

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 2/14/2019

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

**SUBJECT:** **Use Permit UP-10-18, 595 Tunnel Avenue;** Use Permit application to allow assembly of toter carts and storage of empty toter carts within an existing, approximately 35,000 square foot warehouse building, in support of Recology's existing recycling operations located at Tunnel and Beatty Avenues, in the C-1 Commercial Mixed Use District (Baylands); Christine Borghei, applicant; Recology Properties Inc., owner.

**REQUEST:** The applicant requests a use permit to utilize the existing, approximately 35,000 square foot, shed-style, warehouse building at 595 Tunnel Avenue for assembly and storage of empty toter carts. The use is proposed for this facility in support of Recology's existing operations, located primarily to the north at Tunnel and Beatty Avenues. The site is the location of the former Van Arsdale-Harris Lumber Company on the Baylands.

**RECOMMENDATION:** Approve Use Permit UP-10-18, per the agenda report, via adoption of Resolution UP-10-18 with Exhibit A, containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** Use of existing facilities are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 of the State CEQA Guidelines. The exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

**APPLICABLE CODE SECTIONS:** Per Brisbane Municipal Code (BMC) Section 17.32.030 a Use Permit is required for public utility facilities in any zoning district. The exceptions to the use permit requirement, provided in section 17.32.030.A, B & C, do not apply. The findings required for Use Permit approval are contained in BMC Sections 17.40.060.A & B.

**BACKGROUND, SITE & SETTING:** In July 2018, City Council adopted General Plan amendment GPA-1-18 which redesignated the site from the Baylands subarea to the Beatty Heavy Commercial subarea. While the zoning of this site has not yet been changed to conform with the amended general plan boundaries, the zoning ordinance (BMC Section 17.32.030) allows for public utilities in all zoning districts, subject to a use permit.

As indicated above, the site is the location of the former Van Arsdale-Harris Lumber Company, which was built atop the former municipal landfill. It includes three large warehouse buildings, with an office attached to the westernmost warehouse. The easternmost, 35,000 square foot open ended, or shed-style, warehouse building, that used to store lumber, would be utilized with this use permit for the assembly and storage of Recology's toter carts. The site is largely paved, with the exception of the area behind that easternmost warehouse. The two warehouse buildings located towards the front of the site are not currently in use and are not included in the applicant's proposal, except that existing restroom facilities may be used by Recology's staff, as described further below.

This area of Brisbane is industrial in nature. It is bordered by Sierra Point Lumber to the south, shuttle bus and rental car parking/staging to the north and soil and rock recycling operations to the east. The western edge of the site is fronted by Tunnel Avenue and the CalTrain rail lines are located across the street.

**DESCRIPTION OF PROPOSED USE:** Recology proposes to utilize the existing 35,000 square foot, shed-style, warehouse building at the rear of 595 Tunnel Avenue for assembly and storage of toter carts, in support of their operations to the north at Tunnel Avenue and Beatty Avenue. Toter carts are the bins that may be rolled by hand to and from the curbside for yard waste, recycling or garbage collection. All activities would occur inside the building and no new facilities have been proposed.

New cart components would be delivered to the site, assembled and delivered off-site to customers. Empty, old or damaged carts that have been picked up from customer routes in San Francisco would also be delivered back to the site for loading into debris boxes and delivery to 505 Tunnel Avenue, to the north, for washing and refurbishment. Used carts would be emptied before they would be brought to the site and no waste materials would be brought to the site and no cart cleaning would occur on the site. Aside from delivery vehicles, the only other vehicles or equipment to be used onsite would be a forklift, to load and unload carts.

*Staffing:* Recology has indicated that up to 12 people would work at this facility. Generally, they would be split into two shifts, with an early morning shift and an afternoon shift and some overlapping of the two shifts in the middle, in the late morning to early afternoon.

*Hours of Operation:* The applicant has indicated that typically operations would be from 4 am to 6 pm, 7 days a week. However, the proposal is to allow for operations to occur 24 hours a day, 7 days a week, to allow flexibility.

