

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 3/24/11

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

SUBJECT: **99-B South Hill Drive;** Use Permit UP-3-11; Relocation of Freight Forwarder to Approximately 75,487 Sq. Ft. Portion of Existing Building; DHL Global Forwarding, applicant; William Spencer Co., owner; APN 005-280-230

Request: The applicant proposes to relocate from its existing facilities at 485 Valley Drive to approximately 75,487 sq. ft. of the existing building at 99 South Hill Drive. DHL Global Forwarding (as MSAS and, subsequently, Exel) previously occupied this space as approved by the Planning Commission per Use Permit UP-13-99 from 1999 to 2008. After the applicant relocated to 485 Valley Drive, the space at 99-B South Hill Drive was occupied by a heating and cooling products distributor. For that non-freight-forwarder use to be replaced by a freight forwarder in Crocker Park, a new Use Permit is required.

This item was continued from the meeting of March 10th.

Recommendation: Conditionally approve Use Permit UP-3-11 per the agenda report, via adoption of Resolution UP-3-11 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: The change in use of a portion of an existing structure is categorically exempt from the provisions of the California Environmental Quality Act per Section 15303 of the State CEQA Guidelines. The exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

Applicable Code Sections: Brisbane Municipal Code Section 17.02.330 defines "freight forwarder" as "an establishment engaged in the receipt and distribution of goods, products, mail, packages, cargo, or materials, or any combination thereof, belonging to others, including transshipment by boat, rail, air or motor vehicle." Freight forwarders are a conditional use in the TC-1 District, requiring Use Permit approval per Brisbane Municipal Code Section 17.19.030.F. The findings required for approval of Use Permits are contained in BMC Section 17.40.060. Additional findings required for the approval of Use Permits for freight forwarders are listed in BMC Section 17.19.065.E.

Analysis and Findings: Approval of Use Permits for freight forwarders is subject to three findings:

General Plan Consistency— The proposed use must be consistent with the general plan. The proposed freight forwarder use is consistent with the General Plan’s Trade Commercial land use designation for Crocker Park, which permits “a mix of commercial uses including...distribution facilities...”

Allowing freight forwarder uses while maintaining the mix of uses in Crocker Park is consistent with General Plan Policies 12, 14 and 282. To maintain an appropriate mix, BMC Section 17.19.065.C generally limits the total floor area in Crocker Park that may be occupied by freight forwarder uses to no more than 20%. Currently, 14.7% of the total floor area in Crocker Park is occupied by freight forwarder uses, has valid Use Permit approval for freight forwarding, or could be occupied by expanding freight forwarder uses on sites that predate adoption of the freight forwarder regulations per BMC Section 17.19.065.B. The proposed approximately 75,487 sq. ft. use would increase that percentage to 16.8%.

Note that this calculation assumes that freight forwarding will continue at the applicant’s current location at 485 Valley Drive, even though DHL Global Forwarding will be vacating that site. Because that property was already being used for freight forwarding when the cap was adopted in 1999, BMC Section 17.19.065.B.1 allows such use to continue, regardless of any change in the identity of the freight forwarder or property owner, even if the building is temporarily vacant between freight forwarding uses. If a non-freight-forwarder use, though, occupies 485 Valley Drive, the property will give up these rights.

Not Detrimental or Injurious to Neighborhood or City— The proposed use must not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, and it must not be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City.

This freight forwarding use operated previously at this location from at least 1999 to 2008 without reports of significant problems with traffic, noise or other impacts.

Night operations conducted from 10 p.m. to 5 a.m. within 300 ft. of any residential property require special approval per BMC Section 17.119.060. The proposed use would operate from 5 a.m. to 2:30 a.m. Monday through Friday and 7 a.m. to 10 p.m. Saturday and Sunday, but it is approximately 1,500 ft. from the nearest residences (Kestrel Court). Typically, 6 to 7 trucks would be expected to arrive and depart after 10 p.m. To minimize impacts to residents above North Hill Drive and the western end of Valley Drive, truck traffic should be directed to avoid these areas. Although DHL Global Forwarding subcontracts all trucks that operate between its facility and the airport, as well as between its various clients and the facility, it shall advise in writing that all trucks using the facility travel only on Valley Drive to South Hill Drive and back.

