

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 3/12/12

FROM: Ken Johnson, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: (2801) Bayshore Blvd; Interim Use Permit UP-1-12 for use of approximately 2 acres of vacant Baylands property for single-day, annual Car Show events, for 5 years, beginning on April 21, 2012, including approximately 250 cars, 50 to 100 motorcycles and up to 500 persons at a time, from 8 am to 6 pm; Jason Frink on behalf of Laf A Lots Car Club, applicant; Universal Paragon Corp, owner; APN 005-340-060-100

Request: The Laf A Lots Car Club has requested an interim use permit for an annual car show on approximately 2 +/- vacant acres on the Baylands, east of Bayshore Boulevard and Geneva Avenue. The first event would be on April 21st, 2012. The events would be one day per year (to be scheduled in advance with the City), from 8 am to 6 pm. Each of the events would include provisions for on-site food and drink vendors and on-site portable restrooms. In 2009, 2010 and 2011 temporary use permits (UP-1-09, UP-2-10 and UP-2-11) were granted for this site to be used for parking for members and guests for car shows, which were held in the public right-of-way along Bayshore Boulevard. This current request is for a 5 year term and each event is proposed to include approximately 250 cars, 50 to 100 motorcycles and up to 500 people at any one time. The proposed location is immediately east of the signalized intersection at the eastern terminus of Geneva Avenue. Vehicles would enter the site at that intersection and would exit via a driveway which exits the Baylands onto northbound Bayshore Boulevard, approximately 600 +/- feet to the north of Geneva Avenue. The applicant/organizer would provide on site traffic control, event security and trash cleanup for each event.

The primary change in this application from the previous three years is that the request is to have all of the car show activities on the Baylands, instead of splitting event by having parking on the Baylands site and the car show on Bayshore Boulevard. This was a change that was proposed by the applicant under the advice of the Police and Public Works departments to avoid lane closure on Bayshore Boulevard. Also, the request is for a 5 year period (5 single day events) as an interim use permit versus single event temporary use permit applications.

Recommendation: Conditionally approve Interim Use Permit UP-1-12 per the agenda report, via adoption of Resolution UP-1-12 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: Minor alterations to land, including temporary use of land having negligible or no permanent effects on the environment, are categorically exempt from the

provisions of the California Environmental Quality Act (CEQA) per Section 15304(e) of the State CEQA Guidelines.

Applicable Code Sections: Brisbane Municipal Code Chapter 17.41, adopted June 10, 1996, establishes procedures and required findings for the approval of interim uses in the Baylands subarea. Required findings are set forth in BMC Section 17.41.060, and mandatory conditions of approval are listed in BMC Sections 17.41.060.F and 17.41.070.

Analysis and Findings: The required findings under BMC Sections 17.41.060.A-F and project analysis are as follows:

a) The interim use will not be detrimental to the public health, safety or welfare, or injurious to nearby properties or improvements;

The proposal **complies** with this finding. The site was previously occupied by an industrial use (former rail yard). It is now vacant and is surrounded by the largely vacant Baylands to the north, south and east. Commercial and PG&E utility substation uses are located across Bayshore Boulevard to the west and northwest, and commercial and light manufacturing uses are located approximately a quarter mile to the south at Industrial Way. The proposed use is not expected to have any significant impact on nearby properties.

To address public health and safety a condition of approval, as requested by the Police Department, was included to require that the applicant submit A Security/Traffic Management Plan for approval by the Police Department at least three weeks prior to each annual event. The Security/Traffic Management Plan would address such issues as:

- Maximum vehicles and/or attendees allowed into the event
- Ingress and Egress plan for vehicles and pedestrians
- Event layout plan including: parking, food and beverage sales, entertainment, and any other vendors or displays
- Number of private event staff and assignments

In addition to the Police Department requirement, the Fire Department will require that the applicant clear the lot of all dry grasses and flammable vegetation where vehicles will be parked and a minimum of 10 feet from the sides the vehicle parking areas and of any driveways, per condition D.

b) The interim use will not create any significant environmental impacts;

