

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of March 11, 2010

**FROM:** John Swiecki, Principal Planner, via William Prince, Community Development Director

**SUBJECT:** **575 Tunnel Avenue;** Interim Use Permit UP-3-09/Grading Review EX-2-09; Proposed Interim Use Permit and related grading to establish a shuttle bus yard involving storage, dispatch, and routine maintenance for up to 50 buses on approximately 2.3 acres previously occupied by an industrial building. Jeff Leonoudakis, SFO Shuttle Bus, applicant; Tuntex Inc. (Universal Paragon Corporation) owner; APN 005-152-240,250,260

**Request:** The applicant is proposing to establish a temporary facility for storage, dispatch, operations and maintenance for up to 50 shuttle buses on approximately 2.3 acres previously occupied by an industrial building at 575 Tunnel Avenue. Along with surface parking for up to 50 buses, a 3,600 square foot maintenance building is proposed, along with an approximately 2,160 square foot dispatch office and perimeter fencing. Related grading involves approximately 2,100 cubic yards of cut and fill. The use permit is requested for a term of 5 years.

**Project Description:** Facility operations are described in more detail in the attached project description provided by the applicant. In summary, SFO Shuttle contracts with a number of Bay Area firms to provide transportation for their employees. They currently stage their operations on multiple sites and are proposing to consolidate their operations on the subject site through approval of this permit. As noted above, the proposed use would provide storage for up to 50 buses and ancillary dispatch and routine maintenance services.

The facility operates weekdays, 5 a.m. to 9 p.m. Once buses are dispatched, they remain off site during the day and return in the evening. While the site can accommodate up to 50 buses, SFO Shuttle currently operates 45 buses. Typical daily operations utilize 35 buses, with additional buses remaining on site for servicing or as backup. In addition to drivers, up to 5 office employees and up to 5 maintenance workers will be employed on site. All employee parking will be contained on-site. Maintenance operations are limited to routine maintenance such as checking and changing fluids.

The site is located on the east side of Tunnel Avenue between Sunset Scavenger and Sierra Point Lumber. A grading settlement monitoring pad established under Grading Permit EX-1-08 lies east of the proposed facility. As noted above, the site, previously occupied by industrial buildings, is in a disturbed condition, with broken asphalt paving and building foundation remnants. Site modifications include removal of existing rubble and debris and sheet grading of the site to drain to the perimeter. The quantity of earthwork is estimated at 2,100 cubic yards of cut and fill, respectively. No import or export of soil is proposed. Drainage swales (included a

vegetated treatment swale along the site frontage) will be established to collect stormwater and convey it to the existing storm drain system in Tunnel Avenue.

The site will be paved and striped to accommodate bus and employee parking. A 3,600 square foot prefabricated metal maintenance building and approximately 2,140 square foot modular dispatch office are proposed, as shown in the attached elevations. Both buildings can be relocated from the site when the interim use expires. Other improvements include chain link fencing of the site and the installation of security lighting.

**Recommendation:** Conditionally approve Use Permit UP-3-09/Grading Review EX-2-09 via adoption of Resolution UP-3-09/EX-2-09 with Exhibit A containing the findings and conditions of approval.

**Environmental Determination:** The proposal represents an infill project and is categorically exempt from environmental review per State CEQA Guidelines Sections 15332.

**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.

Additionally, Brisbane Municipal Code Sections 15.01.081 and 17.32.220 require that the Planning Commission approve any grading involving more than 250 cubic yards of material in any single operation or if more than 50 cubic yards is to be removed from any single parcel of land. Per BMC Section 15.01.110, Grading Permits are issued by the City Engineer upon finding “that the work as proposed by the applicant is likely not to endanger any property or public way or detrimentally affect water quality.” The Planning Commission determined on November 13, 2003, that it would review applicable grading permits for conformance with the General Plan in regards to the fit of the proposal with the natural topography, its design so as to avoid large exposed retaining walls and removal of protected trees, and its compliance with the San Bruno Mountain Area Habitat Conservation Plan, as applicable.

### **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, in an area that is industrial in character. Adjacent uses include Sierra Point Lumber and a solid waste transfer facility. The intensity and operational characteristics of the proposed bus storage yard are consistent with the surrounding area and will not adversely impact nearby businesses. Shuttle buses will typically depart and arrive back at the facility in non-peak hours, and will remain off-site during the day. Given the regional scope of the operation, bus trips will primarily utilize Tunnel Avenue and Beatty Road to access Highway 101. As such, operations of the facility will not impact the level of service of local roadways. However, the Public Works Department is recommending a

cash payment to allow for street repair/improvements of Tunnel Avenue between the proposed driveway and Beatty Drive anticipated due to additional bus traffic.

