

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 3/10/11

FROM: Tim Tune, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: (55-C) Industrial Way; Use Permit UP-1-11; Extension of Use Permit UP-10-08 for Outside Storage of Vehicles and Equipment on Southern Portion of Vacant Lot North of 131 Industrial Way; The Davey Tree Expert Company, applicant; Universal Paragon Corporation for Sierra Hotel Management Corp., owner; APN Ptn. 005-312-070

Request: The Davey Tree Expert Company, occupying the office/warehouse at 131 Industrial Way, also utilizes the approximately 0.6-acre southern portion of the adjoining vacant lot at 55 Industrial Way to store its trucks and equipment. A Use Permit for outside storage was granted by the Planning Commission in 2003 and renewed in 2006 and 2008. An extension of that Use Permit for the length of the current lease is now requested.

Recommendation: Conditionally approve Use Permit UP-1-11 per the agenda report, via adoption of Resolution UP-1-11 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: Small parking lots and similar minor uses accessory to existing commercial/industrial facilities are categorically exempt from the provisions of the California Environmental Quality Act per Section 15311(b) of the State CEQA Guidelines. The exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

Applicable Code Sections: Per Brisbane Municipal Code Section 17.20.020.C, a Use Permit is required for "outside storage of trucks and equipment, when properly screened" in the M-1 District. The findings required for Use Permit approval are contained in BMC Sections 17.40.060.A & B.

Analysis and Findings: In order to approve the Use Permit, the Planning Commission must determine whether the proposal is consistent with the general plan and whether the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City.

General Plan Consistency—The property is designated for Trade Commercial land uses in the 1994 General Plan. Under this designation, “light industrial...and uses of a similar character” are among the permitted uses.

The General Plan also contains a number of policies (133 & 134) and programs (130b, 133b, 134a, 202b & 228b) regarding controlling drainage and soil erosion to maintain air and stormwater quality and avoid dust and siltation. The site has been paved with grindings to control dust and erosion. The San Mateo County Environmental Health Division notes, though, that additional grading or paving is needed to eliminate ponding water toward the rear of the site. Accordingly, a new Condition of Approval “C” is recommended, in addition to the original Use Permit conditions of approval to address stormwater quality, which would continue to apply.

No significant changes in the Northeast Bayshore subarea policies and programs are proposed in the General Plan update.

Not Detrimental or Injurious to Neighborhood or City— To screen the truck and equipment storage yard from public view, it is enclosed with a 9 ft., 3 in. tall chain-link fence with slats topped by barbed wire (for which Fence Exception FD-2-03 was approved by the Planning Commission in 2003). This use is similar to existing fenced storage yards at 171 Industrial Way, 250 Industrial Way, 285 Industrial Way, between 296 & 300 Industrial Way, between 312 & 340 Industrial Way and at 400 Industrial Way, as well as on the remainder of the vacant property at 55 Industrial Way.

As previously recommended by the San Mateo County Environmental Health Division, tree chips are stored on a 40 ft. by 50 ft. asphalt pad enclosed by chain-link fence on three sides and a modular concrete wall, similar to a trash enclosure for recyclables. The recyclable materials are skip-loaded into large shipping containers and hauled 3 times a week to electricity co-generation plants north of Sacramento. Per the County’s recommendations, the stored tree chip material is limited to a maximum of 50 cubic yards a day; otherwise, additional State permitting requirements for compostable materials would apply. In accordance with General Plan Policies 143 and 265, the short-term storage of recyclables in a trash enclosure is, by standard practice, exempt from BMC Section 17.20.010 (BMC Section 17.20.030.G, recently adopted per Ordinance No. 556, also does not apply). To assure that the recyclables storage aspect of the use does not become a nuisance, conditions of approval were adopted to specify compliance with applicable State regulations and to require proper storage of any other materials that cannot be chipped for recycling. These are recommended to remain in force, as administered by the County Environmental Health Division.

Attachments:

Draft Resolution with Findings and Conditions of Approval
Annotated Assessor’s Map & Site Photographs

draft
RESOLUTION UP-1-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-1-11
TO PERMIT OUTSIDE STORAGE OF VEHICLES AND EQUIPMENT
BY THE DAVEY TREE EXPERT COMPANY
AT (55-C) INDUSTRIAL WAY

WHEREAS, the Davey Tree Expert Company, the applicant, applied to the City of Brisbane for Use Permit approval for fenced outside storage of trucks and equipment on the southern portion of the vacant parcel at (55) Industrial Way, such application being identified as Use Permit UP-1-11; and

WHEREAS, on March 10, 2011, the Planning Commission conducted a hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the agenda report relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of March 10, 2011, did resolve as follows:

Use Permit UP-1-11 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this tenth day of March, 2011, by the following vote:

AYES:
NOES:
ABSENT:

JAMEEL MUNIR
Chairman

ATTEST:

JOHN SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-1-11 per the agenda report with attachments, via adoption of Resolution UP-1-11.