The proposal **complies** with this finding. The site is in a disturbed state, having previously been occupied by an industrial use. The applicant has indicated that they will be adding some gravel to fill in low spots to help even out the area. Condition E has been added to ensure that the applicant obtains a grading permit through the Public Works Department, if required. No disturbance of underlying soil is proposed. This proposal would have no significant environmental impacts and involves no permanent structures or

utilities and was determined to be categorically exempt from the provisions of the CEQA as a minor temporary land use that will have negligible or no permanent effects on the environment, per Gov't Code Section 15304(e), as indicated above.

c) The interim use will not obstruct redevelopment;

The proposal **complies** with this finding. The application does not include any permanent structures or utilities, nor would it otherwise alter the land and so redevelopment would not be obstructed.

d) All required public utilities and other infrastructure are or will be available;

This proposal **complies** with this finding. The use would include portable food and drink vendors during each event and portable restroom facilities would also be provided. Given the temporary nature of the proposed use there is no need for additional utilities or infrastructure.

e) The use will benefit the property and/or the public;

The proposal **complies** with this finding. The use provides a community enrichment opportunity, by allowing a venue for neighbors with common interests to meet and socialize. It is also anticipated that the proposed use could generate some opportunities for local vendors and sales tax revenue for the City.

f) Encourage the employment of Brisbane residents to the extent it is reasonably possible to do so.

The proposal **complies** with this finding. The applicant indicates that they will be encouraging participation by local businesses which in turn employ Brisbane residents.

General Plan Consistency— In addition to the findings outlined above, allowing use of the site for annual car show events is consistent with the General Plan. Specifically, program 9c of the General Plan states, “Encourage small and locally owned businesses”, which this use would do by encouraging participation of local businesses. Likewise, policy 8 states, “Maintain and diversify the City's tax base, consistent with community character, in order to generate adequate revenues for City Government and sustain a healthy local economy.” Additionally, locating this event on the Baylands, instead of using Bayshore Boulevard in combination with this site is consistent with General Plan policy 47 “Maintain traffic flow on arterial streets.” It will also promote vehicular and pedestrian safety along the Bayshore Boulevard arterial.

Attachments: Draft Resolution UP-1-12 with Findings and Conditions of Approval
Vicinity Map
Applicant's Project Description and Plans/Photos

RESOLUTION UP-1-12

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-1-12
TO ESTABLISH AN ANNUAL CAR SHOW ON THE VACANT LOT
AT 2801 BAYSHORE BOULEVARD

WHEREAS, Jason Frink for the Laf-A-Lots Car Club, the applicant, applied to the City of Brisbane for Use Permit approval to establish an annual car show at 2801 Bayshore Boulevard, such application being identified as Use Permit UP-1-12; and

WHEREAS, on March 22, 2012, 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 finds that the proposed project is consistent with the General Plan, specifically policies 8 and 47 and program 9c; 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 22, 2012, did resolve as follows:

Use Permit UP-1-12 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this 22 day of March, 2012, by the following vote:

AYES:
NOES:
ABSENT:

Jameel Munir
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

G-1.4

EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-1-12 per the staff memorandum with attachments, via adoption of Resolution UP-1-12.

Findings:

1. Approval of the use permit is consistent with the general plan as detailed in the agenda report.
2. That the proposed interim use and the conditions under which it would be operated will not be detrimental to the public health, safety or welfare, or injurious to properties or improvements in the vicinity;
3. The proposed interim use will not create any significant adverse environmental impacts and is categorically exempt from the provisions of the California Environmental Quality Act;
4. The proposed interim use will not obstruct, interfere with, or delay the intended redevelopment of the property in accordance with the uses anticipated in the general plan or any adopted specific plan applicable to the site;
5. All public utilities and other infrastructure improvements required in order for the interim use to be conducted in a safe, sanitary, and lawful manner are either available at the site or shall be installed by the applicant, prior to occupancy, in a manner approved by the city engineer;
6. The use will provide either or both of the following benefits:
 - A benefit to the property, including, but not limited to, the elimination of blight or unsightly or hazardous conditions, or the installation of improvements that will facilitate redevelopment of the property, or
 - A benefit to the public, such as the creation of jobs or revenues or the provision of needed goods or services.
7. In accordance with Policy No. 328.2 of the general plan, a program will be established by the operator of the interim use to encourage employment of Brisbane residents, to the extent it is reasonably possible to do so, in the construction and operation of the interim use. Implementation of such program shall be made a condition of the interim use permit.

