

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 12/13/18

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

**SUBJECT:** Use Permit UP-6-18, 100 Cypress Lane; Use Permit application to allow the establishment of an adult day program within the existing, approximately 3,400 square foot office, in the TC-1 Crocker Park Trade Commercial District; Nelson Gomintong, applicant; William E. & Joann Garehime Trs, owner.

**REQUEST:** The applicant requests a use permit to utilize the existing 3,400 square foot administrative office portion of the building at 100 Cypress Lane for an adult day program. The facility would serve as a life skills and work experience training center for developmentally disabled adults. For the purposes of the City's zoning regulations the use constitutes an educational facility and requires a use permit. The site lies within the Crocker Park General Plan Subarea and TC-1 Crocker Park Trade Commercial Zoning District.

**RECOMMENDATION:** Approve Use Permit UP-6-18, per the agenda report, via adoption of Resolution UP-6-18 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 17.21.020.E, a Use Permit is required for educational facilities. The findings required for Use Permit approval are contained in BMC Sections 17.40.060.A & B.

**FACILITY SITE & SETTING:** As indicated above, the site is located within the Crocker Park Trade Commercial district. This area of Brisbane is characterized by large warehouse and office buildings. The site is located at the end of the Cypress Lane cul-de-sac, a block north of Valley Drive. It is a long, narrow site that runs parallel with, and borders the Crocker Park Trail, which is oriented along the site's southern edge. Bayshore Boulevard is located immediately to the east of the site, but the roadway and site are separated by a steep slope where Bayshore Boulevard rises up and over the road-cut of Ice House Hill. There's also a steep slope that rises up from the site on the northern edge to the property of 100 North Hill Drive. The entrance to the site is from

Cypress Lane at its narrow western frontage. Overall, the site is set back from the heavier trafficked areas of Crocker Park on a fairly secluded site.

The proposed adult day program would utilize the western, 3,400 square foot portion of the building at 100 Cypress Lane. This area appears to be an addition onto the original, larger approximately 56,000 square foot, warehouse building located behind the office. The warehouse portion of the building has been used as a commercial laundry facility for approximately the last five years and that use would continue. Note that that laundry facility is not a dry cleaning facility and so storage of dry cleaning chemicals is not associated with this site. The office portion of the building is currently vacant and has gone un-used since prior to the laundry facility's occupancy of the warehouse.

Parking for the proposed use is on the western side, in front of the facility. Additional parking and loading areas for the commercial laundry are located to the rear, on the east side of the site. Currently the parking for the building as a whole is non-conforming, containing 48 spaces whereas 67 spaces would be required under the current parking ordinance. Since the building is already built-out with 3,400 square feet of office and 56,000 of warehouse/laundry space, the allocation under the current parking ordinance would be 11 spaces for the administrative office area and 56 spaces for the warehouse, based on ratios of 1 space per 300 feet for office and 1 space per 1,000 square feet for the warehouse/commercial laundry. The standard for schools is 1 space for each classroom and office. Applying the schools parking standard instead of the administrative office standard yields a parking requirement of 7 spaces instead of 11. As such the proposed use would generate a lessor parking demand, reducing the degree of parking nonconformity. Note that during staff's visits to the site it's been observed that, in practice, most of the warehouse parking is occurring at the rear of the site, leaving the majority of the 28 spaces in front of the building unoccupied.

**DESCRIPTION OF PROPOSED USE:** The applicant proposes to utilize the existing office portion of the building as an educational facility for adults with developmental disabilities, with the goal of helping individuals "to live as any other person would live...". The business would receive referrals by the Golden Gate Regional Center (GGRC), a state-funded nonprofit organization established in the 1960's under the Lanterman Developmental Disabilities Services Act (Lanterman Act). Note that rights afforded those with developmental disabilities are provided through the Lanterman Act and gives developmentally disabled individuals the right to services and support to help them live the most independent and productive life possible. The Lanterman Act defines a developmental disability as something that a person gets before they are 18 years old, lasts their lifetime and makes it hard for them to do things like walking, speaking, taking care of themselves or working. Adult Day Programs are regulated under the State Health and Human Services Agency, Department of Social Services, Gov't Code Sections 82000-82093. State licensing and ongoing monitoring for this Adult Day Program would be through the Department of Social Services, Community Care Licensing Division.

