



CITY of BRISBANE

Special Planning Commission Meeting Agenda

Tuesday, December 13, 2022 at 7:30 PM • Virtual Meeting

This virtual meeting is compliant with the Ralph M. Brown act as amended by California Assembly Bill No. 361 effective September 16, 2021 providing for a public health emergency exception to the standard teleconference rules required by the Brown Act. The purpose of this is to provide a safe environment for staff, Planning Commissioners, and the public while allowing for public participation. The public may address the Commission using exclusively remote public comment options which are detailed below.

The Commission may take action on any item listed in the agenda.

The Planning Commission Meeting will be an exclusively virtual meeting. Members of the public may view the meeting by logging into the Zoom webinar listed below or on Comcast Channel 27 and the City's YouTube channel at www.youtube.com/Brisbaneca. The agenda materials may be viewed online at www.brisbaneca.org/meetings.

Join Zoom Webinar: www.brisbaneca.org/webinar-pc

Meeting ID: 970 0458 3387

Passcode: 215153

TO ADDRESS THE COMMISSION:

Members of the public are encouraged to submit written comments before the meeting to the project planner. See posted public notices at www.brisbaneca.org/cd/page/public-notice for planner contact information. For items that are not public hearings, refer to the staff report for planner contact information. Members of the public who join the live Zoom webinar may address the Commission in the meeting when called upon by the Chairperson. Please use the "Chat" box in Zoom to alert staff that you want to address the Commission.

Members of the public watching the meeting on YouTube or Channel 27 may email or text comments **prior to the start of the particular agenda item** to the below email and text line:

Email: jswiecki@brisbaneca.org

Text: 415-713-9266

A call-in number is also available for those watching the meeting on YouTube or Channel 27 for oral communications and public hearing items:

Phone Number: +1 (669) 900-9128

Meeting ID: 970 0458 3387.

After entering the meeting ID and pressing #, simply press # a second time to enter the meeting waiting room. No participant code is required. Please wait to call until the Chairperson and/or staff announces that the phone line is open. When you are let into the meeting, press *6 on your phone to unmute yourself before addressing the Commission. To avoid feedback, please turn off the volume of the meeting broadcast on your TV or computer. You will still be able to hear the Commissioners through your phone.

SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Commissioners: Funke, Gooding, Lau, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

- A. [Approval of draft meeting minutes of November 10, 2022](#)

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

NEW BUSINESS

- B. [398 Klamath Street; Design Permit 2022-DP-3; NCRO-2 Neighborhood Commercial District – Downtown Brisbane; Design Permit to modify the exterior façades of an existing apartment building by replacing wood siding with smooth stucco, installing new windows, and painting the new stucco; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Benjamin Ores, applicant; Rbm Ores Trust, owner.](#)
- C. [575 Tunnel Avenue; Interim Use Permit 2022-UP-3; C-1 Commercial District \(Baylands\); Interim Use Permit; renewal of UP-5-16, to allow continuation of the use of a parking and dispatch facility, for up to 150 shuttle minibuses and smaller para-transit fleet vehicles, for transportation of elderly and disabled persons; and finding](#)

that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Sam Khodja, applicant; Oyster Point Properties Inc., applicant/owner.

ITEMS INITIATED BY STAFF

ITEMS INITIATED BY THE COMMISSION

ADJOURNMENT

- D. Cancellation of the regular meeting of December 22, 2022 and adjournment to the regular meeting of January 12, 2023

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. Exceptions to the 15 day filing period include the following: appeals shall be filed with the City Clerk within 6 calendar days of the Planning Commission's action for use permits. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

INTERNET & OTHER ACCESS

Agendas and adopted minutes for meetings of the Planning Commission are posted on the Internet at: www.brisbaneca.org/meetings. Meetings are broadcast live on Comcast Channel 27 and by streaming video on the City's YouTube channel (www.youtube.com/user/BrisbaneCA). Meeting video archives are available on the City's YouTube channel. Rebroadcasts on Channel 27 are during weeks following the meetings, on Fridays at 5 pm and Sundays at 1 pm. For a DVD copy, please contact the Community Development Department.