*Vehicle Trips and Parking:* Vehicle trips are estimated by the applicant to be up to approximately 80 per day. This assumes one trip in and one out per employee per day, plus cart delivery trips to and from the facility (i.e. 40 round-trips). For the purposes of evaluating parking, there is no change in the required on-site parking as compared to the previous lumberyard use. Parking would be provided interior to the site, in the paved yard area between the warehouse buildings.

**PROPOSED CONDITIONS OF APPROVAL:** In addition to Planning review, the application was routed to the following City Departments and outside agencies for review: Building Dept., Dept. of Public Works, North County Fire Authority, Police Dept., San Francisco Public Utilities Commission (SFPUC), Bayshore Sanitary District, Regional Water Quality Control Board, San Mateo County Environmental Health. Comments received are reflected on the draft conditions of approval.

A portable toilet was proposed by the applicant for this facility. However, the Bayshore Sanitary District (BSD) has indicated that a portable toilet would not be permitted for this use, per district regulations. While restroom facilities are located on the site, it is unknown if the current facilities meet current standards, and a building permit and improvements may be required to bring the facilities to the required standards. Since the applicant received this comment from BSD, they have indicated that they have already been in conversation with BSD to meet their requirements. San Mateo County Environmental Health also commented that any associated underground utility work would be required to also comply with Title 27, landfill post-closure requirements. The restroom facility requirement is addressed as a condition of approval.

San Mateo County Environmental Health also provided a recommendation that the site's surface drainage should be improved to prevent water ponding. It appears that due to settlement, ponding is occurring over the impervious yard areas. This is also addressed as a proposed condition of approval.

Since the use was already undertaken without the benefit of a use permit, staff has included a condition of approval regarding the timing to provide restroom facilities to meet the applicable state and BSD standards and to correct the drainage. Failure to meet the deadline would be considered non-compliance and subject to enforcement action.

Other operational conditions are also included. See the draft resolution for those conditions.

**ANALYSIS AND FINDINGS:** In order to approve the Use Permit, the Planning Commission must make the following findings, per BMC Section 17.40.060:

- A. "In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question."
- B. "The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city."

The proposal would meet both of the findings, as discussed below.

Adjacent Uses and General Plan Consistency— In regards to the first finding, the property is located among other uses that are industrial in nature and the proposed use is not anticipated to have any significant impacts on these other uses. The use is similar in nature to the prior lumber yard warehouse use

As noted previously, GPA-1-18 approved by City Council and approved by the voters under Measure JJ re-designated this site to the Beatty Heavy Commercial subarea, which allows for Recology business operations.

Not Detrimental or Injurious to the Property, Neighborhood or City— The proposal would not be detrimental or injurious to the property, neighborhood or City. The use would be of similar nature to the surrounding uses and would not have a detrimental or injurious impact to those working in the neighborhood or the surrounding neighborhood or on the general welfare of the City. The use would utilize the existing 35,000 square foot shed/warehouse and the storage and assembly of the toter carts would occur entirely within that building. The building being utilized for this purpose is located at the rear of the site and would be largely out of public view.

With twelve employees on site and approximately 4 deliveries of carts to and from the site per day, traffic from this use would not be significant. The applicant has estimated that at the most there may be up to 80 vehicle trips per day. With parking areas available at the interior of the site, no significant impact is expected in the street parking at the front of the site.

For safety and security, the site is already fenced and lighting is already provided with the existing buildings, when needed for operations before dawn or after dusk.

#### **ATTACHMENTS:**

- A. Draft Resolution UP-10-18 with Findings and Conditions of Approval
- B. Aerial photo of site location & vicinity
- C. Site Photos
- D. Applicant's Project Description and Plans

# ATTACHMENT A

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Draft - RESOLUTION UP-10-18

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING USE PERMIT UP-10-18  
TO ALLOW FOR Toter CART ASSEMBLY AND STORAGE  
AT 595 TUNNEL AVENUE

WHEREAS, Christine Borghei, the applicant, applied to the City of Brisbane, on behalf Recology Properties Inc., for a Use Permit to allow for toter cart storage within the existing 35,000 square foot warehouse at 595 Tunnel Avenue, such application being identified as Use Permit UP-10-18; and

WHEREAS, on January 14<sup>th</sup>, 2019, 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, per Section 15301 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 Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 14<sup>th</sup>, 2019, did resolve as follows:

Use Permit UP-10-18 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this 14<sup>th</sup> day of February, 2019, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_

Chairperson

ATTEST:

\_\_\_\_\_  
JOHN A. SWIECKI, Community Development Director

## **EXHIBIT A**

**Action Taken:** Conditionally approve Use Permit UP-10-18 per the staff memorandum with attachments, via adoption of Resolution UP-10-18.

