

City of Brisbane

Planning Commission Agenda Report

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

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

SUBJECT: **180 Industrial Way;** Use Permit UP-4-11, Use Permit for a Boxing School; FLAME – Ring of Fire, applicant; Brisbane Bayshore Properties for Sierra Hotel Management Corp., owner; APN 005-311-100

Request: The applicant proposes to establish a boxing school within the existing building at 180 Industrial Way. The applicant currently occupies a facility at Crocker Amazon Park in San Francisco, but has outgrown this space and seeks to expand to include both the San Francisco location and 180 Industrial Way. There would be approximately 15 to 20 students and 4 trainers at 180 Industrial Way. Classes would be scheduled from 4 pm to 7 pm Monday through Friday, plus Saturdays. Saturdays would include approximately 4 to 6 exhibition events per year.

As indicated by the applicant, the organization is a non-profit and classes are offered free of charge with an emphasis on physical fitness, sportsmanship, responsible social behavior, building youth self esteem and inner self worth. All trainers/instructors/administrators are volunteers certified by USA Boxing Association.

Recommendation: Conditionally approve Use Permit UP-4-11 per the staff memorandum, via adoption of Resolution UP-4-11 with Exhibit A containing the findings and conditions of approval, subject to confirmation from pending air and surface samples that the site does not pose a significant risk to the users.

Environmental Determination: Operations within an existing structure are considered categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the State CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Per Brisbane Municipal Code Section 17.32.020.B.1, schools are a conditional use in all zoning districts, including the M-1 Manufacturing District, within which the subject property is located. In addition to the standard findings required for approval of Use Permits contained in BMC Section 17.40.060, a number of additional factors that must be considered for conditional uses in all districts are listed in BMC Section 17.32.020.A.

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, 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, per BMC Section 17.40.060. In addition, per BMC 17.32.020.A, in determining whether the proposed use will not be unreasonably incompatible with the uses in surrounding areas, the Planning Commission must consider the following additional factors:

1. Damage or nuisance from noise, smoke, odor, dust, or vibration;
2. Hazard from explosion, contamination or fire;
3. Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles;
4. Danger to public safety.

General/Specific Plan Consistency--The 1994 General Plan adopted a "Trade Commercial" land use designation for the Northeast Bayshore subarea: "a mix of commercial uses including warehouses, distribution facilities, offices, retail uses, restaurants, commercial recreation, personal services, as well as light industrial, research and development, and uses of a similar character. Public and semi-public facilities and educational institutions may be located under this designation."

The proposal complies with the General Plan designation.

Not Detrimental or Injurious to Neighborhood or City—The main potential concerns regarding the proposed use on the other surrounding uses would be in terms of noise and parking, while the main concern to those that are part of the boxing school would be that the facility presents a safe environment for the students and instructors.

Safety: The site has a previous history of industrial uses and ensuring the safety of the students and others at the site is an issue of concern.

Staff has reviewed the records regarding the building's history and contacted the San Mateo County Environmental Health Division to obtain their permit records on past uses for storage of hazardous materials or records of spills. Identified uses included Beny's Iron Works (2004 to 2010) for light manufacturing, assembling and processing of iron structures and Hueline Inc. (1987 to 2003) for dyeing and laundering fabrics. Consultation with San Mateo County Environmental Health indicates that Hueline Inc. stored acids, bases, bleaches and peroxides but they had no records of spills or violations associated with hazardous materials storage. The Director of Environmental Health indicates that the Department has no objection to the proposed use (see attached letter).

The applicant has indicated that they have retained the services of an industrial hygienist to collect air and surface wipe samples for laboratory analysis. The results from these analyses are pending as of the preparation of this agenda report. They are expected by approximately March 22nd and will be forwarded to the Commission and made available to the public once they have been received. These results will be reviewed by staff and San Mateo County Environmental

Health for further review prior to granting authorization to occupy the building (see Condition B).

Noise: Classes and exhibition events will be held inside the building. Also, the surrounding uses are all industrial in nature and the special events that would draw the larger numbers of people would be held after normal business hours (Saturdays), so the additional noise should not be significant for the neighboring businesses. The closest residential use is approximately 1,500 ft. to the southwest and west, the Northeast Ridge and Daly City.

The use would generally not involve the congregation of a large number of people, except during the special exhibition events which are proposed to be approximately 4 to 6 times per year. The applicant has indicated that these events may draw up to 100 to 150 people. The maximum occupancy would be determined by the Fire Marshal.

Parking: The Municipal Code requires 1 on-site parking space for each classroom and office for commercial schools, which would result in a requirement of 2 spaces. The applicant has indicated a total of 4 off-street parking spaces are available for this address, including 1 van accessible space. Addition of a ramp and one van accessible space, as required by the Building Official, will change the parking from the existing 5 spaces to 4 spaces. Recent site visits by staff on March 15th and 17th revealed that the parking spaces were mostly occupied, presumably by Sunset Garage, who is the leaseholder for this space and occupies the adjacent unit at 190 Industrial Way; they will sublease to the applicant. The applicant has indicated that Sunset Garage will remove these vehicles to make the indicated spaces available to the applicant.

