

City of Burlingame

Conditional Use Permit Renewal

Item No. 8c
Regular Action Item

Address: 620 Airport Boulevard

Meeting Date: August 26, 2019

Request: Application for a five-year extension of an approved Conditional Use Permit to continue operation of an existing long term airport parking facility (Code Section 25.47.025 (k)).

Property Owner: Boca Lake Office, Inc.

APN: 026-342-330

Applicant: Sharon Lai, Boca Lake Office, Inc.

Zoning: AA (Anza Area)

General Plan: Burlingame Bayfront Commercial: Allows local and tourist commercial uses, including entertainment, restaurants, hotels and motels, retail, and office.

Lot Area: 3.70 acres

Adjacent Development: Offices and Hotels

Environmental Review Status: The project is Categorically Exempt from review pursuant to the California Environmental Quality Act (CEQA), per Section 15301, which states that existing facilities, consisting of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination are exempt from environmental review.

Previous Use: Long-term Airport Parking

Proposed Use: Long-term Airport Parking

Allowable Use: Airport parking lots in the Anza area require a Conditional Use Permit limited to a 5-year term.

History: In 2004 an application was submitted for approval to construct a new 600-room hotel on the property situated at 620 Airport Boulevard. While the environmental impact report was being prepared for the hotel, the applicant decided to place the hotel project on hold, and instead apply for a Conditional Use Permit for long term airport parking as an interim use of the property.

A Conditional Use Permit for this interim use was approved by the City Council on September 7, 2004, and an extension of the Conditional Use Permit to permit continuation of the use was approved by the Planning Commission on August 22, 2011 (see attached August 22, 2011 Planning Commission Meeting Minutes).

A second extension of the Conditional Use Permit was approved by the Planning Commission on August 22, 2016, however only for a three year period until September 1, 2019 (see attached August 22, 2016 Planning Commission Meeting Minutes).

Summary: The applicant, representing Burlingame Airport Parking, is requesting a five-year extension of the Conditional Use Permit to permit continuation of the operation of the long term airport parking facility at 620 Airport Boulevard, zoned AA. Burlingame Airport Parking has been in operation since 2006. Extension of the Conditional Use Permit is subject to the following criteria:

1. The sole purpose of the use is the parking for one day or longer of vehicles of persons using the San Francisco International Airport;
2. A minimum site size of three acres;
3. Permit term limited to five years or less;
4. No more peak hour vehicle trips are generated than allowed by the traffic analyzer for the use designated for the site in the general plan;
5. The Anza subarea design guidelines from the adopted Bayfront Specific Plan and Bay Conservation and Development Commission public access requirements are met; and
6. No parking is within a structure above or below grade.

As noted above, the approved Conditional Use Permit for the site was first approved in 2004 and construction of the parking facility was completed in 2006. The Conditional Use Permit was subsequently extended in 2011 for additional five-year period, and in 2016 for an additional three-year period (until September 1, 2019).

In April 2016, representatives of the property owner met with Planning staff to discuss potential development scenarios for the site. Given that the City was working on the General Plan Update at that time, the property owner requested continuance of the operation of the long term airport parking facility until it can be determined if there will be additional land use options or changes to development regulations as a result of the General Plan and Zoning Ordinance Updates.

The General Plan Update was adopted in January 2019, and designates this area as Bayfront Commercial. Bayfront Commercial permits entertainment establishments, restaurants, hotels and motels, retail, and higher-intensity office uses. With the General Plan Update, the maximum allowed floor area ratio (FAR) was increased to 3.0 (0.60 FAR and 1.0 FAR previously allowed for office and hotel uses, respectively). Development standards for this area will be established with the Zoning Ordinance Update, which is anticipated to be reviewed for adoption beginning in early 2020.