As indicated above, the proposed facility would serve as an adult day program for developmentally disabled adults, referred by GGRC, to provide on-the-job training and life skills training to its clients. The facility would serve as an office and meeting/training space for the

staff and clients. Clients would then be shuttled to off-site locations where they would gain work experience or participate in recreational activities. The operational parameters are outlined as follows:

*Clients and Staff Numbers:* The maximum number of clients that may be in the program served by this facility would be 30, per the state requirements. However, the applicant has indicated that the anticipated number of clients would typically not exceed 10 in the facility at a time, with the possibility of up to approximately 20 within the next 5 years. The applicant has also indicated that they will maintain a staff to client ratio of 1 to 2, as determined by agreement with the GGRC. The state minimum staff to client ratio for adult day programs is 1 to 8.

*Hours of Operation:* The facility would be open with regular business hours, between approximately 8 am and 4 pm, with occasional evening hours for staff training.

*Clientele Schedules:* Clientele arrival times to the facility would generally be in the morning between approximately 8:45 and 9:30 am. The clients would spend approximately half an hour to an hour in session with staff and then be brought to their work training or recreational venues off-site. They would be brought back to the facility to debrief and return home between approximately 1:30 and 2:30 pm.

*Work Experience & Recreational Activities:* Jobs within the community would be pre-arranged by staff with the business community or governmental organizations to match the work with the developmental abilities of the clients. Staff would stay with the clients throughout the day to monitor their activities and help them progress. For those days when there are not work experience opportunities, clients would be taken by staff to other venues in the area for recreation and life skills experience.

*Transportation:* Transportation would be provided to the clients, to and from the facility, via van-pool or car-pool shuttle vehicles. Clients would not drive to or from the facility.

*Security:* While the area is within a portion of Crocker Park that is fairly isolated from traffic areas, the applicant has indicated that the doors of the facility will be alarmed, to help maintain security. Clients would not be allowed to wander outside unattended.

**PRE-OCCUPANCY BUILDING IMPROVEMENTS:** The existing administrative office area that would be converted to this day program use has previously been built-out, as shown on the floor plan that's attached. It includes a common area plus six offices that would serve as meeting rooms or staff offices. There are also two restrooms to serve the space. It has an entrance on the south side that is separate from the laundry facilities entrances and another door connecting these two spaces. The space is also equipped with fire sprinklers. The applicant has proposed to keep the floor plan as is and to undertake cosmetic improvements, such as painting.

In preparation for this application, the Building Department conducted a pre-permit inspection and has indicated that the applicant would need to provide plans through a building permit

application, demonstrating that the exiting and restrooms meet current building requirements for the proposed use. This may include adding another door as an emergency exit. Also, the applicant will need to show that the wall and door dividing the educational facility from the laundry meet the fire rating and that the fire sprinklers are operating properly. A condition of approval has been included in the draft resolution to address these items through a building permit.

**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 designated for Trade Commercial land uses in the 1994 General Plan, consistent with the TC-2 Trade Commercial zoning. The zoning (BMC Section 17.21.020.F) allows for educational facilities.

There are a couple of General Plan policies that further address this use. Within the Recreation and Community Services Element, two policies are provided that promote programs to foster independent living for special needs populations. These are as follows:

*Policy 116* “Recognize the special needs of the frail elderly, the disabled and their caregivers by promoting activities that foster independence, support and understanding.”

*Policy 117* “Develop recreational, social, nutritional, security, cultural and artistic programs, in consultation with the frail elderly and the disabled, which promote independent living.”

*Program 117d:* “Provide opportunities for intergenerational and able/disabled activities and exchanges.”