WRITINGS THAT ARE RECEIVED AFTER THE AGENDA HAS BEEN POSTED

Any written communication that is received after the agenda has been posted but before 4 p.m. of the day of the meeting will be available for public inspection at the front lobby in City Hall and online at www.brisbaneca.org/meetings. Any writings that are received after the agenda has been posted but after 4 p.m. of the day of the meeting will be available on the internet at the start of the meeting (www.brisbaneca.org/meetings), at which time the materials will be distributed to the Planning Commission.

NOTICE OF DISCLOSURE

Written information or comments that may include a person's name, address, email address, etc. submitted to the City, Planning Commission, and/or City staff are public records under the California Public Records Act, are subject to disclosure and may appear on the City's website.

File Attachments for Item:

A. Approval of draft meeting minutes of November 10, 2022

DRFAT
BRISBANE PLANNING COMMISSION
Action Minutes of November 10, 2022
Virtual Regular Meeting

CALL TO ORDER

Chairperson Patel called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Funke, Gooding, Patel, and Sayasane

Absent: Commissioner Lau

Staff Present: Director Swiecki, Senior Planner Ayres, and Associate Planner Robbins

ADOPTION OF AGENDA

A motion by Commissioner Gooding, seconded by Commissioner Funke to adopt the agenda. Motion approved 4-0.

CONSENT CALENDAR

A motion by Commissioner Gooding, seconded by Commissioner Funke to adopt the consent calendar (agenda items A, B, and C). Motion approved 4-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

There were no written communications.

WORKSHOP

D. Overview and Discussion of New State Housing Laws

Senior Planners Ayres gave a presentation on new State housing laws that will be effective in 2023 and would allow for ministerial lot splits and duplex conversions in single-family residential zones, increase the floor area ratio for certain multifamily developments, and allow residential development in certain commercial zones.

Staff answered questions about implementing local modifications to the new State laws which would allow for larger duplex units only when additional parking was provided and impose a maximum lot coverage and/or floor area ratio for ministerial lot splits, and clarified which Brisbane commercial zoning districts would be subject to potential residential development under new State law. The Commission directed

DRAFT
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ITEMS INITIATED BY STAFF

Associate Planner Robbins provided an overview of proposed amendments to Title 15 of the Brisbane Municipal Code that would adopt the 2022 California Building Standards Code, which is effective statewide on January 1, 2023, and readopt certain reach codes that the City Council will consider at their [November 17, 2022 meeting](#).

Director Swiecki informed the Commission that the City Council initiated a zoning code amendment to alter regulations pertaining to animal testing within the Sierra Point subarea and directed staff to submit the 2023-2031 Draft Housing Element to HCD, with minor modifications, in October and adoption of the Housing Element must be accelerated to meet State statutes. He also reminded the Commission of their required ethics training scheduled for December 1st and the Mayor's [State of the City](#) address on November 16, 2022.

ITEMS INITIATED BY THE COMMISSION

There were none.

ADJOURNMENT

With the cancellation of the November 24, 2022 meeting, Chairperson Patel declared the meeting adjourned to the next regular meeting of December 8, 2022 at approximately 8:15 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at www.youtube.com/BrisbaneCA, on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.

File Attachments for Item:

B. 398 Klamath Street; Design Permit 2022-DP-3; NCRO-2 Neighborhood Commercial District – Downtown Brisbane; Design Permit to modify the exterior façades of an existing apartment building by replacing wood siding with smooth stucco, installing new windows, and painting the new stucco; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Benjamin Ores, applicant; Rbm Ores Trust, owner.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: December 13, 2022

From: Jeremiah Robbins, Associate Planner

Subject: 398 Klamath Street; Design Permit 2022-DP-3; NCRO-2 Neighborhood Commercial District – Downtown Brisbane; Design Permit to modify the exterior façades of an existing apartment building by replacing wood siding with smooth stucco, installing new windows, and painting the new stucco; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Benjamin Ores, applicant; Rbm Ores Trust, owner.

REQUEST: The applicant requests design permit approval to modify the exterior façades of 398 Klamath Street within the NCRO-2 Neighborhood Commercial - Downtown Brisbane zoning district. The modifications include repainting the structure, installing new windows, and replacing the existing wood siding located on the lower level of the western façade and on the southwest corner of the building which encloses the staircase.