With this application, the applicant is requesting a five-year extension of the long term airport parking interim use at this site to allow sufficient time for conclusion of the Zoning Ordinance Updates, and for the subsequent submittal and processing of a development application that would be consistent with the updated General Plan and zoning regulations. The applicant has submitted two letters outlining the request, dated July 29 and August 21, 2019 (attached), noting that “the request for the use extension period as proposed and the projected timeline is intended to provide sufficient time to explore various potential development options, site diligence, team selection, initial design concept development, and time for entitlement approvals.”

The applicant provided a projected timeline (see Exhibit A attached to letter dated August 21, 2019) based on adoption of zoning code updates in Q2 2020. The applicant anticipates beginning the schematic design development in Q3 2022, with development entitlements being processed in 2022-2024. Based on the anticipated timeline provided, the applicant is requesting that reporting back to the Planning Commission take place at the beginning of the fourth anniversary (September 2023). Planning staff has added the reporting program offered by the applicant as Condition of Approval #2. However, the Planning Commission may revise this condition of approval as necessary based on its discussion of the application.

In the past, the Planning Commission and City Council have strongly encouraged owners of long term airport parking lots and automobile rental storage lots to explore opportunities for development of these sites for higher and better permanent uses consistent with the applicable zoning district in which a property is situated. In the case of extending the Conditional Use Permit for the automobile rental, storage and repair facility at 778 Burlway Road (Enterprise), the City Council approved a seven-year extension (until October 2023) with conditions of approval requiring the applicant to meet milestones to provide assurance that satisfactory progress is made towards development of the site.

Similarly, in the case of extending the Conditional Use Permit for the long term airport parking across the street at 615 Airport Boulevard (Anza Parking), the Planning Commission approved a five-year extension (until July 2023) with the following condition of approval:

- that the applicant shall be required to meet the following reporting milestones to provide assurance that satisfactory progress is made towards development of the site:
 - a. On the first and third anniversaries of the renewal (July 2019 and July 2021), the applicant shall provide a written update regarding the progress of the development of the site; the written update will be presented as an FYI item to the Planning Commission.

- b. On the second and fourth anniversaries of the renewal (July 2020 and July 2022), the applicant shall provide an in-person report at a Planning Commission meeting; the report on the second anniversary, July 2020, shall include written evidence (along with the oral report) that all owners consent to the future development of the site.

The existing operation at 620 Airport Boulevard includes surface-level parking for 346 parking spaces (338 standard spaces and 8 ADA/accessible spaces), as well as landscaping along the perimeter of the site, entry gate, lighting, and drainage improvements. There is an opaque security fence along the perimeter of the site so that views through the site are not obstructed. Exiting and pay booths are located at the entrance to the parking and at the adjacent hotel site to the south.

The applicant's request, as proposed, appears to meet the criteria for extension of the Conditional Use Permit. The environmental analysis prepared for the original approval in 2004 determined that the peak hour trips generated by this interim use will not exceed that allowed by the traffic analyzer for the permitted use which is hotel and restaurant (Item #4). The applicant has submitted an entry/exit time report providing data for existing conditions. There are no changes to the site or its operation at this time.

The long-term airport parking facility is open 24 hours a day, 365 days a year. Vehicular access to the parking facility is from Airport Boulevard and egress is from the adjacent Hilton Hotel. Long-term parking patrons access the parking lot in their vehicles at Airport Boulevard and pass through an entry gate, consisting of an automated ticket dispenser with coordinated lift arm. Patrons then proceed into the parking area to park their vehicle. There are designated shuttle pick-up and drop-off areas within the long-term parking lot to serve the long-term parking lot patrons. There are no changes proposed to the long-term airport parking facility with this application.

620 Airport Boulevard

	Existing	Proposed	Allowed/Req'd.
Use:	Long-term Airport Parking ¹	Long-term Airport Parking	Conditional Use Permit for Commercial Parking Lots as Interim Use
Area:	3.70 Acre site	no change	Min. site size of 3 acres
Parking:	346 spaces	no change	no requirement

¹ Conditional Use Permit to continue operation of an existing long term airport parking facility (C.S. 25.47.025 (k)).