To assess the potential noise impacts of the proposed use during the night, the Police Department conducted noise level readings from Mission Blue Drive below 115 Tanager Court and from the end of Trinity Road at 10:00-10:45 p.m. on March 16th while a large semi truck and a bobtail truck (with back-up warning beepers) did test runs backing into the loading dock at 99 South Hill Drive. Activity at the site increased background noise levels at Mission Blue Drive by approximately 4 dB (from 64 to 68), similar to a car passing by on the street. Noise levels at Trinity Road increased 2 to 4 dB (from 66 up to 70 dB), with more background noise from Bayshore Boulevard and the Freeway being audible. These increases are well within the noise levels permitted for residential districts per BMC Section 8.28.030 (10 dB for more than 15 minutes in any hour or 20 dB for more than 3 minutes in any hour). Statistically, this is not considered a significant impact (325 Valley Drive Freight Forwarder Facility Environmental Noise Study, Charles M. Salter Associates, 2 June 2008).

Truck distribution centers are among the common sources of toxic air contaminants (TAC) and fine particulate matter (PM_{2.5}) emissions, according to the Bay Area Air Quality Management District's CEQA Air Quality Guidelines (pages 5-2, 5-7 & 5-15). Truck distribution centers are characterized by a number of diesel trucks maneuvering and idling adjacent to loading docks, which results in increased emissions at a stationary location. The California Air Resources Board's 2005 Air Quality and Land Use Handbook (page 4, Table 1-1) recommends that distribution centers serving 100 or more trucks per day not be located within 1,000 feet of sensitive land uses (residences, schools, etc.). Approximately 60 trucks are projected to serve the proposed use on a typical weekday according to the applicant, less than the threshold, and the proposed use is more than 1,000 ft. from the Lipman Intermediate School property and approximately 1,500 from the nearest residential property.

This estimate is based upon the applicant's current operations within a 54,432 sq. ft. building. The new location is approximately 75,487 sq. ft. in area (figures are based upon City files). According to the 2008 traffic studies by Kimley-Horn and Associates for a proposal at 325 Valley Drive, freight forwarders are projected to generate 7.65 average daily trips per 1,000 sq. ft. of floor area, 41% of which would be medium-to-large size vehicles (trucks). Thus, it would take 63,766 sq. ft. of freight forwarder floor area to reach the threshold of 100 trucks (at 2 trips each). Based upon the ADT rate developed by Kimley-Horn, the proposed 75,487+/- sq. ft. would be expected to be serviced by 118 trucks per day. Even so, the facility is still located more than the recommended 1,000 ft. minimum distance from sensitive receptors.

Concern was expressed at the March 10th meeting that the proposal would result in significant emissions along Valley Drive in close proximity to sensitive receptors. Lipman Intermediate School is approximately 600 ft. from Valley Drive. Residential properties along San Francisco Avenue are approximately 750 to 1,150 ft. from Valley Drive, while the closest townhouses in Viewpoint at the Ridge are approximately 700 ft. from Valley Drive. Health risks from exposure to toxic air contaminants (TAC) are considered significant when there is a greater than 10 in a million lifetime cancer risk or a chronic/acute non-cancer Hazard Index greater than 1.0,

according to BAAQMD's Adopted Air Quality CEQA Thresholds of Significance (also see BAAQMD CEQA Air Quality Guidelines, pages 5-3 & 5-4). Health risks from exposure to fine particulate matter (PM_{2.5}) are considered significant when the concentration is a greater than 0.3 µg/m³. BAAQMD's Surface Streets Screening Tables (October 2010) estimate levels of risk based upon the annual average daily traffic on roadways according to their north-south or east-west direction. The City Engineer estimates that the ADT rate for Valley Drive (which runs roughly east-west) is approximately 10,000. According to the screening tables, there is not a significant level of risk for cancer and non-cancer health hazards with either acute or chronic exposure for schools and residences 600 ft. from a roadway with an ADT of 10,000.