RECOMMENDATION: Approve Design Permit 2022-DP-3 via adoption of Resolution 2022-DP-3 containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301(a) - this project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code (BMC) [Chapter 17.42](#) requires a design permit when a substantial modification of an existing principal structure for which no design permit has previously been issued is proposed. That same chapter defines the term "substantial modification" to mean an alteration of the exterior of the structure to the extent of significantly modifying its basic design, elevations, size, appearance, or relationship to adjacent properties or structures, as determined by the planning director. Design permit findings are contained within [§17.42.040](#).

ANALYSIS AND FINDINGS:

Background

Existing Conditions and Site Description

The 7,170 sq. ft. subject property is located at the northeast corner of the Visitacion Avenue and Klamath Street intersection, across the street from both the Community Church of Brisbane and Madhouse Coffee. The site is developed with a four-story multifamily apartment building that

originally had a stucco finish with masonry blocks on the lower levels of the western (Visitacion Avenue) and southern (Klamath Street) façades and an exposed, exterior staircase at the southwest corner of the site (see attachment E) when constructed in the 1960s. The exterior stairs were later enclosed and, along with the masonry blocks on Visitacion Avenue and Klamath Street, finished with wood siding. In 2010, the building received a minor facelift when the original stucco on the building was redone, most of the exterior windows were replaced, and the new stucco was repainted. The wood siding on the newer, enclosed stairway portion of the building was not updated in 2010 and has since deteriorated.

Located within the southernmost end of the NCRO-2 Downtown Brisbane Neighborhood Commercial, a district that features a combination of commercial, single-family and multifamily residential, and mixed-use development typical of the street's historic development pattern, the subject property also borders the R-1 (single-family) Residential zoning district to the east. Properties directly abutting the project site are described in Table 1 below.

Table 1: Adjacent Property Development

Address	Abutting	Use	Zoning District
325-345 Visitacion Ave.	North lot line	Two-story mixed-use building with residential apartments above and behind ground floor commercial suites	NCRO-2
392 Klamath St.	Eastern lot line	Two-story single-family dwelling	R-1

Project Description

As noted above, the applicant proposes to modify the Visitacion Avenue and Klamath Street façades of the existing apartment building, including:

- Removal of existing wood siding on the southwest corner of the building and at street level along Visitacion Avenue and replacement with new smooth stucco;
- new windows; and
- new paint colors

The application would not alter the location or orientation of the existing building nor does it increase or reduce the scale and intensity of use. No modifications to the building's access or landscaped areas are proposed.

Alterations to the Visitacion Avenue and Klamath Street façades would allow for most of the deteriorated wood siding on those frontages to be replaced with stucco that would match the existing stucco finish on the building. The new stucco would be painted in earthy, natural accent colors and decorative lines would be applied to the new stucco. The lower level of the Visitacion Avenue façade would be treated with horizontal lining with 18-inch spacing and painted sage green while the enclosed stairway portion of the building, visible from both Visitacion Avenue

and Klamath Street, would receive vertical lining with 24-inch spacing and be painted dark brown. All windows located on the southwest corner of the building not replaced in 2010 would be replaced with new windows and receive new dimensional foam trim to match the existing windows and window trim on the Visitacion Avenue and Klamath Street façades.

Analysis

Design Permit Findings

A detailed discussion of each required design permit finding is attached in Exhibit B of Resolution 2022-DP-3. The required findings are generally summarized below.

The project is located in the NCRO-2 - Downtown Brisbane zoning district and as the orientation, location, and use of the building is unchanged, it would remain compatible with the range of residential, commercial, and mixed-use development that is contained within this district. The building is one of the tallest in the district, measuring approximately 29-38 feet tall along Visitacion Avenue, but its height and scale are similar to other multi-storied buildings in the NCRO-2 district which range from 28-35 feet tall.

The proposed façade modifications preserve many of the building's existing features, including recessed and open building entries, window layout, and building materials, including all the existing smooth stucco and natural wood accents and metal railings on Visitacion Avenue, while introducing new earthy colors of sage green and dark brown and horizontal and vertical design accents to the body of the structure. The horizontal lining at street level on Visitacion Avenue and vertical lining applied to the southwest corner of the building – which can be seen from both Visitacion Avenue and Klamath Street – provide a level of depth and visual interest while remaining harmonious to the overall design. The varied finish details and accent colors also break up the building's massing as seen from both street frontages while providing a contemporary and updated look.

Opportunities for articulation are limited due to the existing building's envelope, but the introduction of stucco with contrasting decorative lining that would be painted in complementary colors, will help break up the massing along the two most prominent façades while remaining harmonious to the overall design (See attachment D).