Conditions of Approval:

General

- A. The use of the site is limited to one, single-day car show event per calendar year at the Baylands site, the vacant site at (2801) Bayshore Boulevard, as shown in the staff report, for a period not to exceed 5 years. The first event is scheduled for April 21, 2012 and subsequent dates are to be scheduled in advance with the City. The event hours will be from 8:00 am to 6 pm.

G-1.5

- B. The event shall be for no more than 500 people at any one time without prior approval by the Planning Director, in cooperation with the Police Department (see Condition C below).

Prior to Each Event

- C. A Security/Traffic Management Plan shall be submitted to the Police Department for approval at least three weeks prior to each annual event. The Security/Traffic Management Plan shall include the following:

- Maximum vehicles and/or attendees allowed into the event
- Ingress and Egress plan for vehicles and pedestrians
- Event layout plan including: parking, food and beverage sales, entertainment, and any other vendors or displays
- Number of private event staff and assignments (i.e.: security, parking, medical, etc)

Following review of the plan, the Police Department will determine what changes if any are necessary and establish what police personnel are required.

- D. The applicant shall clear the lot of all dry grasses and flammable vegetation where vehicles will be parked and a minimum of 10 feet from the sides of any driveways. If vehicles will be parked directly next to the property line, 10 feet of vegetation clearance is required on the adjacent property. If dry grasses and flammable vegetation cannot be removed from the adjacent property, then the applicant shall keep vehicles a minimum of 10 feet from the property line and clear vegetation in this 10 foot area.
- E. The applicant shall notify the Department of Public works prior to placement of any rock material or otherwise grading the site and shall comply with any and all conditions, including the requirement for a grading permit, if applicable.
- F. The applicant and individual vendors shall apply for business licenses through the Finance Department.

During Each Event

- G. The event is to be held entirely on the Baylands property, as indicated in the application, and it is to include food and beverage vendors, trash receptacles, and portable restroom facilities which shall be adequate to the event, to minimize pedestrian traffic across Bayshore Boulevard.
- H. The applicant shall place a minimum of 6 portable restrooms on the site.
- I. The applicant shall maintain clear ingress and egress driveways to avoid backups onto Bayshore Boulevard. Ingress is planned at the driveway immediately east of Geneva Avenue and egress is to be to northbound Bayshore Boulevard at the driveway approximately 300 feet to the north of the car show area. Any proposed modification to this plan must be approved by the Public Works Director.

- J. The applicant shall provide on-site security and traffic control throughout the duration of each event, pursuant to the Security/Traffic Management Plan approved by the Police Department. Adequate travel-ways shall be maintained to ensure safe and orderly movement of vehicles and pedestrians on the site.
- K. The applicant shall monitor the number of people at the event to ensure that the 500 person limit is not exceeded.
- L. In addition to trash receptacles, the applicant shall ensure that trash is picked up throughout the day, as indicated in their application, and the area shall be left in a clean condition at the end of the day. All trash receptacles shall be removed from the site by the next day.
- M. The applicant shall comply with any additional conditions that the City (Planning, Police, Fire and Public Works Departments) may impose on each event.

Other

- N. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- O. This Use Permit shall be valid for 5 years, for annual events occurring from April 21, 2012 through April 20, 2017.
- P. In accordance with Policy No. 328.2 of the general plan, a program will be established by the operator of the interim use to encourage employment of Brisbane residents, to the extent it is reasonably possible to do so.
- Q. Advertising signs are not included with this interim use permit. Advertising signs are subject to separate application and City approval in accordance with BMC Chapter 17.36.
- R. The owner and operator of this use shall provide the City with a copy of the agreement between the owner and operator indicating that: (i) the operator's right to possession of the premises for the purpose of conducting the interim use is dependent upon the interim use permit having been granted and maintained in full force and effect; and (ii) the operator's right to possession of the premises for the purpose of conducting the interim use will terminate upon any expiration or revocation of the interim use permit; and (iii) it shall be the responsibility of the owner to terminate the operator's possession of the premises upon any expiration or revocation of the interim use permit if the operator continues to utilize the premises for the conduct of such interim use.
- S. The permittee shall be jointly and severally liable for all costs and expenses, including attorney's fee, the City may incur to enforce the conditions of the interim use permit upon any breach thereof by the permittee, or to abate and remove the interim use upon any failure by the permittee to discontinue such use, or to evict the operator of such use, upon the expiration or revocation of the interim use permit.

