

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 5/12/11

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

SUBJECT: (55-B) Industrial Way; Use Permit UP-5-11; Use Permit for Outside Storage of Trucks and Equipment on Middle Portion of Vacant Lot; Innovative Communications, applicant; Brisbane Bayshore Properties, owner; APN 005-312-070 Ptn.

Request: Innovative Communications is a telecommunications construction contractor that worked with Turn Around Communications, the previous tenant of this portion of the vacant lot at 55 Industrial Way for which Use Permit UP-8-08 (since expired) had been approved by the Planning Commission. Turn Around Communications has now vacated the property, and Innovative Communications requests its own Use Permit to continue to occupy the space for outside storage of trucks and equipment.

Recommendation: Conditionally approve Use Permit UP-5-11 per the agenda report, via adoption of Resolution UP-5-11 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: Small parking lots are categorically exempt from the provisions of the California Environmental Quality Act per Section 15311(b) of the State CEQA Guidelines. Temporary office modules are categorically exempt per Section 15303(c). The exceptions to this categorical exemption 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 General Plan. Under this designation, contractors (as “personal services”) 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 was paved with grindings to control dust and erosion. The Public Works Department recommends that its previous conditions of approval regarding stormwater quality be updated to include current requirements regarding vehicle storage.

No significant changes in the Northeast Bayshore subarea policies and programs are proposed in the General Plan update. This property is included within the draft Baylands Specific Plan. Given the limited nature of the improvements associated with this use, its approval will not preclude redevelopment in the area.

Not Detrimental or Injurious to Neighborhood or City—The subject use is similar to existing fenced storage yards at 55-A Industrial Way, 55-C Industrial Way, 171 Industrial Way, 250 Industrial Way, 285 Industrial Way, between 296 & 300 Industrial Way, between 312 & 340 Industrial Way and at 400 Industrial Way. The fencing, originally approved by the Planning Commission per Fence Exception FD-1-03 has been maintained so as to screen the site from public view, while allowing for security surveillance.

Given that there have been no problems reported regarding use of this site in the past, staff recommends that the Use Permit be approved without being subject to expiration when the applicant’s lease expires on February 28, 2014. Per recommended Condition of Approval M, the Use Permit could still be subject to the revocation per BMC 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.

Attachments:

Draft Resolution with Findings and Conditions of Approval
Site Plan and Photograph

draft
RESOLUTION UP-5-11

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-5-11
TO PERMIT OUTSIDE STORAGE FOR INNOVATIVE COMMUNICATIONS
AT (55-B) INDUSTRIAL WAY

WHEREAS, Innovative Communications, the applicant, applied to the City of Brisbane for Use Permit approval for fenced outside storage on the middle portion of the vacant parcel at (55) Industrial Way, such application being identified as Use Permit UP-5-11; and

WHEREAS, on May 12, 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 May 12, 2011, did resolve as follows:

Use Permit UP-5-11 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twelfth day of May, 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-5-11 per the agenda report with attachments via adoption of Resolution UP-5-11.

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.