Overall, the proposed modifications to the building's exterior elevations complement Brisbane's vernacular architectural heritage and presents a contemporary architectural style that incorporates warm, natural colors and simple aesthetics distinct from, but complementary to, surrounding structures.

ATTACHMENTS

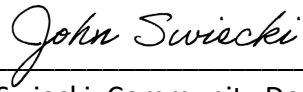
- A. Draft Resolution **2022-DP-3** with recommended findings and conditions of approval
- B. Aerial vicinity map

2022-DP-3
12/13/2022 Special Meeting

- C. Applicant's statement of findings for design permit
- D. Applicant's plans and renderings
- E. Historical photos of 398 Klamath Street



Jeremiah Robbins, Associate Planner



John Swiecki, Community Development Director

Draft
RESOLUTION **2022-DP-3**
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING DESIGN PERMIT 2022-DP-3
TO MODIFY THE EXTERIOR FAÇADES OF AN EXISTING STRUCTURE
AT 398 KLAMATH STREET

WHEREAS, Benjamin Ores, the applicant, applied to the City of Brisbane for Design Permit approval of exterior design modifications at 398 Klamath Street, which would include the installation of new windows, repainting the structure, and replacing existing wood siding on the western and southern façades with smooth stucco; and

WHEREAS, on December 13, 2022, the Planning Commission conducted a public hearing on the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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 applications, the applicant's plans and supporting materials, and 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 [15301(a) etc.] of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibits A and B in connection with the Design Permit application.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of December 13, 2022, did resolve as follows:

Design Permit 2022-DP-3 is approved per the findings and conditions of approval attached herein as Exhibits A and B.

ADOPTED this thirteenth day of December, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

SANDIP PATEL
Chairperson

JOHN A SWIECKI, Community Development Director

**Draft
EXHIBIT A**

Action Taken: Conditionally approve Design Permit 2022-DP-3 per the staff memorandum with attachments, via adoption of Resolution **2022-DP-3**.

Findings:**Design Permit 2022-DP-3**

The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project, as described in detail Exhibit B to Resolution 2022-DP-3.

- A. The proposal does not include modifications to the existing orientation or location of buildings, structures, open spaces, and other features.
- B. The proposal does not include modifications to the building's existing location and envelop.
- C. The proposal does not include modifications to the building's existing orientation or location nor any modifications that will substantially impact sustainability, long-term affordability, or heating and cooling opportunities.
- D. The proposal does not include hillside development.
- E. The location and dimensions of vehicular and pedestrian entrances and exits will not be modified. The proposal does not include modifications to off-street parking facilities nor interior site circulation. Existing parking facilities are adequately surfaced, landscaped, and lit.
- F. The proposal does not include an expansion of the existing structure or use. The property's location and direct sidewalk access provides alternatives for pedestrians to access public transit and shuttle stops located within a half-mile radius on Bayshore Boulevard, Old County Road, and San Bruno Avenue.
- G. The proposal does not include modifications to existing storage, service areas, and open areas nor substantial modifications to landscaping areas. The property is not located in protected habitat or wildland areas.
- H. The proposal does not include modifications that substantially impact external and internal noise.
- I. Consideration has been given to avoiding off-site glare from lighting and reflective building materials, as described in detail in Exhibit B to Resolution 2022-DP-3.
- J. The proposal does not include modifications to utility structures, mechanical equipment, trash containers, or rooftop equipment; existing utility structures, mechanical equipment, and trash receptacles are adequately screened or located within the structure.

- K. The proposal does not include signage.
- L. The proposal does not include commercial uses nor any needs of employees for outdoor space.
- M. The design respects the intimate scale and vernacular character of the street, as described in detail in Exhibit B to Resolution 2022-DP-3.
- N. Design details are either incorporated or preserved to articulate the building and emphasize the relationship to the pedestrian environment, as described in detail in Exhibit B to Resolution 2022-DP-3.
- O. As described in detail in Exhibit B to Resolution 2022-DP-3, the design incorporates or preserves creative use of elements that are characteristic of the area.
- P. As described in detail in Exhibit B to Resolution 2022-DP-3, color and texture are provided at the street through the use of signage, lighting, planter boxes, or other urban landscape treatments.
- Q. Additional landscaping cannot be incorporated to enhance the design and enliven the streetscape due to the zero-foot setbacks and existing parking facilities, as described in detail in Exhibit B to Resolution 2022-DP-3.