### **Findings:**

1. Approval of the use permit is consistent with the general plan and there is no specific plan adopted by the city council for the area in question.
2. The establishment, maintenance and operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

### **Conditions of Approval:**

- A. Owner/applicant shall maintain a business license with the City of Brisbane for this location for as long as there is an active use at the site.
- B. This use permit is for assembly and storage of new and used toter carts only, associated with Recology's operations. It does not extend to the storage or staging of other materials, or other uses.
- C. All storage and toter cart assembly activities are to be conducted within the warehouse and shall not located be outdoors.
- D. All toter carts are to be brought to the site in an empty condition and no waste or recycling materials shall be brought to the site.
- E. No toter cart washing activities are to be conducted on the site.
- F. Owner shall either confirm that the existing restroom facilities meet the required standards to the satisfaction of the Bayshore Sanitary District and City of Brisbane Building Dept., or obtain a building permit from the City of Brisbane, via submittal of separate application form, fee and plans, demonstrating the following:
  - i. Proper connection of an existing restroom facility to water supply and sanitary sewer;
  - ii. Bathroom must meet California Building Code requirements, including but not limited to accessibility and exiting requirements;
  - iii. Bathroom and connections to utilities shall meet CCR Title 27, Section 21190 regulations, which pertain to post closure land use over a landfill.

Note that building permit approval is subject to City of Brisbane as well as Regional Water Quality Control Board and San Mateo County Environmental Health for Title 27 compliance and Bayshore Sanitary District and SFPUC for sewer and water service



connections. Since the use is already on-going, compliance with this condition shall be demonstrated, via City inspection, within 90 days of the effective date of this use permit.

- G. Owner shall maintain the site's ground surface to discourage the ponding of water on the site.
- i. Owner shall provide a plan to the City Engineer and Planning Director to address on site ponding of water.
  - ii. If site grading is required to comply with this condition, applicant shall obtain the required grading permit through the Department of Public Works.
  - iii. Such work shall comply NPDES Municipal Regional Permit requirements, including C.3 provisions if new or replacement impervious surface is required, as may be applicable.

Since the use is already on-going, compliance with this condition shall be within 90 days of the effective date of this use permit.

- H. Minor modifications to the use permit may be approved by the Community Development Director in conformance will all applicable requirements of the Municipal Code.
- I. 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 deems in its sole discretion that makes continuation of this use not satisfactory.

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# ATTACHMENT B

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# 595 Tunnel Ave Site Vicinity Map



# 595 Tunnel Ave Site Aerial Photo



# ATTACHMENT C

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# A.L.T.A. / A.C.S.M. LAND TITLE SURVEY

