP  
Community Development Director

*(Please refer to other side)*

[illegible]