Conditions of Approval:

Prior to issuance of a Building Permit:

1. The owner shall obtain a building permit prior to proceeding with construction. An application including detailed building plans, application forms, and fees shall be submitted to the City for issuance of a Building Permit. The building permit application shall comply with all applicable State codes and applicable City of Brisbane Municipal Code provisions for new construction. Building plans shall comply with the following conditions:
 - a. The plans shall be in substantial conformance to the plans approved with this Design Permit, including finish materials and colors.
 - b. All windows shall match each other and shall not be dark or reflective.
 - c. The building permit application shall not include materials which would present an off-site glare due to reflective materials or lighting.
 - d. Final color and material samples and/or cut sheets shall be provided for Community Development Director approval to confirm they are in substantial conformance with the approved Design Permit. Materials samples shall also be provided for windows.

Design Permit 2022-DP-3
ATTACHMENT A

2. An encroachment permit shall be obtained prior to any work within the public right-of-way.
3. An agreement shall be recorded between the owner and the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

Other Conditions:

4. Approval of this application is to allow for the project as detailed in the Project Description contained in the Planning Commission staff report dated December 13, 2022, except where project parameters are modified expressly by this Resolution.
5. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
6. This Design Permit shall expire two years from the effective date (at the end of the appeal period) unless extended by the Planning Commission, a Building Permit has not yet been issued for the approved project, or if the Building Permit, once issued, is allowed to expire prior to final inspection.

Exhibit B Findings Outline & Discussion

The following is a detailed analysis of the required Design Permit findings:

Design Permit 2022-DP-3 Findings:

Brisbane Municipal Code (BMC) [Chapter 17.42](#) requires approval of a Design Permit prior to performing substantial modifications to an existing principal structure for which no design permit has previously been issued. The Planning Commission may grant a design permit if the Commission finds that the proposed development is consistent with the General Plan and any applicable specific plan, and makes the findings in subsections A through M, as applicable. Furthermore, when the structure is located in the NCRO-2 district no design permit shall be granted unless all additional findings can be made in subsection N through R.

General Plan Consistency: The proposed development is consistent with the General Plan. There is no specific plan applicable to this property.

The underlying land use designation for the subject property is Neighborhood Commercial/Retail/Office (NCRO) and residential uses are conditionally permitted. The proposal does not include any modifications that would expand the existing structure or use as a multifamily apartment building. The project is consistent with the following applicable General Plan policies:

- General Plan Policy LU.12 encourages diversity of development and individual expression in residential and commercial development in Central Brisbane. The application proposes a contemporary architectural design with a natural, warm color palette of tan, sage green, and dark brown walls, with decorative design elements that are compatible with surrounding development in regards to scale, form, and materials.
- General Plan Policy LU.13 requires development to respect Brisbane's vernacular architectural heritage. As noted above, the application proposes a contemporary style and cohesive design that complements surrounding structures.
- General Plan Policy LU.16 encourages the maintenance and upgrading of residential structures to improve safety and appearance. The application proposes upgrading the dated and worn exterior appearance of the existing apartment building with a contemporary design.
- General Plan Policy CB.5 requires that development retain the existing scale, character, and intensity of use of residential and commercial districts. Immediately adjacent structures include a two-story commercial building to the north and a two-story single-family home to the east while this block of Visitation Avenue features a mix of one to two-story commercial, and mixed-use development. The application does not increase or reduce the scale, character, and intensity of use, and while it is one of the tallest buildings in the NCRO-2 District, it remains consistent with the scale of other multi-story residential, commercial, and mixed-use buildings in Downtown Brisbane.

Design Permit 2022-DP-3
ATTACHMENT A

- General Plan Policy CB.6 encourages diversity and individual expression in residential and commercial construction. As addressed previously, the proposed design is respectful of Brisbane’s vernacular architectural heritage.
- General Plan Policy CB.7 encourages property owners and businesses to upgrade, rehabilitate, and improve the appearance of existing structures. As addressed previously, the proposed project will update the dated and worn exterior appearance of the existing apartment building with a contemporary design.

Design Permit Findings:

- A. The proposal's scale, form, and proportion are harmonious, and the materials and colors used complement the project.