- T. The permittee agrees to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside, modify, or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts or determinations taken, done or made prior to the granting of such approval, permit or entitlement.

- U. As detailed in BMC Section 17.41.100, this interim use permit may be revoked upon a determination by the planning commission that the holder of such permit has failed to comply with any of the conditions thereof or has violated any applicable provision of the BMC.



Vicinity Map

Application UP-1-12 for Annual Car Show

G.I.9

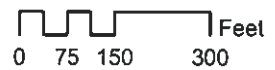
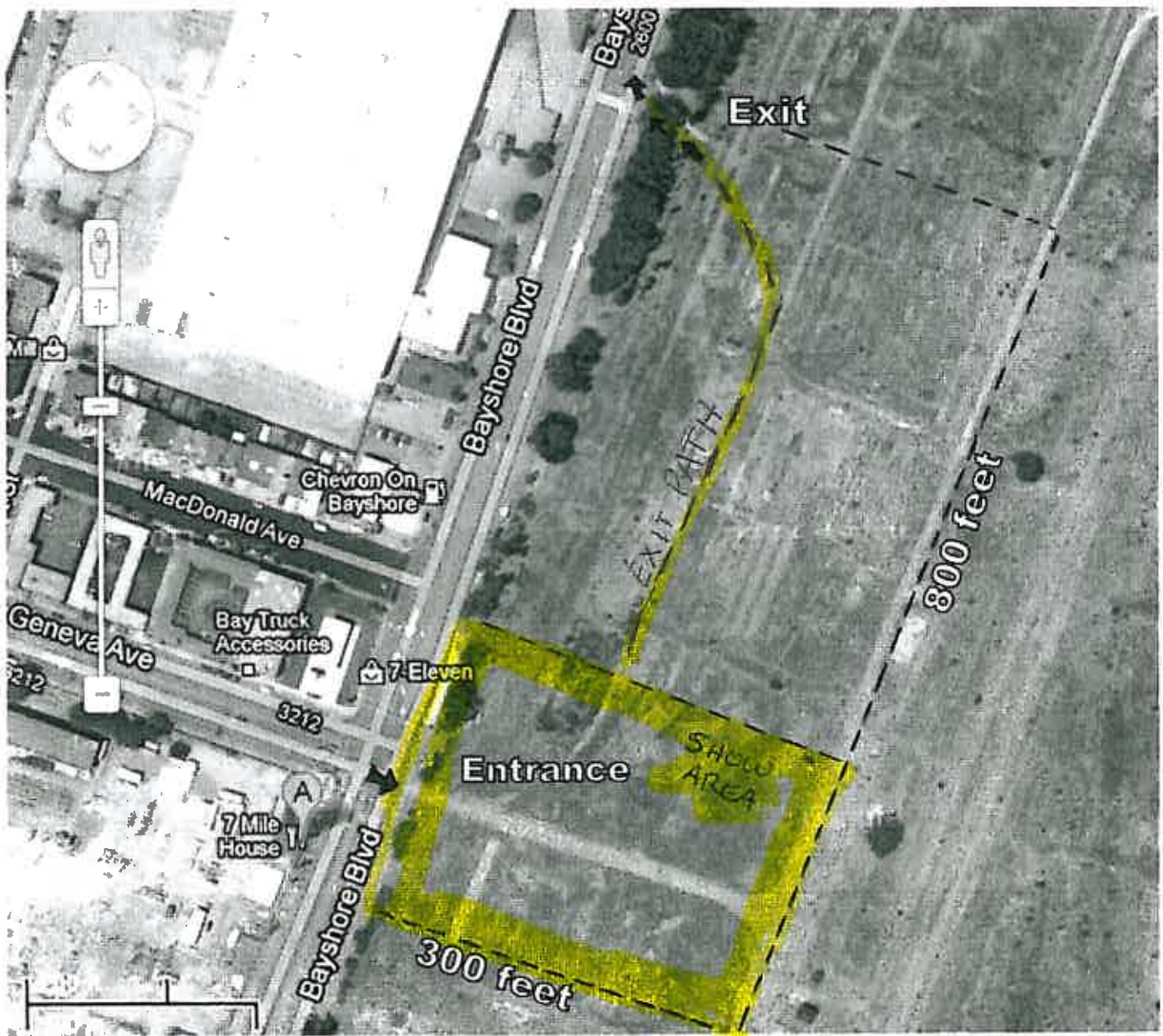