The applicant has indicated that for their daily activities they will have 4 instructors and that the instructors carpool most of the students to their current facility in San Francisco and this practice would be continued at the proposed location. Alternatively, parents would drive to drop off and pick up the students. Generally, approximately 2 to 4 students may be licensed to drive, but currently and recently none have been driving to their facility in San Francisco. These students also take advantage of the carpools. Based on these parameters, the proposed parking for four vehicles on site for routine instruction days appears adequate and there is some on street parking to accommodate vehicles over this amount.

Special event parking has been proposed to be accommodated largely off-site through agreements with the tenants at 161 and 171 Industrial Way, which is directly across the street from the proposed boxing school and the yard at (55) Industrial Way (see attached agreement letters and map). The applicant's estimate is approximately 20 vehicles for these events since the participants would vanpool/carpool. A parking survey of the off-street sites that have provided written agreements and on street parking was conducted by staff at 4:30 pm, Thursday March 17th and showed although the survey was conducted during a weekday there would be over twenty off street spaces available at the sites (including the 4 spaces at 180 Industrial Way) plus another 10 spaces available as on-street parking. So the combination of these locations and on-street parking appears to be more than adequate to meet the peak demand.

Attachments:

- Draft Resolution UP-4-11 with Findings and Conditions of Approval
- Parking Survey
- Aerial photo of site location
- Applicant's statement, maps and photos
- Letter from Dale Conway to City Council
- Letters from tenants of nearby properties
- Letter from San Mateo County Environmental Health

Draft
RESOLUTION UP-4-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-4-11
TO PERMIT A BOXING SCHOOL
AT 180 INDUSTRIAL WAY

WHEREAS, FLAME – Ring of Fire, the applicant, applied to the City of Brisbane for Use Permit approval for a boxing school facility at 180 Industrial Way, such application being identified as Use Permit UP-4-11; and

WHEREAS, on March 24, 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 staff memorandum 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 Application UP-4-11 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 A. SWIECKI, Community Development Director

H.2.5

EXHIBIT A

Action Taken: Conditionally approved Use Permit UP-4-11 per the staff memorandum with attachments, via adoption of Resolution UP-4-11.

Findings:

1. Approval of the use permit is consistent with the general plan and any applicable specific plan adopted by the city council, specifically the General Plan's Trade Commercial land use designation and General Plan Policy 289.
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, including in terms of damage or nuisance from noise, smoke, odor, dust, or vibration; hazard from explosion, contamination or fire; hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles; or danger to public safety, as detailed in the staff memorandum.

Conditions of Approval:

- A. Boxing school activities shall take place within the building, between the hours of 4 pm and 7 pm, Monday through Friday, plus Saturdays. Hours outside those specified may only be by special appointment between instructors and students on a case-by-case basis and are not to be as routine classes without prior approval by the Planning Director, as a Minor Modification, or the Planning Director may refer such a request to the Planning Commission.
- B. In addition to the laboratory results from air and surface wipe samples, the applicant shall provide the Planning Director with a statement from a qualified professional indicating that the facility does not pose a significant health risk to the students or instructors. The Planning Director may, at his discretion, confer with the San Mateo County Environmental Health Department prior to granting authorization to occupy the facility.
- C. Prior to opening the boxing school, the applicant shall obtain a City business license. Note that based on the applicant's statement there would be no charge for the license, but the applicant will need to provide documentation of their status as a nonprofit organization.
- D. No 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.
- E. The application shall obtain a building permit for tenant improvements to meet occupancy and building code requirements for this use.

- F. Special exhibition events shall be limited Saturdays and parking for these events shall be provided on site and through agreement with the nearby off site businesses. Should parking inhibit the normal operations of the surrounding businesses this permit may be revoked (see Condition H, below).
- G. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- H. 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.

Industrial Way Parking Survey
Thursday, March 17, 2011, 4:30 pm to 4:50 pm

Location	Total Spaces	Spaces Occupied	Spaces Available	Notes
Industrial Way (on-street)	42+/-	32	10	
151 Industrial Way (off-street)	3	3	0	Verbal agreement for parking
161 Industrial Way (off-street)	4	4	2	Written agreement for parking
171 Industrial Way (off-street)	4	4	0	Written agreement for parking
(55) Industrial Way	25+/-	11	15	Written agreement for parking.
180 Industrial Way	5	4	1*	*A total of four spaces are to be made available for the boxing school. The fifth space will be taken up by one of the four spaces, which will be van-accessible, and by an access ramp.

Notes:

Due to the lack of clear delineation of individual spaces and the prevalence of double parking commercial sized vehicles these survey numbers represent an approximation.

Off-site parking agreements are for after hours parking, which should have less demand than that shown at the time of day represented by this survey. The total parking spaces shown for the off-street sites do not represent the entire parking available for those sites, but only that portion that is subject to the agreement.



Aerial of Northwest Bayshore & Vicinity

H.2.9