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 RWQCB has no objection to the proposed project. Site grading will include drainage provisions to ensure that stormwater is captured and treated before discharge. The Public Works Department will require the preparation of a Stormwater Pollution Prevention Plan detailing potential pollution sources to be utilized and stored on-site and implementing Best Management Practices to prevent exposure of pollutants to stormwater runoff. An industrial stormwater permit will be required through the Regional Water Quality Control Board.

In terms of the operation, the fleet will operate B-20 biodiesel fuel which will result in reduced air emissions compared to conventional diesel. Maintenance operations are limited to routine services such as checking and changing fluids. While the amounts of such materials on-site will be limited, their storage, handling and disposal are subject to requirements to the San Mateo County Health Department, Environmental Health Division, including the preparation of a Hazardous Materials Business Plan.

c) the interim use will not obstruct redevelopment;

In considering approval of the Interim Use Permit, the Planning Commission must find that the use "...will not obstruct, interfere with, or delay the intended redevelopment of the property..." (BMC Section 17.41.060.C). The project results in modifications to the site which are reversible. Prefabricated structures as proposed are portable in nature and can be relocated upon cessation of the use.

The site lies in proximity to the extension of Geneva Avenue associated with the Baylands Specific Plan. Based on preliminary design work, portions of the site could be impacted by the future roadway alignment and/or associated grading. However, roadway design work has not been completed so an element of uncertainty remains. Even if the site is impacted by the future roadway extension, there is no funding source nor established schedule for roadway construction. Based on these circumstances it appears highly unlikely that implementation of this project for a term of 5 years would impact foreseeable roadway improvements. However, to ensure that the project would not interfere with the roadway extension in the unlikely event it proceeds during the term of the interim use permit, it is recommended that a condition of approval be applied that the applicant acknowledge and agree in writing to remove improvements identified as an obstacle to public improvements. Based on these considerations, the proposal **complies** with this finding.

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

This finding **complies** with this finding. The site was previously occupied by an industrial building and utilities are available to the site. Bayshore Sanitary District, which provides wastewater service to the site, has recommended several conditions to either ensure that existing infrastructure is adequate or upgraded as needed.

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

The proposal **complies** with this finding. The shuttle operation proposed for the site provides a public benefit by providing an alternate mode of transportation for commuters, thereby reducing single occupancy vehicle trips on regional roadways and reducing emissions associated with such trips.

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 their employment recruitment program will include directed outreach to Brisbane residents. It is recommended that the specifics of such a program be presented for City staff review and approval prior to commencement of the use.

In regard to the grading permit, the Public Works Department will apply conditions of approval which ensure the site's stability for the proposed use and will protect water quality. In regard to General Plan considerations, the proposal does not involve any terracing or benching, retaining walls, protected tree removal or grading within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan.

Attachments: Resolution UP-3-09/EX-2-09  
Vicinity Map  
Applicant's Project Description  
Site Plan, Grading Plan and Related Exhibits

RESOLUTION UP-3-09/EX-2-09

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING USE PERMIT UP-3-09  
FOR AN INTERIM USE PERMIT TO ESTABLISH A SHUTTLE BUS YARD INVOLVING  
STORAGE, DISPATCH, AND ROUTINE MAINTENANCE FOR UP TO 45 BUSES AND  
RECOMMENDING ISSUANCE OF RELATED GRADING PERMIT CASE EX-2-09

WHEREAS, Jeff Leonoudakis representing SFO Shuttle Bus applied to the City of Brisbane for Interim Use Permit approval to establish a temporary facility for storage, dispatch, operations and maintenance for up to 45 shuttle buses on approximately 2.3 acres previously occupied by an industrial building at 575 Tunnel Road., such application being identified as UP-3-09; and

WHEREAS the project involves approximately 2,100 cubic yard of cut and fill respectively which requires Planning Commission review, such application being identified as EX-2-09; and

WHEREAS, on March 11, 2010, 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 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; pursuant to Section 15332 of the State CEQA Guidelines; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 25, 2010 did resolve as follows:

Interim Use Permit UP-3-09 is approved per the conditions of approval attached herein as Exhibit A.

Recommend the City Engineer issue grading permit EX-2-09.

ADOPTED this eleventh day of March, 2010, by the following vote:

AYES:

NOES:

ABSENT:

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Teresa Maturo

ATTEST:

Chairperson

## **EXHIBIT A**

**Action Taken:** Conditionally approved Interim Use Permit UP-3-09 per the staff memorandum with attachments, via adoption of Resolution UP-3-09/EX-2-09.