The project meets this finding. The application proposes a contemporary architectural modification to the existing building design along the Visitacion Avenue and Klamath Street façades. New smooth stucco accented with decorative detailing in warm, earthy tones of sage green and dark brown match the natural tan color of the existing stucco on the structure and complement existing finishes that include natural wood accents and green railings. Articulation of the existing building is limited due to the existing design, a zero-foot setback on Visitacion Avenue and at the corner of Visitacion Avenue and Klamath Street for the enclosed stairway, and vehicular access along Klamath Street. However, accent walls differentiated with horizontal and vertical design elements and painted in discernible yet complimentary colors help to break up the massing on both of the property’s large, street-facing façades while remaining harmonious to the overall design.

- B. The orientation and location of buildings, structures, open spaces, and other features integrate well with each other and maintain a compatible relationship to adjacent development.

This finding is inapplicable as the proposal does not include modifications to the existing orientation or location of the building.

- C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.

This finding is inapplicable as the proposal does not include modifications to the existing orientation or location of the building.

- D. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping, and building design, to the extent practicable given site constraints, to promote sustainable development and to address long term affordability.

This finding is inapplicable as the proposal does not include modifications to the existing orientation or location of the building nor any modifications that will substantially impact sustainability, long-term affordability, or heating and cooling opportunities.

- E. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact. Significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved.

This finding is inapplicable as the proposal does not include hillside development.

- F. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking. There is an adequate circulation pattern within the boundaries of the development. Parking facilities are adequately surfaced, landscaped and lit.

Part of this finding is inapplicable as the location and dimensions of vehicular and pedestrian entrances and exits will not be modified. The proposal does not include modifications to off-street parking facilities nor interior site circulation. However, existing parking facilities are adequately surfaced, landscaped, and lit.

- G. The proposal encourages alternatives to travel by automobiles where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.

This finding is inapplicable as the proposal does not increase the scale or intensity of the existing use. Additionally, the Zoning Ordinance only requires new nonresidential development to provide bicycle parking facilities, and the subject property is located within one-quarter mile of the free Bayshore Caltrain and Balboa Park BART station shuttles (San Francisco Avenue-Old County Road stop) and within one-half mile of SamTrans Route 292 (Bayshore-Old County Road stop).

- H. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving, some California-native, and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

This finding is inapplicable as passive open space requirements contained within Chapter 17.14 do not apply when the existing orientation or location of the building is not altered or when the use is not intensified. There are no landscaping standards within the NCRO-2 zoning district, and the site is not within a habitat conservation area or adjacent to wildlands.

- I. The proposal takes reasonable measures to protect against external and internal noise.

This finding is inapplicable as the site is not located within a mapped traffic noise corridor in the 1994 General Plan and the proposal does not include modifications that substantially impact external or internal noise. However, the Building Code includes provisions to mitigate noise transmission in multifamily dwellings, which will be applied to the project through the building permit process, if applicable.

- J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

Part of this finding is inapplicable as the project does not add nor modify any exterior lights. However, condition of approval 1.b requires all windows shall match each other and shall not be dark or reflective. Furthermore, condition of approval 1.a requires the plans submitted as

part of the building permit application to be in substantial conformance with the plans approved under this Design Permit.

- K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

This finding is inapplicable as the proposal does not include modifications to utility structures, mechanical equipment, trash containers, or rooftop equipment; existing utility structures, mechanical equipment, and trash receptacles are adequately screened or located within the structure.

- L. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.

This finding is inapplicable as the proposal does not include signage. A sign permit will be required for any signage proposed in the future.

- M. Provisions have been made to meet the needs of employees for outdoor space.

This finding is inapplicable as the existing structure is a residential multifamily structure that does not include any commercial uses nor needs of employees for outdoor space.

NCRO-2 Additional Design Permit Findings:

- N. The design respects the intimate scale and vernacular character of the street.

The project meets this finding. As discussed in detail in Finding A above, the application proposes a warm and earthy color palette of tan, green, and brown with contrasting horizontal and vertical design elements while preserving the original configuration and orientation of the structure. The architectural style complements Brisbane's vernacular architectural heritage as the application proposes a contemporary architectural style that incorporates warm, natural colors and simple aesthetics distinct from, but complementary to, surrounding structures.