Staff Comments: Planning staff would note that this application was brought directly to the Planning Commission as an Action Item because this use has been in operation since 2006 and there are no change proposed to the current long-term airport parking facility.

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 25.52.020 a-c):

- (a) the proposed use, at the proposed location, 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;
- (b) the proposed use will be located and conducted in a manner in accord with the Burlingame general plan and the purposes of this title;

- (c) the Planning Commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of this title and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk and character of existing and potential uses on adjoining properties in the general vicinity.
- (d) removal of any trees located within the footprint of any new structure or addition is necessary and is consistent with the city's reforestation requirements, and the mitigation for the removal that is proposed.

Conditional Use Permit Findings: Based on the fact that the Conditional Use Permit is for an extension of an existing long-term airport parking use which has been approved and in operation since 2006, that there are no changes proposed to the operations of the facility and that the requirements of the previous conditions of approval have been met, the proposed use is found to be compatible with the required findings for a Conditional Use Permit.

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. The conditions below incorporate the original conditions of approval (City Council, September 7, 2004) with a change to condition No. 9 to reflect the 5-year expiration date.

1. that the long-term airport parking facility use shall operate as shown on the plans submitted to the Planning Department and date stamped June 22, 2004, sheet Sk.1a and date stamped September 2, 2003, sheet Sk.2a and date stamped August 17, 2011, sheets A0.1, A1.1, L3 and L4;
2. that on the fourth anniversary of the renewal (September 2023), the applicant shall provide a written update and an in-person report at a Planning Commission meeting regarding the progress of the development of the site;
3. that the conditions of the City Engineer's July 30, 2003, memo and the City Arborist's June 17, 2004, memo shall be met, which includes planting 5-gallon Frazer's Photinia spaced four feet apart, with proper irrigation, in front of the security fence along Airport Boulevard;
4. that drainage from paved surfaces, parking lot and driveways, shall be routed to catch basins that are equipped with fossil filters (sand/gravel filters) prior to discharge into the storm drain system; the property owners shall be responsible for inspecting and cleaning all filters twice each year as well as immediately prior to and once during the rainy season (October 15 – April 1) and shall submit to the City and have approved a plan for filter/drain maintenance;
5. that the long-term airport parking use shall be operated seven days a week, 24 hours a day with a maximum of 346 parking spaces, and no auto maintenance, auto repair, auto washing or enclosed van storage shall take place on site nor shall the use of any number of parking spaces be contracted to a single user or corporation without amendment of this use permit;
6. that the property owners agree to assume all responsibility for any on-site flooding or storm drainage problems and to hold the City harmless from any claims arising from such problems;
7. that the landscape plan shall be reviewed and approved by the City Arborist prior to issuing a building or grading permit for this project;