Exhibit A

The Premises is a vacant site located at 2801 Bayshore Blvd. in Brisbane.

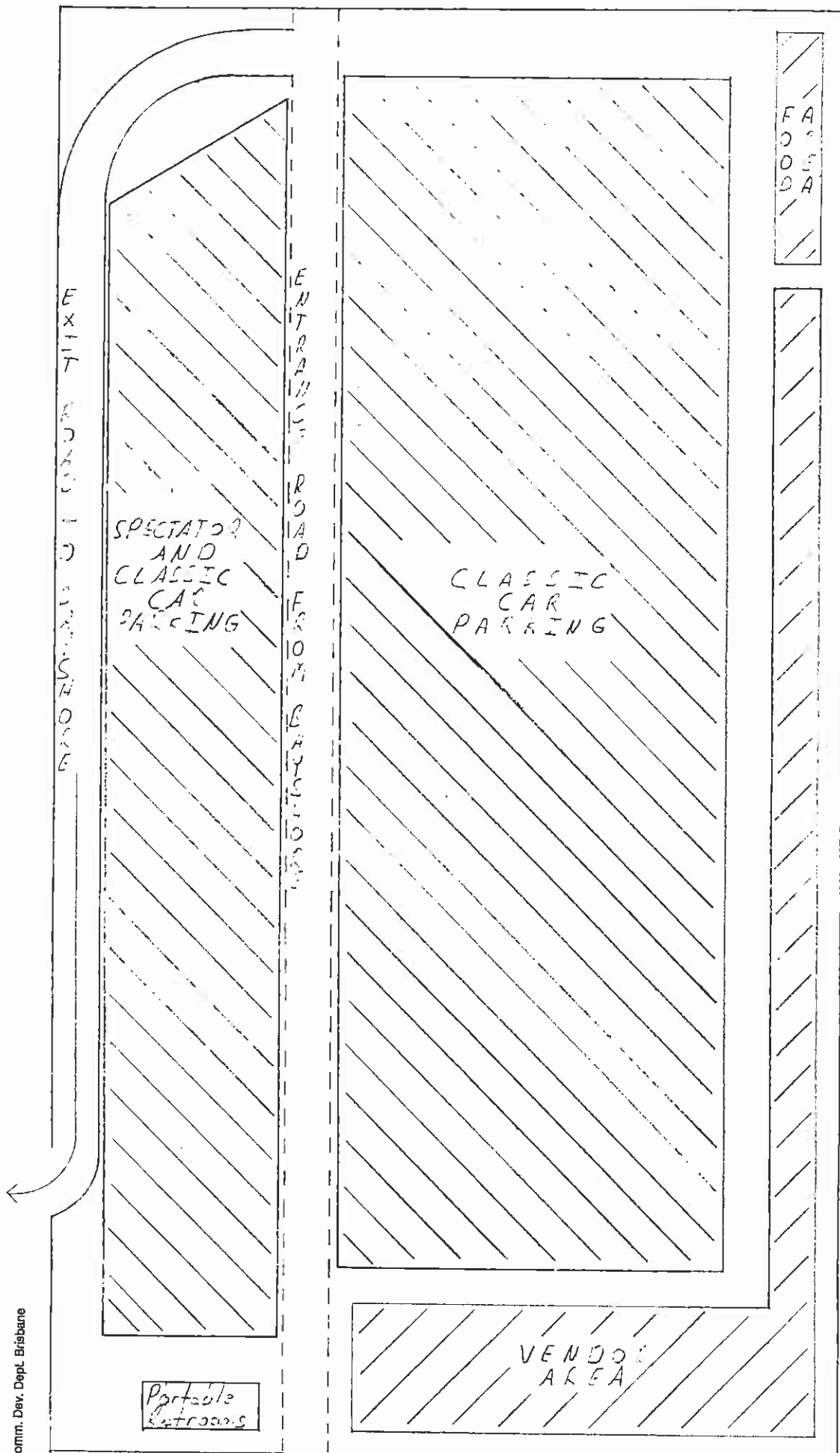
Entrance will occur from the Bayshore and Geneva gate. The exit will be approximately 600 feet north of the entrance requiring vehicles to turn right only on Bayshore Blvd.