### **Findings:**

1. Approval of the use permit is consistent with the General Plan by allowing an interim land use within the Baylands General Plan subarea in accordance with all required findings and conditions;
2. 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, as described in the staff memorandum;
3. The proposed interim use is categorically exempt from environmental review pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines and will not result in any significant adverse environmental impacts;
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, inasmuch as the proposed improvements are reversible and would not hinder future site redevelopment.
5. Utilities are available to serve the interim use in a safe, sanitary, and lawful manner.
6. The work as proposed by the applicant is likely not to endanger any property or public way or detrimentally affect water quality
7. The proposed grading plan is in conformance with the General Plan. Standards established by the Planning Commission pertaining to consistency with natural topography, retaining walls, protected trees and compliance with the San Bruno Mountain HCP do not apply to this project.

### **Conditions of Approval:**

- A. The Interim Use Permit is approved for shuttle bus storage and related purposes. This use shall operate in accordance with the project description presented to the Planning Commission and attached to the March 11, 2010 staff report.
- B. The property owner's agreement with the operator of the interim use shall continue to state 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.

- C. The applicant shall obtain building permits for any proposed structures pursuant to the Uniform Building Code.
- D. Prior to building permit issuance the applicant shall provide evidence of coverage under the State's General Permit for Stormwater Discharges Associated with Industrial Activities by providing a copy of the Notice of Intent to comply, or provide satisfactory evidence that coverage is not required.
- E. Prior to building permit issuance building colors and exterior specifications shall be subject to the review and approval of the Community Development Director.
- F. Prior to building permit issuance an agreement in a form acceptable to the City Attorney shall be recorded that will require the applicant to abandon the use and remove improvements, at their own expense, if the City determines that the use will interfere with or obstruct any planned public improvements that require use of the site. Removal shall be completed within ninety (90) days after written notice to remove is given by City to the applicant.
- G. Prior to building permit issuance details of security lighting shall be provided to the review and approval of the Community Development Director. All security lighting shall be shielded and directed downward to avoid offsite light spillage and glare.
- H. Prior to issuance of a Certificate of Occupancy the applicant shall pay for street upgrades from the intersection of Beatty Road/Tunnel Avenue to the proposed bus storage ingress/egress point as determined by the City Engineer. DPW staff estimates this cost at \$77,000.
- I. Prior to issuance of a Certificate of Occupancy building entrances and parking shall comply with ADA requirements.
- J. Prior to issuance of a Certificate of Occupancy landscaping as shown in the plans presented to the Planning Commission on March 11 2010 shall be installed.
- K. Prior to issuance of a Certificate of Occupancy the applicant shall establish and implement an employment recruitment program targeted toward Brisbane residents, subject to the review and approval of the Community Development Director.
- L. The applicant shall Obtain a Class 4 Permit from Bayshore Sanitary District and pay the appropriate fees.
- M. Locate the existing sewer lateral from the old building to the main and have the lateral inspected (CCTV inspection). Repair or replace the existing lateral to the Bayshore Sanitary District's standards if deemed necessary.
- N. Site frontage shall be maintained in a debris- and weed-free condition.

- O. The facility shall comply with all requirements of San Mateo County Health Department, Environmental Health Division pertaining to the storage, handling, and disposal of hazardous materials.
- P. 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.
- Q. 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.
- R. 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, or for any reason whatsoever that the City Council or Redevelopment Agency deems in its sole discretion that makes continuation of this use not satisfactory, or in the event of the repeal of the Interim Use Ordinance.
- S. This Use Permit shall expire **5 years** from its effective date (at the end of the appeal period).
- T. The project shall comply with the following Provision C.3 Standard Source Control Conditions as deemed appropriate by the Public Works Department:

### **1. Dumping to Storm Drain Inlets and Waterways**

On-site storm drain inlets shall be clearly marked with the words “No Dumping! Flows to Bay,” or equivalent, using methods approved by the City’s NPDES Coordinator.

### **2. Interior Floor Drains**

Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains.

### **3. Pesticide/Fertilizer Application**

- A. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.

- B. Structures shall be designed to discourage the occurrence and entry of pests into buildings, and thus minimize the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
- C. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:
- D. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- E. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- F. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
- G. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
- H. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design to the maximum extent practicable. Examples of IPM principles and techniques include:
  - 1. Select plants that are well adapted to soil conditions at the site.
  - 2. Select plants that are well adapted to sun and shade conditions at the site. In making these selections, consider future conditions when plants reach maturity, as well as seasonal changes.
  - 3. Provide irrigation appropriate to the water requirements of the selected plants.
  - 4. Select pest- and disease-resistant plants.
  - 5. Plant a diversity of species to prevent potential pest infestations from affecting the entire landscaping plan.
  - 6. Use “insectary” plants in the landscaping to attract and keep beneficial insects.

#### **4. Refuse Areas**

Runoff from trash enclosures, recycling areas, food compactor enclosures, or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid storm water run-on to the trash enclosure area. If any drains are installed in or beneath dumpsters, compactors, and tallow bin areas serving food service

facilities, the drains shall be connected to a grease removal device and/or treatment device prior to discharging to the sanitary sewer. The applicant shall contact the City for specific connection and discharge requirements.