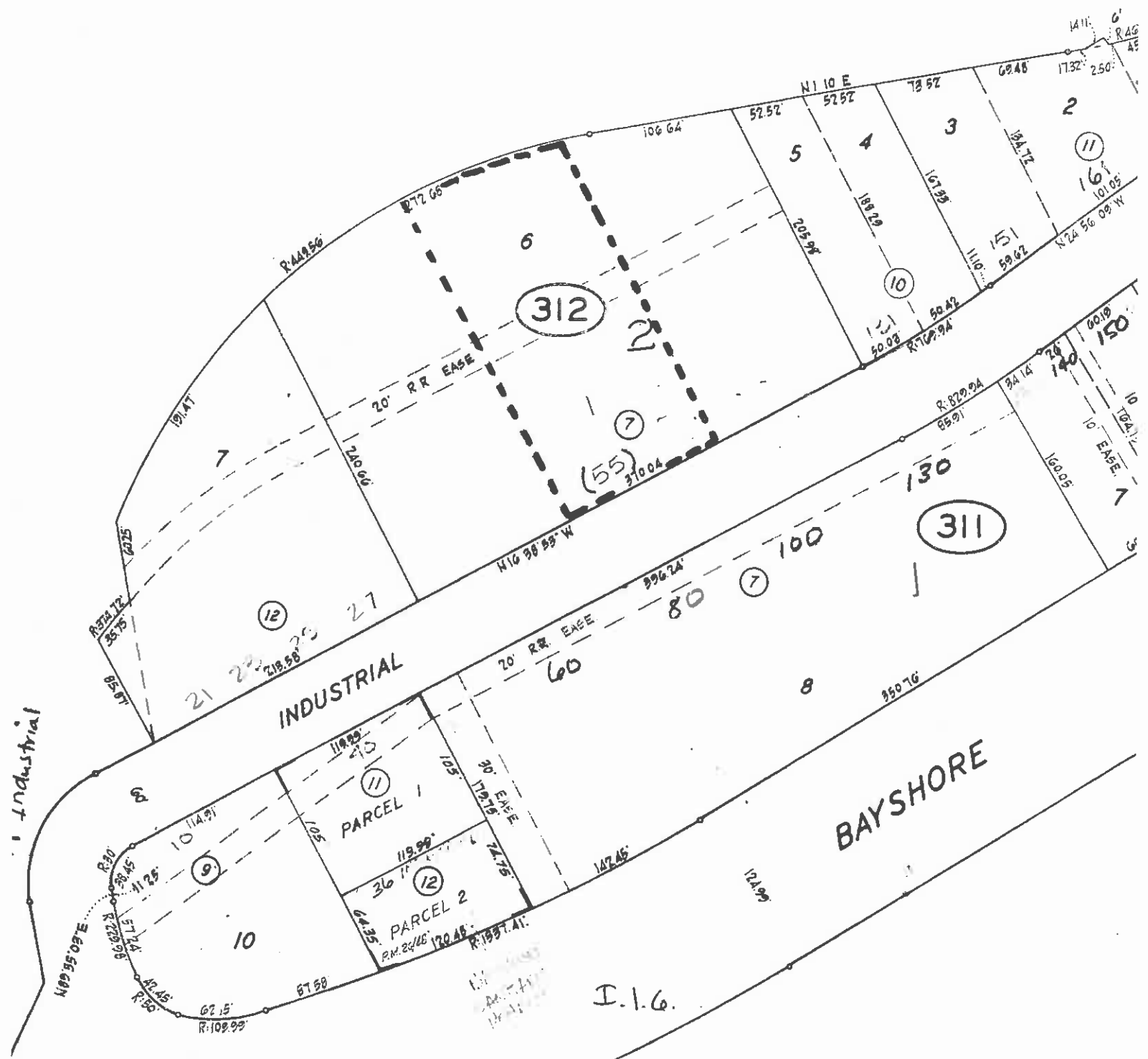
Conditions of Approval:

- A. No repair work, including welding or exchange of any combustible/flammable fluid, including radiator fluid, is allowed.
- B. No fuel storage (other than in the trucks' fuel tanks) shall be permitted, except as approved by the North County Fire Authority.
- C. Use 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.
 - (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.
 - (6.) Any storm drain inlets and catch basins shall be inspected and cleaned if necessary before October 1st of each year.
 - (7.) Grindings, dirt and debris shall be prevented from leaving the site and entering the City right-of-way.
 - (8.) Vehicle storage shall comply with the requirements of the Municipal Regional Permit to the satisfaction of the Public Works Department.
- D. No trailers or equipment shall be parked off-site outside of the fenced enclosure (i.e., on the street).

(continued)

- E. A Building Permit shall be obtained for installation of tiedowns, utility connections, and handicapped access ramps for any modular offices as required by the California Building Code.
- F. As required by the Zoning Ordinance, any modular offices shall be set back at least 25 ft. from the front property line.
- G. Fencing shall be maintained around the storage yard. No slats shall be installed in the gates so as to provide for police surveillance of the site.
- H. A 20 ft. wide fire lane (with no parking) shall be maintained at all times to provide access to all stored vehicles per a plan to be approved by the North County Fire Authority.
- I. A minimum 1A:5BC fire extinguisher shall be provided for each truck.
- J. A means of reporting fires/emergencies (at a minimum, a working cell phone) shall be provided at the storage yard to the satisfaction of the Fire Department.
- K. The street addresses shall be posted at the site to the satisfaction of the Fire Department. Tenant identification signage shall be allowed per Brisbane Municipal Code Section 17.36.030.B.1. No other advertising 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.
- L. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- M. 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.

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