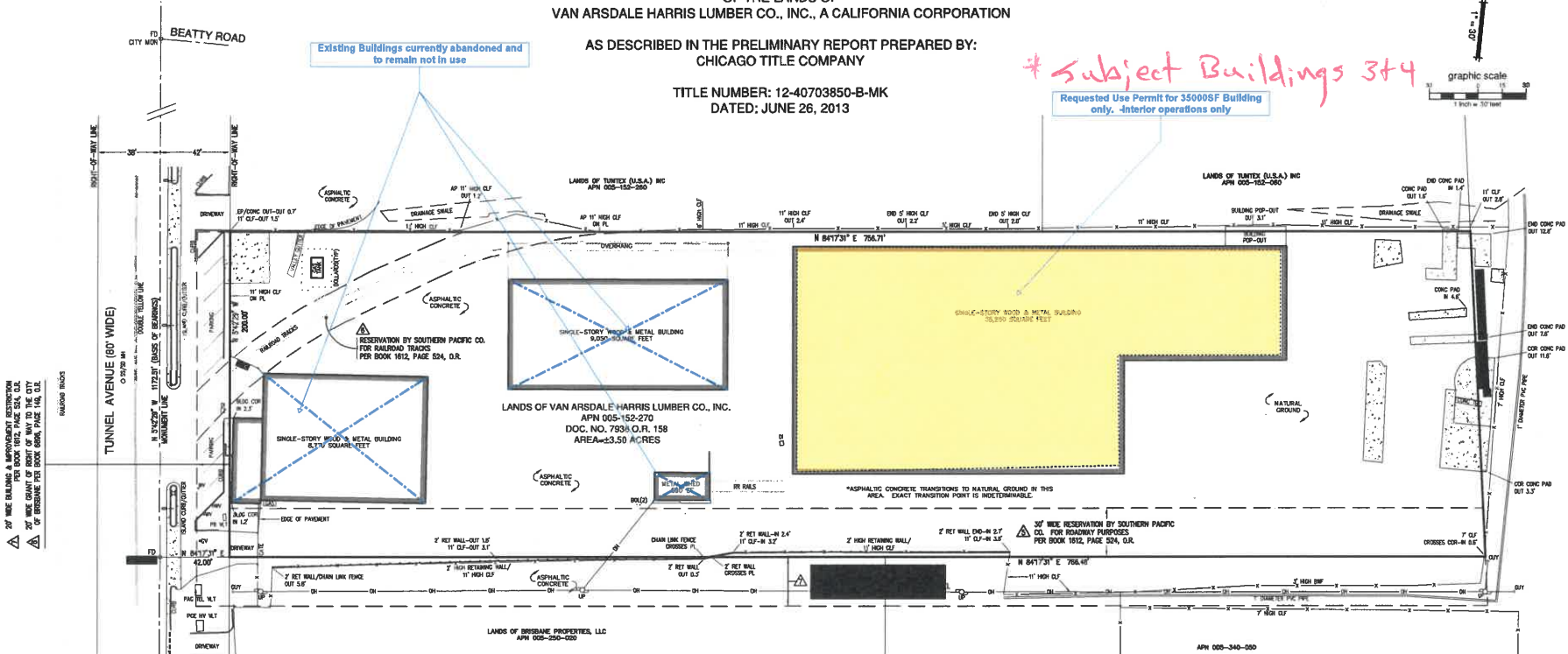
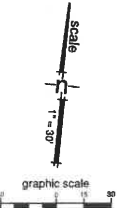
OF THE LANDS OF  
VAN ARSDALE HARRIS LUMBER CO., INC., A CALIFORNIA CORPORATION

AS DESCRIBED IN THE PRELIMINARY REPORT PREPARED BY:  
CHICAGO TITLE COMPANY

TITLE NUMBER: 12-40703850-B-MK  
DATED: JUNE 26, 2013

*# Subject Buildings 3+4*

Requested Use Permit for 35000SF Building  
only. Interior operations only



30' WIDE RESERVATION BY SOUTHERN PACIFIC CO. FOR RAILROAD PURPOSES PER BOOK 1812, PAGE 524, O.R.  
30' WIDE GRANT OF RIGHT OF WAY TO THE CITY OF BRISBANE PER BOOK PAGE 116, O.L.

## LEGEND

- ⊙ FOUND MONUMENT—CHARACTER AND ORIGIN NOTED
- ⚠ REFERENCED EXCEPTION TO COVERAGE
- (R1) RECORD MEASUREMENT PER SUBJECT PROPERTY'S GRANT DEED (DOC. NO. REEL. 7936, IMAGE 158)
- AP ANGLE POINT
- APN ASSESSOR'S PARCEL NUMBER
- BLDG BUILDING
- BWF BARBED WIRE FENCE
- CLF CHAIN LINK FENCE
- CNGC CONCRETE CORNER
- DI DRAINAGE INLET
- DOC DOCUMENT NUMBER
- FD FOUND
- GUY GUY WIRE ANCHOR
- GV GAS VALVE
- HV VLT HIGH VOLTAGE VAULT
- MON MONUMENT
- D.R. OFFICIAL RECORDS, SAN MATED CO.
- PIE PACIFIC BELL
- PL PROPERTY LINE
- SF SQUARE FOOT
- SS/SD SANITARY SEWER STORM DRAIN
- TBL TABLE
- UP UTILITY POLE
- WM WATER METER
- WV WATER VALVE