There are a variety of adjacent uses, but the proposed adult day program would not be in conflict with these. The adult day use is proposed to be conducted inside the building and off-site, at

work and recreation venues, and is not expected to have any impact on any of the adjacent uses. The comings and goings of clientele would also be under supervision.

Immediately adjacent along the south edge of the site is the extension of the Crocker Park Trail that leads to the old rail-spur tunnel under Bayshore Boulevard, where it currently terminates. On the south side of the trail are the properties of 240-246 Valley Drive and 50 Cypress Lane. 240 – 246 Valley Drive houses Be Omni, an e-commerce distribution facility, and a Nestle Waters North America water distribution facility. 50 Cypress Lane has Fed Ex Trade Networks, a freight forwarder. To the west, at 320 Valley Drive, is Blue Bee Printing. 100 North Hill Drive, to the north, has a significant separation by the hillside, but is comprised of a variety of commercial condominiums serving smaller businesses including those such as Coco Tutti Chocolates, Carter Dow Photography, XD Espresso Services for coffee equipment repair and sales, Herbacare for wholesale of bath and body products, and Celerus Diagnostics a bio-research consulting firm. To the east is Bayshore Boulevard and the Baylands beyond.

Finally, regarding adjacent uses, as indicated above, the on-site laundry facility would continue to operate within the warehouse portion of the same building as the proposed adult day program and there would be no anticipated conflict between the two uses. Although the parking site-wide is non-conforming, this proposal would result in a lowered parking requirement from the existing office space, from 11 to 7 spaces, which can be accommodated at the front of the site and would not effect the commercial laundry parking, which is primarily occurring at the rear of the site. Note that the laundry business ownership has also expressed their support of the application.

Also, as mentioned above and included as a draft condition of approval, prior to occupancy a building permit would be required to demonstrate that the proper fire separation, fire sprinklers, restrooms and emergency exiting is in place, so that the two sides of the building can operate independently of each other, in accordance with the California Building Code.

In reference to the part of the finding related to specific plan consistency, that aspect of the finding is not applicable as there is no adopted specific plan covering this area.

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 have a similar or lower intensity of traffic from the office use that could otherwise occupy this portion of the building. The use would be contained inside the building, or out on work experience sites or recreational venues, separate from this facility. Conversely, it would provide for invaluable life and work skills to the clientele and may also provide opportunities for benefits to the larger community of Brisbane, through services offered or simply through interactions with the clientele.

This application has been reviewed by the Public Works Department, Police Department and North County Fire Authority, and Building Department. None of the departments objected to the proposed application. The Building Department's recommended condition of approval is included in the attachment to the draft resolution.

**ATTACHMENTS:**

- A. Draft Resolution UP-6-18 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-6-18

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING USE PERMIT UP-6-18  
TO ALLOW FOR AN ADULT DAY PROGRAM  
AT 100 CYPRESS LANE

WHEREAS, Nelson Gomintong, the applicant, applied to the City of Brisbane for a Use Permit to establish an adult day program (educational facility) at 100 Cypress Lane, such application being identified as Use Permit UP-6-18; and

WHEREAS, on December 13<sup>th</sup>, 2018, 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 December 13<sup>th</sup>, 2018, did resolve as follows:

Use Permit UP-6-18 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this 13<sup>th</sup> day of December, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST:

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

**EXHIBIT A**

**Action Taken:** Conditionally approve Use Permit UP-6-18 per the staff memorandum with attachments, via adoption of Resolution UP-6-18.

**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. Prior occupying the facility any necessary tenant improvements shall be completed, as may be required to comply with the California Building Code for the occupancy type, via building permit. Such improvements may include, but are not be limited to:
  - i. Provision of emergency exits;
  - ii. Confirmation or provision of the appropriate fire-rated wall and door assembly between the adult day facility and the laundry facility;
  - iii. Restroom upgrades or additions to comply with ADA requirements;
  - iv. Confirmation of properly functioning fire suppression sprinklers.
- B. The operator shall comply with all applicable regulations governing adult day programs, including but not limited to licensing, facility maintenance and ongoing operations.
- C. Operator shall obtain a business license from the City of Brisbane.
- D. Operator shall maintain the requisite state license for an adult day program.
- E. Clientele shall be supervised by staff, whether inside or outside the facility.
- F. Minor modifications to the interim use permit may be approved by the Community Development Director in conformance will all applicable requirements of the Municipal Code.