Findings:

1. Approval of the use permit is consistent with the general plan and any applicable specific plan adopted by the city council, as detailed in the agenda report.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, as detailed in the agenda report.

Conditions of Approval:

- A. Recyclable materials shall be stored within the chain-link fence and modular concrete wall enclosure in compliance with applicable State regulations as enforced by the San Mateo County Health Department's Environmental Health Division. The materials shall not exceed the height of the enclosure, which shall be maintained to the satisfaction of the County Environmental Health Division.
- B. Logs, palm fronds and other materials that cannot be chipped may only be temporarily stored in debris boxes or modular-concrete-walled paddocks, as approved by the San Mateo County Health Department's Environmental Health Division, and shall be removed as necessary to prevent the creation of any public or environmental nuisances.
- C. The subject portion of the site shall be graded and/or paved to eliminate ponding water, subject to the approval of the Public Works Department and to the satisfaction of San Mateo County Environmental Health Division. Stormwater flows shall be directed to the City's storm sewer system subject to the approval of the Director of Public Works/City Engineer.
- D. Use of the subject portion of the site shall comply with National Pollution Discharge Elimination System Program best management practices for storm water discharge (per BMC Chapter 13.06).
 - (1.) Exterior vehicle washing is prohibited on the subject portion of the site without proper Best Management Practices approved by the Public Works Department.
 - (2.) "Dry methods" such as dry mop, broom, rags, absorbents, etc., shall be used to clean impervious surfaces within the subject portion of the site and on the adjoining street and City right-of-way. Leaks and drips shall be routinely "spot cleaned."
 - (3.) A spill response plan shall be maintained and kept current. Employees shall be trained on the elements of the plan.
 - (4.) Any waste shall be managed to reduce adverse impacts on stormwater quality.
 - (5.) All employees shall be trained upon hiring and annually thereafter on proper methods for handling and disposing of waste.

(continued)

- (6.) Any storm drain inlets and catch basins shall be inspected and cleaned if necessary before October 1st of each year.
- (7.) The City right-of-way shall be maintained clean of any grindings, dirt or debris that might tracked from the site.
- E. The fence around the storage yard, including wood or plastic slats in the portion of the fence facing Industrial Way (excluding the gates), shall be maintained to the satisfaction of the Community Development Director.
- C. No repair work, including welding or exchange of any combustible/flammable fluid, including radiator fluid, is allowed on the subject portion of the site.
- F. No fuel storage (other than in the trucks' fuel tanks) shall be permitted on the subject portion of the site, except as approved by the Fire Department. A mobile fuel tanker may be allowed on the site to fuel vehicles but is not to be stored there. Fire Department approval is required for any tank at 131 Industrial Way, which shall be a double-wall UL approved vaulted fuel tank, with required venting, monitoring and detection, and in compliance with the requirements of the 2001 California Fire Code Article 79. Any oil drums stored at 131 Industrial Way shall have secondary containment as required by the Fire Department.
- G. A 20 ft. wide fire lane (with no parking) shall be maintained to the satisfaction of the Fire Department at all times to provide access to all stored vehicles.
- H. A minimum 2A:60-B:C fire extinguisher shall be provided for all vehicles and equipment as required by the Fire Department.
- I. No water discharges from the yard may be directed to the Bayshore Sanitary District's wastewater system unless an Industrial Discharge Permit is obtained from the District.
- J. The street address ("131 Industrial Way") shall remain posted at the site to the satisfaction of the Fire Department. No other signage is approved as part of this permit. A Sign Permit shall be obtained prior to the installation of any signs not otherwise exempt by the Municipal Code.
- K. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- L. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48 should the use not comply with its conditions of approval or in any way prove to be a nuisance, injurious or detrimental to property or improvements in the neighborhood or to the general welfare of the City.
- M. This Use Permit shall expire January 31, 2014.