This plan is in accordance to recommendations by City of Brisbane's Public Works Department, which were successfully implemented in the 2011 Last Laf Car Show.



MAR 12 2012

Comm. Dev. Dept. Brisbane



LAF
A
LOTS
CAR
C - D
LAST
LAF
CAR
C - D

$\frac{1}{32} = 1'$ (on 11" x 17")

Overall
from
Ap.
500' x 275'

G.I. 11

GATE

SANDSHOE BLVD.



CITY OF BRISBANE
PLANNING APPLICATION
 PLEASE TYPE OR PRINT CLEARLY

FILE NUMBER: 4P-1-12
 DATE RECEIVED: 2/14/12
 FEE: 866
 RECEIPT NO.: 7969

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Use Permit | <input type="checkbox"/> Environmental Review | <input type="checkbox"/> Planned Development |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Tentative Map | <input type="checkbox"/> Specific Plan |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Final Map | <input type="checkbox"/> Zoning Amendment |
| <input type="checkbox"/> Sign Review | <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Design Permit | <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> _____ |

Project Address: (2801) BAYSHORE BLVD Assessor's Parcel Number: 005-340-060-THRU-100
 Zoning District: C-1 Habitat Conservation Plan: Yes No Flood Zone: Yes No

Requested Action: THE LAF-A-LOTS CAR SHOW : APRIL 21, 2012
WE ARE REQUESTING INTERIM USE OF LOT AS A LOCATION OF OUR YEARLY
CAR SHOW EVENT. THIS IS THE FOURTH YEAR OF SUCCESSFUL EXHIBITION OF
CLASSIC CARS. WE EXPECT APPROXIMATELY 250 CARS OWNED BY MEMBERS
AND GUESTS, 50-100 MOTORCYCLES, 400-500 PEOPLE.
WE ARE ALSO REQUESTING THAT OUR ORGANIZATION BE GRANTED AN
INTERIM USE PERMIT FOR FIVE YEARS, GIVEN THE SUCCESSFUL TRACK
RECORD OF OUR PAST EVENTS IN THE SAME LOCATION.

Applicant Name: Jason Frink (Laf A Lots Car Club) Phone: 650-222-3266
 Address: 501 Orange Ave. SSF, CA 94080 Fax: _____
 City: South San Francisco State: CA Zip: 94080

Property Owner Name: UNIVERSAL PARAGON CORP. Phone: 650-387-5144
 Address: 150 EXECUTIVE PARK BLVD. SUITE Fax: 415 468 6678
 City: SAN FRANCISCO State: CA Zip: 94134

I hereby certify that I am the Owner of Record of the subject property and that I approve of the action requested herein.

Signature of Owner: [Signature] Date: 02/13/2012

To be notified of staff recommendations, public meetings/hearings and actions taken, the proper persons should be listed as Applicant and Owner (Planning Commission agendas are also posted on the City's website at www.ci.brisbane.ca.us under "City Administration"). Please notify the City of any changes of ownership or address. **The Applicant is requested to attend all public meetings/hearings for the application.**

Please refer to the appropriate Application Checklist for the complete application submittal requirements, which are available at Brisbane City Hall, 50 Park Place, Brisbane, CA 94005 (415-508-2120).