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# ATTACHMENT B

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# 100 Cypress Lane Site Location Map



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# ATTACHMENT C

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**Photo 1 - Site Entrance - Facing East**  
(western building elevation) 100 Cypress Lane

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**Photo 2 - Site Entrance - Facing West**

100 Cypress Lane (320 Valley Drive in Background)

11/27/18



**Photo 3 - View Across Crocker Park Trail**

100 Cypress Lane

11/27/18



**Photo 4 - Northern Facing View**

100 Cypress Lane

11/27/18

# ATTACHMENT D

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**JVCL LLC Business Plan****Business Type:** Adult Day Program

Comm. Dev. Dept. Brisbane

**Business Hours:** 8am-4pm M-F

**Business Objective & Background:** Our business is being vendored by Golden Gate Regional Center (GGRC) and is being regulated by California Community Care Licensing (CCL) under the Department of Social Services to serve people with developmental disabilities. The individuals that we will serve will be referred to us by GGRC. The goal is for these individuals to live as any other person would live outside to the community. The program would give them ways to integrate to the community as seamlessly as possible, giving them opportunities to socialize, volunteer or even work. Staff would implement person centered thinking to help individuals direct the course of their lives and how they would want to spend their times in the community.

**Plan of Operation:** Individuals would start arriving the site from 8:45am-9:30am. The company will provide transportation to these individuals, picking them up from their respective homes around 8:30am and dropping them back off around 2:30pm. There will be no more than 10 individuals and 5 staff at the site at any given time. There will be one staff for every two individuals. High-risks individuals would be given 1-1 staffing ratio, or would not be accepted to the program if such acceptance would be detrimental to the safety of other individuals in the program. The individuals would stay inside the site the whole time and would only go out when they are about to go out to the community. Alarms would be installed on all exits to inform staff of anyone going in and out of the site.

When these individuals get on the site, they would spend 30 min-1hour discussing they're schedule for the day (what they want to do, where they want to go, etc). Then they would go out to the community as scheduled. Some of them would go back anytime if there are any concerns that needs to be discussed about their day or work. If in case, there will be wait time, clients would be doing what they want with staff supervision. It would be on the list of their preferred activities (like use the tablet and computer, learn new skills, listen to music, etc.) with staff supervision. There will be times when there will be discussions with the clients about what to do when outside in the community, how to work professionally, what's acceptable and unacceptable social behavior. skills they want to learn that could be used in the community, etc. This takes around 30 min-1hour.

**Attachment A****Use Permit Supporting Statements Response**




- 1) The project is designed and operated in such a way that people would be dropped off at the site around 8:45am-9:30am where there is minimal traffic coming from the other businesses. Individuals would also leave the site around 2:30pm where there is also minimal traffic coming from other businesses. All operations of the business would be done entirely inside the site or outside at the community.
- 2) The proposed use would not be detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood since all the individuals would stay inside the site until they are ready to go to the community. When the individuals are outside in the community, they are accompanied by their staff and would even help in the community doing volunteer work for the city and its residents. They could even help in the senior program, recycling and cleaning in the parks and/or community sites.
- 3) Staff employed by the company are trained to be proactive in serving the individuals to do what they want in the community without being detrimental to properties and improvements in the neighborhood or the general welfare of the city. Staff would actively assess the individuals situation when out in the community and would do the necessary steps in making sure that both the individuals and the people around them are safe and sound.