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INDUSTRIAL

BAYSHORE

STORAGE YARD

OFFICE/WAREHOUSE

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PARCEL 1
PARCEL 2

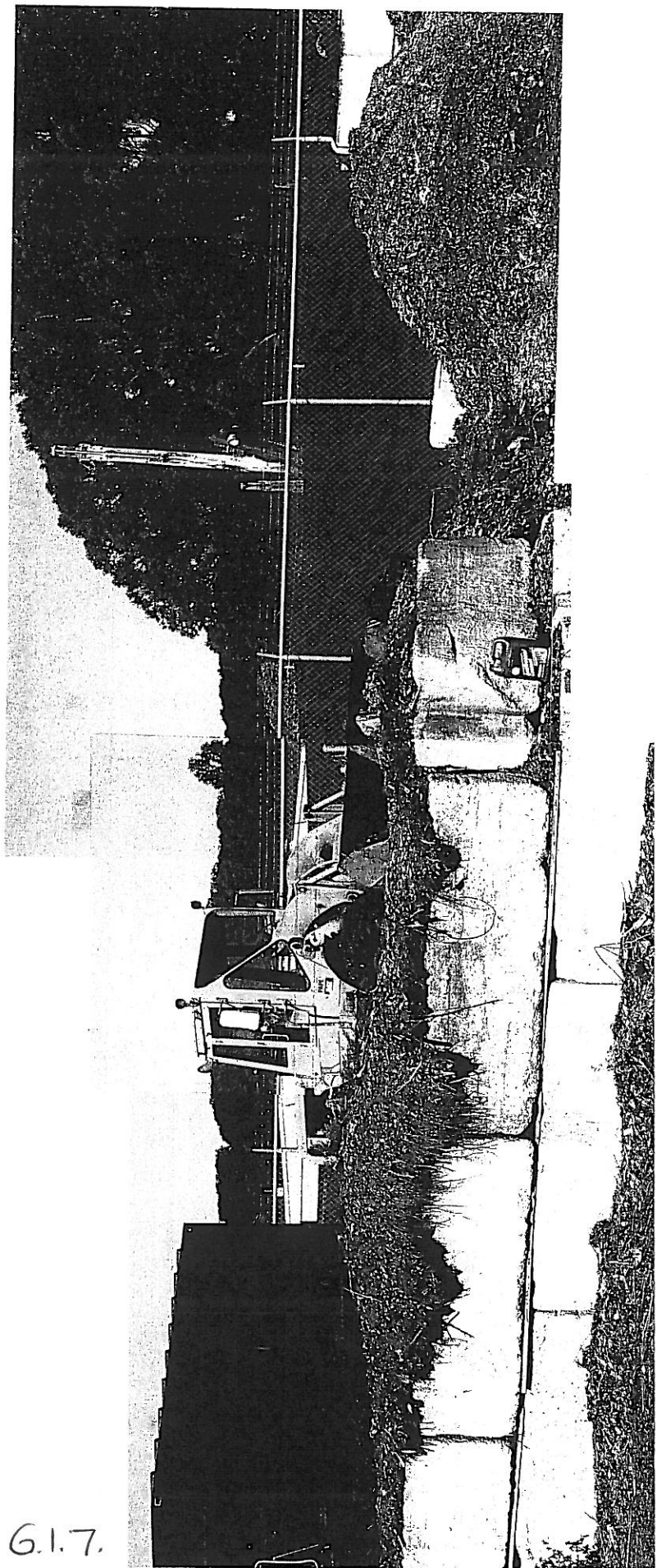