## **5. Outdoor Process Activities/Equipment<sup>1</sup>**

- A. Process activities shall be performed either indoors or in roofed outdoor areas. If performed outdoors, the area shall be designed to prevent run-on to and runoff from the area with process activities. Examples of appropriate design to prevent run-on and runoff include using a berm or grade break.
- B. Process equipment areas shall drain to the sanitary sewer system. The applicant shall contact the City for specific connection and discharge requirements. The pavement should be checked periodically for cracks and fractures, which should be sealed to prevent leakage.

## **6. Outdoor Equipment/Materials Storage**

- A. All outdoor equipment and materials storage areas shall be covered and bermed, or shall be designed to limit the potential for runoff to contact pollutants. Storage or maintenance/repair activities shall occur only on paved and contained areas. The pavement should be checked periodically for cracks and fractures, which should be sealed to prevent leakage.
- B. Storage areas containing non-hazardous liquids, such as latex-based paint, shall be covered by a roof, and be contained by berms, dikes, liners, vaults, or similar spill containment devices. The applicant shall contact the City for specific connection and discharge requirements.
- C. All on-site hazardous materials and wastes, as regulated by the California Public Health Code and the local Certified Unified Program Agency (CUPA) must be used and managed in compliance with the applicable CUPA program regulations and the facility hazardous materials management plan approved by the CUPA authority.

## **7. Vehicle/Equipment Cleaning**

- A. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system. Any wastewater discharges to the sanitary sewer are subject to approval by the City.
- B. Commercial/industrial facilities having vehicle/equipment cleaning needs and new residential complexes of 25 units or greater shall either provide a roofed, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs (faucets) and installing signs prohibiting such uses. Vehicle/equipment washing areas shall be paved, designed to prevent run-on to or runoff from the area, and

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<sup>1</sup> Examples of businesses that may have outdoor process activities and equipment include machine shops and auto repair shops, and industries that have pretreatment facilities.

plumbed to drain to the sanitary sewer. A sign shall be posted indicating the location and allowed uses in the designated wash area. The applicant shall contact the City for specific connection and discharge requirements.

- C. Commercial car wash facilities shall be designed and operated such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer, or a wastewater reclamation system shall be installed and the wastewater reused with no discharges to the storm drain. The applicant shall contact the City for specific connection and discharge requirements.

## **8. Vehicle/Equipment Repair and Maintenance**

- A. Vehicle/equipment repair and maintenance shall be performed in a designated area indoors, or if such services must be performed outdoors, in an area designed to prevent the run-on and runoff of storm water.
- B. Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, acid-containing batteries or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas.
- C. Vehicle service facilities shall not contain floor drains unless the floor drains are connected to wastewater pretreatment systems prior to discharge to the sanitary sewer, for which an industrial waste discharge permit has been obtained. The applicant shall contact the City for specific connection and discharge requirements.
- D. Tanks, containers, or sinks used for parts cleaning or rinsing shall not be connected to the storm drain system. Tanks, containers, or sinks used for such purposes may only be connected to the sanitary sewer system if approved by the City and allowed by an industrial waste discharge permit from the San Francisco Public Utilities Commission. The applicant shall contact the City for specific connection and discharge requirements.

## **9. Fuel Dispensing Areas**

- A. Fueling areas<sup>2</sup> shall have impermeable surfaces (i.e., portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.
- B. Fueling areas shall be completely covered by a canopy that extends a minimum of ten feet in each direction from each pump. The canopy shall not drain onto the fueling area.

## **10. Fire Sprinkler Test Water**

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<sup>2</sup> The fueling area shall be defined as the area extending a minimum of 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus a minimum of one foot, whichever is greater.

Provisions shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to the sanitary sewer, with approval from the City. Fire sprinkler test water from private residences may be discharged to a landscaped area.

#### **11. Miscellaneous Drain or Wash Water**

- A. For small air conditioning units, air conditioning condensate should be directed to landscaped areas as a minimum BMP. For large air conditioning units, in new developments or significant redevelopments, the preferred alternative is for condensate lines to be directed to landscaped areas, or alternatively connected to the sanitary sewer system after obtaining permission from the City. As with smaller units, any anti-algal or descaling agents must be properly disposed. Any air conditioning condensate that is discharged to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
- B. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- C. Roof top equipment including those producing air conditioning condensate shall drain to the sanitary sewer or be covered and have no discharge to the storm drain. The applicant shall contact the City for specific connection and discharge requirements.
- D. An appropriately equipped facility that drains to the sanitary sewer must be provided for washing and/or steam cleaning activities. Sanitary connections are subject to the review, approval, and conditions of the City. These conditions shall be required for automotive related businesses.