## BASIS OF BEARINGS

THE BEARING OF NORTH 54°2'29" WEST (BASIS OF BEARINGS), BETWEEN THE FOUND MONUMENTS ON TUNNEL AVENUE, WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

## LINE TYPES

- BOUNDARY OF SUBJECT PROPERTY
- MONUMENT LINE
- EASEMENT LIMIT
- STREET RIGHT-OF-WAY/PROPERTY LINE
- FENCE—HEIGHT AND TYPE NOTED
- BUILDING OVERHANG
- BUILDING OUTLINE
- OVERHEAD LINE
- WOOD RETAINING WALL
- CURB AND CUTTER
- CONCRETE

zanetti surveying & mapping curt chappell, p.l.s. no. 7992  
8 barton park phone 408.375.5220  
oakdale • ca • 95361 currock@ sbglobal .net

A.L.T.A. / A.C.S.M. LAND TITLE SURVEY  
VAN ARSDALE HARRIS LUMBER CO., INC.  
595 TUNNEL AVENUE, BRISBANE  
COUNTY OF SAN MATEO STATE OF CALIFORNIA

Date	Scale	Drawn	Checked	Job No.
2013-06-26	1" = 50'	COO	COO	12-40703850
		DES	DES	
		CHK	CHK	
		APP	APP	

*\* Annotated by Staff.*

AERIAL FROM GOOGLE MAPS 2017



**Aerial 595 with ALTA**

**Tim Caulfield**  
Project Manager:  
Construction and Facilities  
Recology San Francisco  
415.539.9021  
1/15/19

**ALL EXTERIOR GRADE HAS ASPHALT COVER -  
SELECT EASTERN AREAS HAVE DRAIN ROCK  
OVER LAY TO MITIGATE SETTLEMENT AND  
DRAINAGE.**