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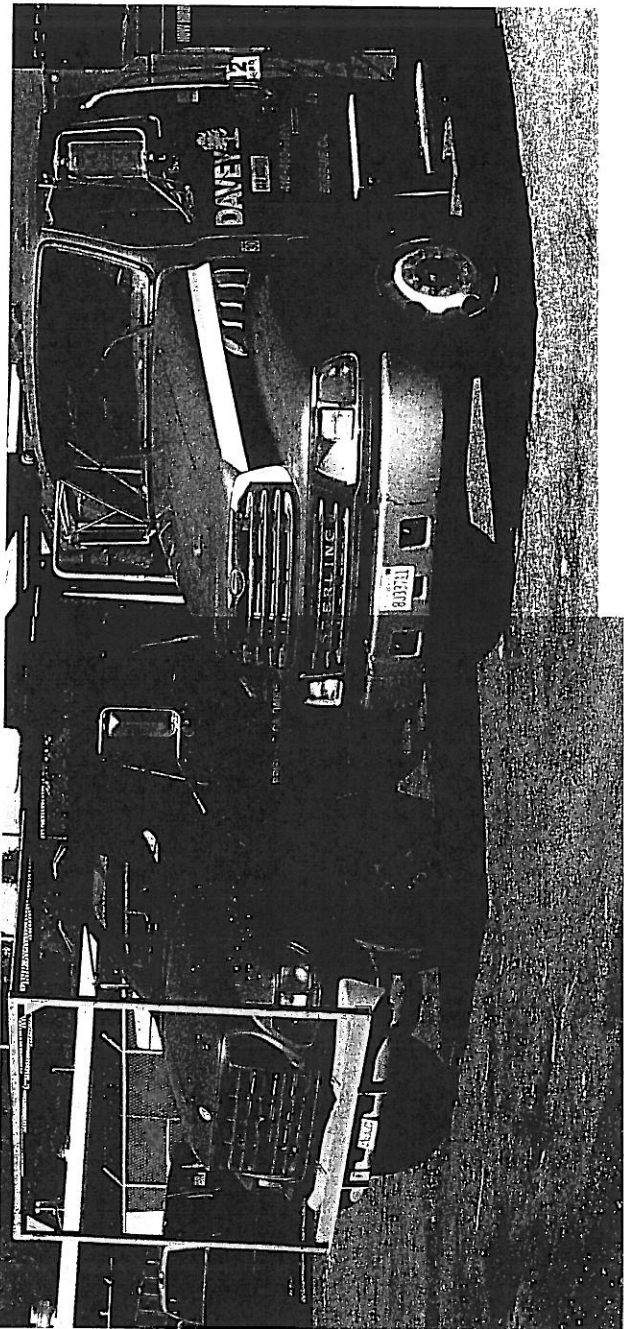
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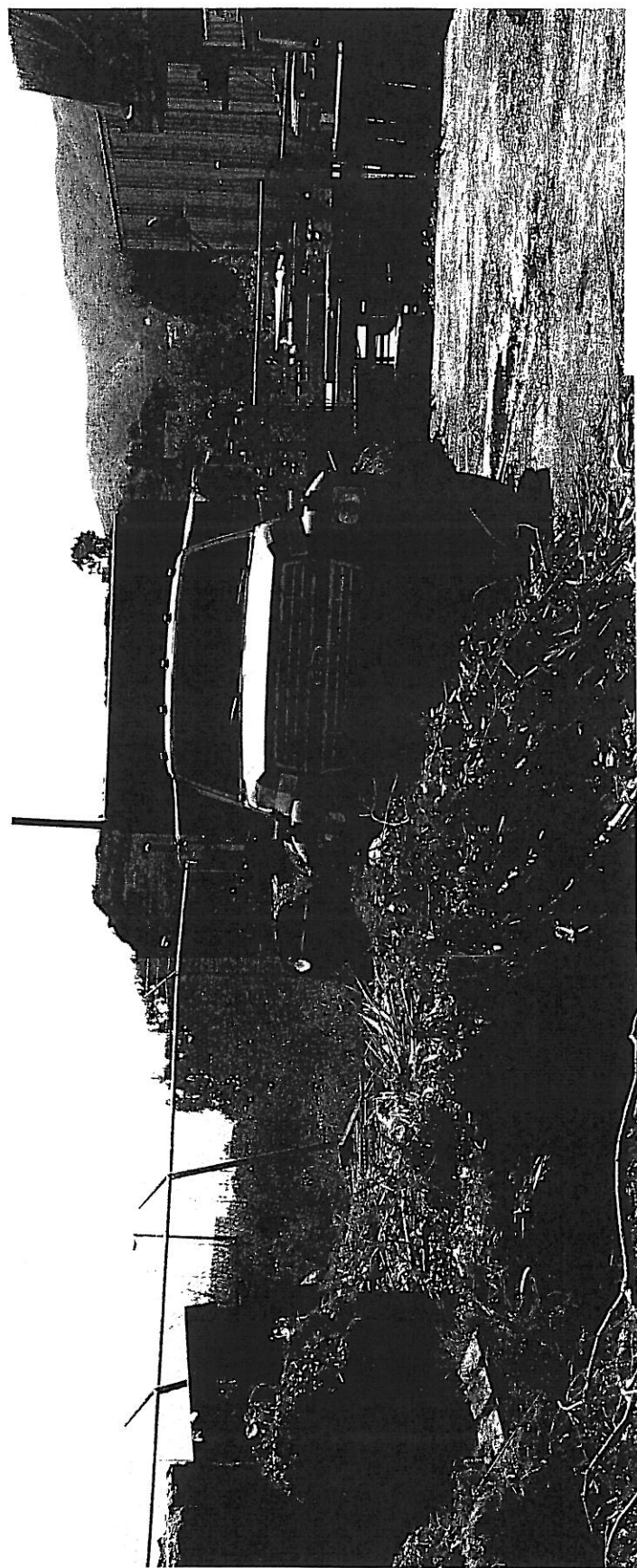