Concern was also expressed that relocating to 99 South Hill Drive, which requires that in-bound trucks make a left turn at the intersection of South Hill and Valley Drives, will degrade the level of service at the intersection to the point where installation of a dedicated left turn lane and left turn signal will be warranted. According to traffic studies in 2000 and 2001, when freight forwarders occupied both 99 South Hill Drive and 485 Valley Drive, the intersection was operating at LOS B or better, with no need for any improvements (Transportation Impact Analysis for the Proposed Office Building at 425 Valley Drive, Fehr & Peers Associates, August 14, 2000; One Quarry Road Residential Project DEIR, LSA Associates, April 2001). A review of accident data at the intersection also did not support a requirement for intersection improvements (Letter from Fehr & Peers Associates, September 18, 2000). Subsequent analyses concluded that the additional traffic generated by the new building at 425 Valley Drive was not significant enough to trigger intersection improvements, which would most likely take redevelopment of the Quarry (Memorandum from Kimley-Horn and Associates, June 7, 2004; Memorandum from Fehr & Peers Transportation Consultants, November 18, 2004; also see Northeast Ridge Unit II EIR Addendum, LSA Associates, June 2007). As a condition of approval for construction of the new building at 425 Valley Drive in 2004, the property owner was required to agree to provide for the project's proportional fair share of the intersection improvements at such time as required by the City. Such a condition of approval would not typically be required of a Use Permit for an existing building that was already subject to environmental review (Negative Declaration, 1995).

At the last meeting, the applicant indicated that DHL Global Forwarding intended to include a cold storage room at its new facility which could accommodate products from its biotech clients. Concerns were then raised regarding the transport and storage of biohazardous materials. The regulations of the United States Department of Transportation per the Hazardous Materials Transportation Act Uniform Safety Act supersede local authority in regards to transport. Containers for the materials are subject to DOT standards and documentation. Vehicles transporting them require special placards, and employees handling them require special training. The storage of hazardous materials is regulated by the California Building and Fire Codes. Standards are set for types of occupancy and construction. An inventory of hazardous materials (type and quantity) must be provided, along with a hazardous materials management plan.

The proposed use should not adversely impact existing uses on site and in the vicinity in terms of parking demand. The facility is projected to have at most 127 employees. The majority of these (90) would be working between 8:30 a.m. and 5 p.m., with 4 working from 5 a.m. to 1:30 p.m., and 33 working from 5 p.m. to 2:30 a.m. At the 5 p.m. shift change, as many as 123 employees could be on the site. A total of 263 parking spaces are provided on site, with 58 of these being assigned to 99-B South Hill Drive and 73 being unassigned, meaning that as many as 131 spaces could be available at the time of peak demand. Repeated parking surveys over the years have found a surplus of available parking on the site (based in part upon these surveys, Use Permits UP-4-98 and UP-18-05 were approved by the Planning Commission to modify the parking regulations, allowing a 10,330 gross sq. ft. mezzanine for the tenant at the opposite end of the building to store prefabricated ductwork, tools and tool lock boxes without providing the additional 10 required parking spaces and allowing 59% of the parking spaces on the site to be compact). The most recent parking survey, conducted at 1:30 p.m. March 1st, found only 46% (122/263) of the parking spaces occupied, with presumably 57% (100,419/174,783) of the building occupied. This apparent surplus of parking should be more than sufficient to accommodate the peak demand. The applicant reports that a number of its employees carpool as well as use the Crocker Park shuttle to BART/Caltrain/MUNI/SamTrans, which reduces demand for parking. The property is already subject to the City's standard TSM Agreement.

Compliance with Site and Building Design Standards for Freight Forwarders—The improvements on the site must comply with all applicable design and building standards for the proposed freight forwarding use and such additional requirements as may be determined by the City Engineer, including, but not limited to, size and layout of parking and loading areas, dock height and clearance, traffic circulation, and method of ingress to and egress from the site. The freight forwarding site design standards used by the Public Works Department were developed for the Institute of Transportation Engineers. The standards assume the following:

<u>Vehicle</u>	<u>Length</u>	<u>Width</u>	<u>Wheel Base</u>	<u>Turning Radius*</u>
Extra Large Semitrailer	66 ft.	8.5 ft.	60 ft.	60 ft.**
Large Semitrailer	55 ft.	8.5 ft.	50 ft.	60 ft.**
Small Semitrailer	50 ft.	8.5 ft.	40 ft.	40 ft.
Single Unit Truck	30 ft.	8.5 ft.	20 ft.	42 ft.
Delivery Van	19 ft.	7.0 ft.	10 ft.	24 ft.