G.1.12

SUPPORTING STATEMENTS
for Interim Use Permit

Description of the proposed use: Now on our fourth year, we are once again holding our annual Laf A Lots Car Show at the lot owned by Universal Paragon Corporation on 2801 Bayshore Blvd. Through the years we have worked closely with City of Brisbane's Public Works, Planning and Police Departments. As a result of these partnerships, our shows have proven to be successful in terms of attendance, safety and orderliness.

This year, we are no longer holding the main event at the 7 Mile House but will instead host the full show only at 2801 Bayshore. This will increase safety by minimizing pedestrian traffic and eliminating the need to close one lane of Bayshore Blvd. as we have done in the past.

Please also note that only one car club is hosting this year's event: The Laf A Lots.

Days and hours of operation: April 21, 2012 8am-6pm

Number of employees on site: 50 car club members

Company vehicles and equipment on site: 50 classic cars owned by members

List the types and quantities of hazardous, toxic, flammable or explosive materials or wastes are involved with the use:

N/A

List any governmental permits required for the handling or storage of the hazardous materials involved with the use:

N/A

List any materials and equipment which will be stored outside and explain how will these be screened from public view:

N/A

Will the use generate air emissions, odors, smoke or dust? If so, how will these be controlled?

There will be minor alterations to the land as it will be cleaned, vegetation trimmed and roadways leveled off one week prior to the event. Autos will be parked at the lot and there will be dedicated staff members overseeing the premises at all times.

Will the use generate noise or vibration? If so, how will these be controlled?
No significant noise will stem from the event nor will impact Brisbane residents and businesses as the lot is very far from the city. There will be police officers and car club personnel monitoring the vicinity.

Will the use generate glare, heat or other impacts? If so, how will these be controlled?

No

Will the use generate waste materials? If so, how will these be disposed?
Yes, we will have trash bins placed throughout the lot. The lot will be continually cleaned during the event and trash will be placed outside the lot for pickup at the end of the night.

How will waste materials from the use be prevented from polluting storm water runoff?
Waste will be disposed of on the same day.

What utilities and other infrastructure is required for your use? Are these existing on the site? If not, how will they be provided?

N/A

The Brisbane Municipal Code requires that your use benefit the property. List the benefits below: (a) eliminating blight or unsightly or hazardous conditions, (b) by installing improvements that will facilitate redevelopment of the property, (c) other:

The lot will be cleaned one week prior to the event. This includes but are not limited to trimming the grassy areas, clearing the space of trash, leveling of road areas, which all contribute to the improvement of the property.

The Brisbane Municipal Code requires that your use benefit the public. List the public benefits below: (a) creating jobs, (b) generating revenues, (c) providing needs goods or services, (d) other:

Our yearly car show generates revenue by creating business opportunities to local businesses such as the 7 Mile House, which employs Brisbane residents. Additionally, the event exposes the property to more revenue generating possibilities so the lot may be used and leased for different purposes.

Will you establish a program to encourage employment of Brisbane residents in the construction and operation of the use? Explain:

We are encouraging participation by Brisbane businesses who in turn employ the city's residents.

Will your use include any of the following?

YES NO

- [] [X] the manufacture, processing, handling, treatment, transportation, recycling, or storage of hazardous, toxic, flammable or explosive materials or wastes in quantities for which a permit is required from any governmental agency
- [] [X] the dumping, processing, sorting, recycling, recovery or storage of garbage, debris, scrap materials, or similar items (excluding the recycling of concrete or brick and the storage and processing of soils, rock, and other similar materials)
- [] [X] uses that create unsightly visual impacts or the appearance of blight as seen from any other location with the city, such as automotive dismantling and wrecking yards, junk yards, outside storage of used equipment, trailers, or vehicles not being offered for sale, and outside storage of glass, metal, paper, cardboard, or other material collected for recycling or disposal (except as otherwise permitted)

Will your use include any of the following?


YES NO

- heavy manufacturing operations, including concrete or asphalt batch plants, foundries and other activities involving the fabrication of metal products from raw materials, processing of chemicals, and the rendering or refining of oils or animal materials

What is the length of time for which you are applying for a Interim Use Permit?

5 Years

(For initial terms of up to 5 years, Planning Commission approval is required. For initial terms of more than 5 years, City Council approval is required, following a recommendation from the Planning Commission.)



APPLICANT'S SIGNATURE



DATE