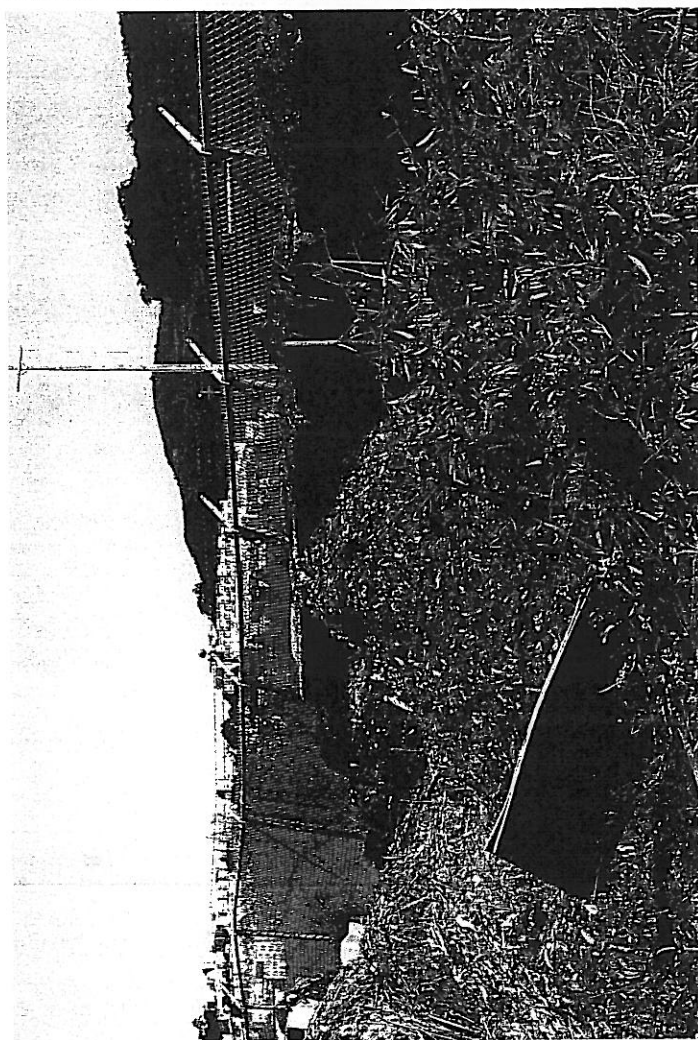
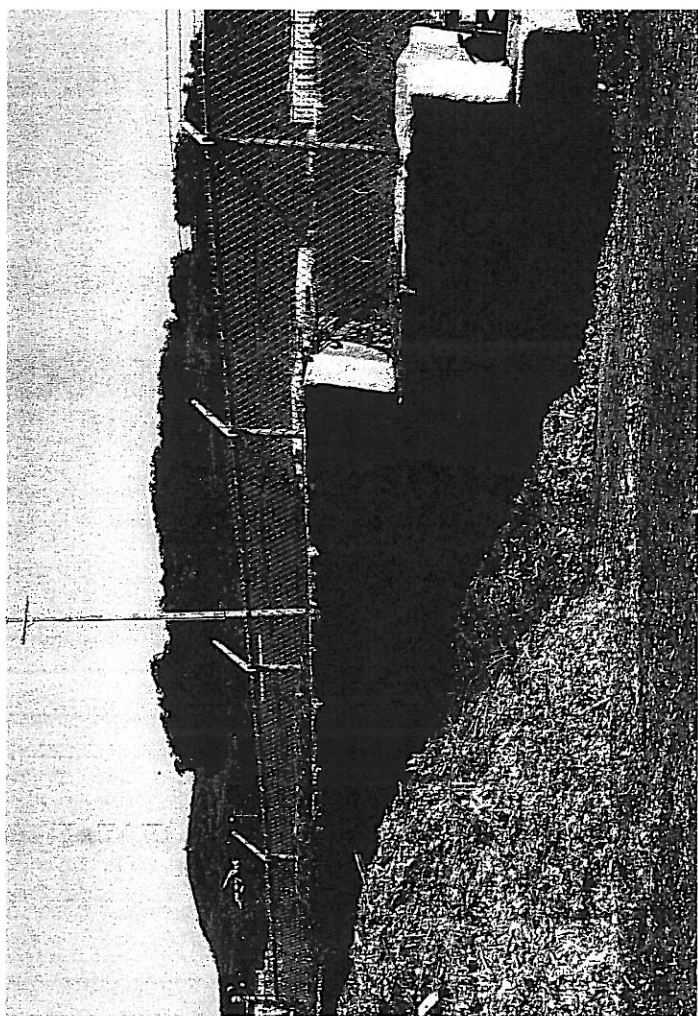
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DAE



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G.I.8.