# 100 CYPRESS AVE, BRISANE, CA

## Site Plan



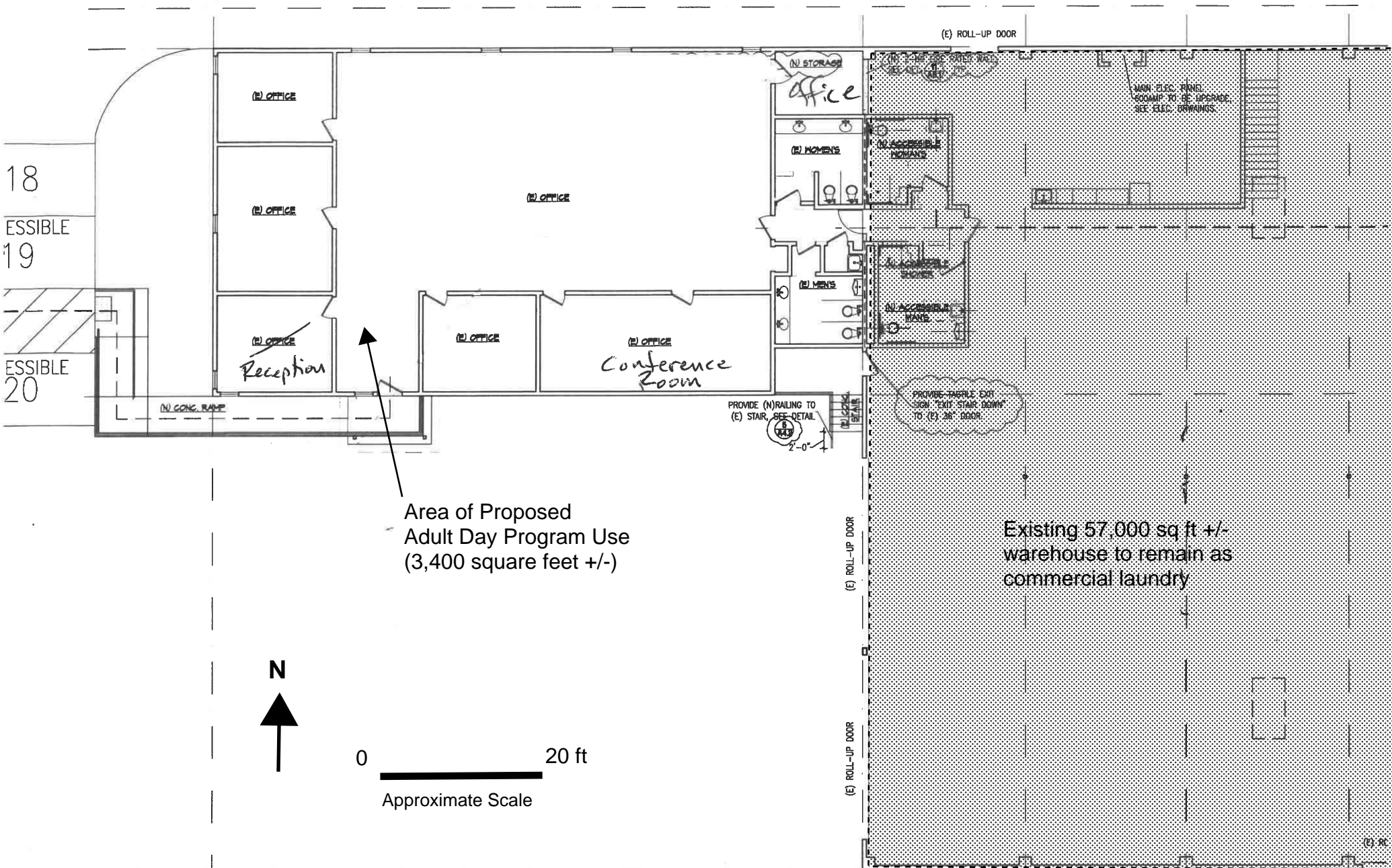
-  Available Parking for ± 21 spaces
-  Accessible ramp for Drop off & Pick up; ramp handicap compatible
-  Proposed Adult Day Program Area

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**Existing/Proposed Floor Plan for Adult Day Program Use**

Source: Plan Provided by Use Permit UP-6-18 applicant, from Nie Yang Architects 2013 Building Permit excerpt, and annotated by staff