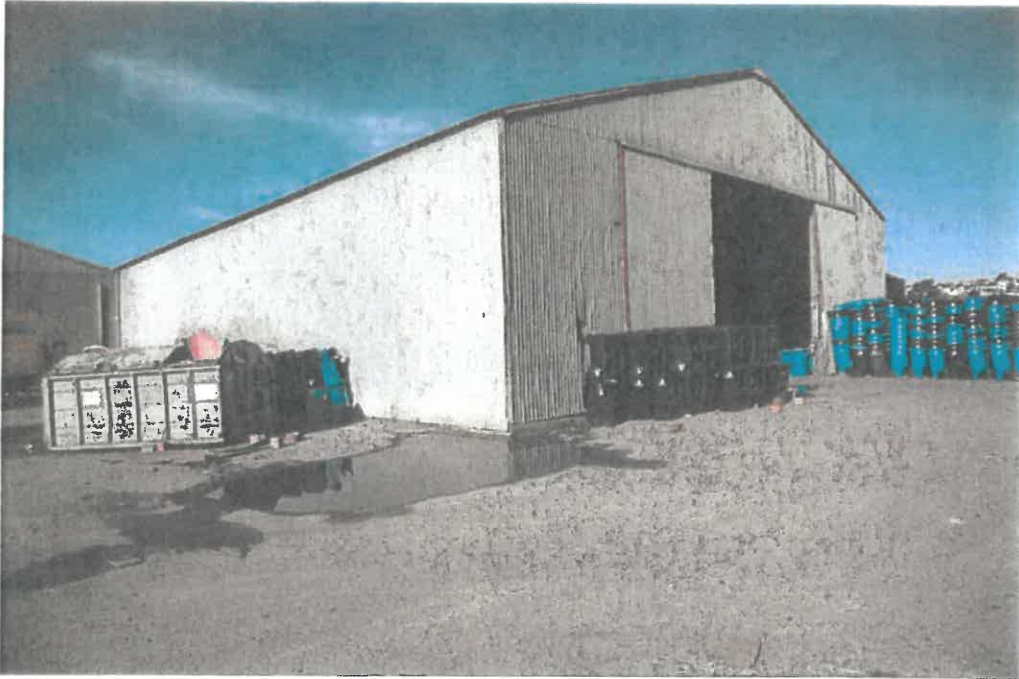




**Building 3, interior, looking east**



**Buildings 3 and 4, west façade**



**Building 3, south and east facades**



**Building 4, east and south facades**

# ATTACHMENT D

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## Supporting Statements

Comm. Dev. Dept. Brisbane

Description of the proposed project: The proposed project site is located at 595 Tunnel Avenue in the City of Brisbane, California. Figure 1, Project Location, shows the project site in relation to the City of Brisbane. The project site is bounded by Tunnel Avenue to the west, Esta Avenue to the south, and adjacent properties to the north and east. The Assessor's Parcel Number (APN) is 005-152-270. The property is located within the C-1 Baylands zoning district. The project site currently includes three structures, which include three sheds and a kiln. Figure 2, Site Plan, shows the existing conditions on site.

The proposed project includes the receipt and assembly of toter carts associated with operations for Recology Sunset Scavenger and Recology Golden Gate. New toter are delivered to the site by a third-party company to be unloaded and assembled. Shipments of new toter carts are received as needed by operation, up to four times a day during busy periods. Newly assembled toter carts are then trucked offsite for delivery to customers. The site also receives old or damaged toter carts that have been picked on customer routes. The old toters are brought to the site and loaded into debris boxes for delivery to 505 Tunnel Road for washing and refurbishment. No waste materials would occur due to operations. No toter carts are washed or painted at the project site. The proposed project does not include the construction of any new structures and would not result in the demolition of any existing structures. No grading or paving would occur on the site as result of the proposed project.

Days and hours of operation: Operations may occur 24 hours a day, 7 days a week, although typical operations occur 7 days a week, from 4:00 am to 6:00 pm.

Number of employees on site: 12

Company vehicles and equipment on site: One (1) forklift. No other company vehicles or equipment will be located onsite, although up to four Recology box trucks may come to the site each day to collect old toters for delivery to 505 Tunnel Road for washing and refurbishment. As needed and up to four times a day, third-party delivery trucks will be onsite to deliver new toters for assembly.

List the types and quantities of hazardous, toxic, flammable or explosive materials or wastes are involved with the use: None

List any governmental permits required for the handling or storage of the hazardous materials involved with the use: None

List any materials and equipment which will be stored outside and explain how these will be screened from public view: No materials or equipment related to toter assembly will be located outside of existing structures.

Will the use generate air emission, odors, smoke, or dust. If so, how will these be controlled? The proposed project would not result in any air emissions, odors, smoke, or dust.

Will the use generate noise or vibrations? If so, how will these be controlled: The proposed project would not result in any significant noise or vibrations.

Will the use generate glare, heat, or other impacts? If so, how will these be controlled? The proposed project would not result in any glare, heat, or other related impacts.

Will the use generate waste materials? If so, how will these be disposed? The proposed project would not result in any waste materials.

How will waste materials from the use be prevented from polluting the storm water runoff? The proposed project would not include the washing of toter carts and would not result in the use of any water. No waste materials with the potential to pollute the storm water runoff would be produced.

What utilities and other infrastructure are required for your use? Are these existing on the site? If not, how will they be provided? The proposed use will require electricity, which is currently provided at the site. The electricity would be used for indoor lighting and is not required for any onsite operations. The site does not have water or sewer connections. The site current has an onsite Port-a-Potty, which is serviced once a week. Bottled water is provided onsite.

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 proposed project would keep the project site occupied and avoid having the property be vacant, which could lead to undesirable onsite conditions such as trespassing or a site for illegal dumping. By keeping the site occupied, such conditions are deterred.

List the public benefits below: (a) creating jobs, (b) generating revenues, (c) providing needs, good, or services, (d) other: The onsite use employs up to 12 people in the assembly of new toters. The assembly of these toters assists Recology in reaching its goal of zero waste by encouraging its customers to increase their diversion efforts. These efforts keep recyclables and organics out of landfills, which has a measurable effect on global greenhouse gas emissions.