8. that the landscaping and irrigation system shall be maintained by the property owner including but not limited to weed control, pedestrian and vehicular clearance along the sidewalks and bike path, and replacement of plant material as necessary to maintain a visual barrier and the approved landscape design;
9. that this use permit for long term airport parking with the conditions listed herein is a temporary use and shall expire on ~~September 1, 2019~~ (September 1, 2024) (5 years);
10. that the parking lot lighting shall be energy efficient to the extent feasible to provide adequate light for customer safety;
11. that the applicant shall work with the City to establish an agreement regarding how the parking tax is collected if the parking spaces are used in association with a park and fly hotel room or other promotion program in association with the adjacent hotel or any office, hotel or other use;
12. that prior to commencement of grading and/or construction activities, the project sponsor shall submit a dust abatement program for review and approval of the City's NPDES (National Pollution Discharge Elimination System) administrator; the project sponsor shall require the construction contractor to implement this dust abatement program;
13. that if archaeological remains are uncovered, work at the place of discovery should be halted immediately and a qualified archaeologist retained to evaluate the find; accidental discovery of archaeological deposits could require additional archaeological investigations to determine the significance of the find;
14. that if human remains are encountered during project construction, the San Mateo County Coroner's Office will be notified immediately. The coroner will determine if the remains are those of a Native American, and if they are, will notify the Native American Heritage Commission. The Native American Heritage Commission will make a determination regarding the individual's "most likely descendant" who will then make recommendations for the disposal of the remains. The Native American Heritage Commission will mediate conflicts between the project proponent and the most likely descendant. Accidental discovery of human remains could require additional investigations to determine if other graves are present;
15. that a site-specific, design-level geotechnical investigation shall be prepared that assesses the impacts of proposed project modifications to the levee on levee stability and any fill on site. The geotechnical investigation shall be conducted by a California Certified Geotechnical Engineer or Civil Engineer, and shall include an analysis of expected ground motions along the San Andreas fault in accordance the 1997 Uniform Building Code (UBC) and the California Building Code (Title 24) additions. Expected ground motions determined by a registered geotechnical engineer shall be incorporated into the final design as part of the project. The final seismic considerations for the site shall be submitted to and approved by the City of Burlingame Structural and City Engineers before grading permits are issued;
16. that the project storm drainage system shall be designed and constructed in accordance with the STOPPP NPDES permit, including all provisions to the C.3 requirements, to reduce long-term water quality impacts from potentially contaminated runoff. The project sponsor shall provide a plan for long-term operations and maintenance of the oil and sediment separator or absorbent filter systems including but not limited to the operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, and the effectiveness of the water treatment systems. The performance of the filters shall be monitored regularly by the project applicant or a third party to determine the effectiveness of the water treatment and conclusions reported to the City. To further help minimize and prevent the amount of pollutants entering the storm drain

system, the project sponsor shall implement Best Management Practices and source control measures that shall include, but are not necessarily limited to, regular street sweeping by mechanized equipment, proper clean-up of soil debris following landscape work or small scale construction, available trash receptacles, regular trash collection and the application of absorbent material on oil and fuel leaks from automobiles;

17. that during operation of the project, the project sponsor shall implement a program for regularly collecting and properly disposing of litter and debris that may accumulate on the project site;
18. that order to maintain the existing on-site well for potential use for any future long-term development on the project site, the well head elevation shall be modified if needed in accordance with proposed project grading and construction plans and a new well vault shall be installed in accordance with San Mateo County water well standards to prohibit infiltration of storm water contaminants and prevent potential damage to the well casing;
19. that the applicant shall require the construction contractor to limit noisy construction activities to the least noise-sensitive times of the day and week (Monday through Friday, 7:00 a.m. to 6:00 p.m.; and Saturday, 10:00 a.m. to 5:00 p.m.; none on Sunday and holidays);
20. that the applicant shall require contractors to muffle all equipment used on the site and to maintain it in good operating condition. All internal combustion engine-driven equipment shall be fitted with intake and exhaust mufflers that are in good condition. This measure should result in all non-impact tools generating a maximum noise level of no more than 85dBA when measured at a distance of 50 feet;
21. that applicant shall require contractors to turn off powered construction equipment when not in use; and
22. that the use and any improvements for the use shall meet all California Building and Fire Codes, 2001 Edition as amended by the City of Burlingame.

Ruben Hurin
Planning Manager

c. Sharon Lai, Boca Lake Office, Inc., applicant

Attachments:

August 22, 2016 Planning Commission Minutes
 August 22, 2011 Planning Commission Minutes
 Application to the Planning Commission
 Applicant Letter and Exhibit A – dated July 29, 2019
 Applicant Letter and Exhibit A – dated August 21, 2019
 Exhibit A – Project Timeline
 Conditional Use Permit Application
 Commercial Application
 Site Plans from previous application – date stamped August 17, 2011
 Planning Commission Resolution (Proposed)
 Notice of Public Hearing – Mailed August 16, 2019
 Area Map