*measured to outer front wheel (not including outer front corner of vehicle)

**more conservative than 45 ft. minimum

The layout of any freight forwarder site should be designed so as to be able to accommodate on-site turnaround, so that no vehicles need back into the site from the street or back into the street from the site. The maneuvering area needed to accomplish such access should not conflict with the provision of any required parking. Access to parking spaces should not be blocked by trucks

loading or unloading; although, temporary blockage due to truck maneuvering on the site is acceptable.

The existing unit at 99-B South Hill Drive has one ramped truck door and eight 4-ft.-high loading docks along the southern portion of the west side of the building. The door and docks are located approximately 104 ft. from the parking along the western side of the site. Based upon the City Engineer's standards, small semitrailers can access all of the loading docks, large semitrailers can easily access most of the loading docks, and even an extra-large semitrailer should be able to access the middle loading dock without conflicting with existing parking. Note that access to parking adjacent to the ramped truck door could be blocked by a truck parked on the ramp, but this doorway is designed so that a bobtail truck can actually back inside the building, so as not to conflict with the adjacent parking.

Attachments:

- Updated Draft Resolution with Findings and Conditions of Approval
- Aerial Photo of Noise Reading Locations
- 325 Valley Drive Freight Forwarder Facility Environmental Noise Study, Charles M. Salter Associates, 2 June 2008 (excerpt)
- Aerial Photo of Truck Routes
- Recommended Methods for Screening and Modeling Local Risks and Hazards, Bay Area Air Quality Management District, May 2010 (excerpts)
- Transportation Impact Analysis for the Proposed Office Building at 425 Valley Drive, Fehr & Peers Associates, August 14, 2000 (excerpts)
- One Quarry Road Residential Project DEIR, LSA Associates, April 2001 (excerpt).
- Letter from Fehr & Peers Associates, September 18, 2000
- Memorandum from Kimley-Horn and Associates, June 7, 2004
- Memorandum from Fehr & Peers Transportation Consultants, November 18, 2004
- Northeast Ridge Unit II EIR Addendum, LSA Associates, June 2007 (excerpt)
- Traffic Improvements Agreement for 425 Valley Drive (excerpt)

draft
RESOLUTION UP-3-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-3-11
TO PERMIT A FREIGHT FORWARDER
AT 99-B SOUTH HILL DRIVE

WHEREAS, DHL Global Forwarding, the applicant, applied to the City of Brisbane for Use Permit approval for a freight forwarder to operate within a portion of an existing building at 99 South Hill Drive, such application being identified as Use Permit UP-3-11; and

WHEREAS, on March 10 and 24, 2011, the Planning Commission conducted hearings 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 reports 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 24, 2011, did resolve as follows:

Use Permit UP-3-11 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-fourth 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-3-11 per the agenda report with attachments, via adoption of Resolution UP-3-11.

Findings:

1. Approval of the use permit is consistent with the general plan and any applicable specific plan adopted by the city council, specifically General Plan Policies 12, 14, and 282.
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.
3. The improvements on the site comply with all applicable design and building standards for the proposed freight forwarding use and such additional requirements as may be determined by the City Engineer, including, but not limited to, size and layout of parking and loading areas, dock height and clearance, traffic circulation, and method of ingress to and egress from the site, as detailed in the agenda report.

Conditions of Approval:

- A. The applicant shall advise (in writing) all trucks using the facility that access and egress is restricted to Valley Drive to/from Bayshore Boulevard via South Hill Drive, and that trucks are prohibited from backing into South Hill Drive.
- B. Signs shall be posted at appropriate locations stating that no diesel truck engines shall be started before the trucks are loaded and are ready to leave the premises and that no engines shall be left idling when wait time is expected to exceed 5 minutes (per California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Section 2485). The phone number at which to register complaints to the Bay Area Air Quality Management District (1-800-334-6367) shall be included on the signage.
- C. On-site operations shall comply with the noise levels specified in Brisbane Municipal Code Section 8.28.040.
- D. The use shall comply with the performance standards for outside storage, noise, etc., established in Brisbane Municipal Code Section 17.19.050.
- E. The required parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.
- F. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code. (continued)

- G. The Planning Commission shall have continuing jurisdiction over the freight forwarder Use Permit and may at any time, modify or amend any of the use permit conditions, or impose new and additional conditions, or revoke the freight forwarder Use Permit, subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48, if the original findings required for issuance the use permit can no longer be made.