The scale of the design will not change. However, the existing structure is harmonious to the adjacent mixed-use development at 325-345 Visitacion Avenue and it is also consistent with the scale and form of other multi-story projects in the NCRO-2 District.

- O. Design details are incorporated to articulate the building and emphasize the relationship to the pedestrian environment.

The project meets this finding. The application proposes to incorporate design elements to break up the massing of the building's existing and relatively flat façade on Visitacion Avenue and minimize the tall, flat southwest corner of the building. As introduced in Finding A, contrasting horizontal and vertical design elements provide a level of depth and visual interest while remaining harmonious to the overall design. The varied accents and colors applied to the lower level of the Visitacion frontage as well as the southwest corner of the building break up the building's massing as seen from both Visitacion Avenue and Klamath Street while providing a clean and updated look that enhances the relationship with the pedestrian environment at street-level.

- P. The design incorporates creative use of elements that are characteristic of the area, such as awnings, overhangs, inset doors, tile decoration, and corner angles for entry.

The project meets this finding. The design preserves many of the building's existing features, including recessed and open building entries, window layout, natural wood accents and metal hand railings, and its Brisbane Star. The primary building material is preserved and extended to other areas of the structure, yet, as detailed in Finding N and O above, the application proposes to utilize horizontal and vertical accent details and multiple, complementary colors to provide a high level of visual interest on the existing and largely flat façade along Visitacion Avenue and southwest corner of the building.

- Q. Color and texture are provided at the street through the use of signage, lighting, planter boxes, or other urban landscape treatments.

The project meets this finding. The application incorporates a stucco finished accent wall with horizontal lining spaced 18 inches apart at the street level along Visitacion Avenue and vertical accent lining spaced 24 inches apart on the tall, southwest corner of the building. Furthermore, an updated warm, earthy color palette, as detailed in Findings A, N, and O, provides varied colors at street-level.

- R. Landscaping has been incorporated to enhance the design and enliven the streetscape.

This finding is inapplicable as the building has a zero-foot setback along Visitacion Avenue and part of Klamath Street, off-street parking facilities along most of Klamath Street, and the existing landscaped areas on the premises will not be modified. Additionally, there are no landscaping standards within the NCRO-2 zoning district, but two street trees located on Visitacion Avenue and a third street tree on Klamath Street contribute to the appeal of the streetscape.

Aerial Vicinity Map
398 Klamath Street

SUPPORTING STATEMENTS

Findings Required for Approval of All Design Permits

Brisbane Municipal Code [§17.42.060](#)

In order to approve any design permit application, the Planning Commission must affirmatively make the findings of approval in BMC Chapter 17.42, which are reproduced below. Supplemental findings may also be required depending on your specific project and the applicable zoning district and are listed in this attachment.

Please respond to each required finding as it relates specifically to your proposal and include a reference to the applicable plan sheet in the development plans. Attach additional pages if necessary, or provide written responses on a separate document.

A. How do the proposal's scale, form and proportion relate to each other in a harmonious manner? How do the materials and colors used complement the project?

How do the materials and colors used compliment the project?	Plan Sheet Page(s)
The stucco and white windows will match the rest of the building.	

B. How does the orientation and location of buildings, structures, open spaces and other features integrate with each other? How does the project maintain a compatible relationship to adjacent development?

NA	Plan Sheet Page(s)

C. How do the design and location of proposed buildings and structures mitigate potential impacts to adjacent land uses?

NA	Plan Sheet Page(s)

D. How does the project design utilize natural heating and cooling opportunities through building placement, landscaping and building design to promote sustainable development and to address long-term affordability? What site constraints exist, if any, that limit the use of natural heating and cooling opportunities?

NA	Plan Sheet Page(s)

E. For hillside development, how does the proposal respond to the topography of the site? How does the design minimize the project's visual impact? How does the design preserve significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park?

NA	Plan Sheet Page(s)



F. How does the location and dimensions of vehicular and pedestrian entrances and exits minimize traffic impacts on abutting streets? Is the proposed off-street parking and interior site circulation adequate to meet the needs of the project? Are parking facilities adequately surfaced, landscaped and lit?

NA	Plan Sheet Page(s)

G. How does the proposal encourage the use of alternative transportation, e.g., through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation?

NA	Plan Sheet Page(s)

H. How do the provided open areas and landscaping complement the buildings and structures? How is landscaping used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy? Is landscaping water conserving and appropriate to the location? If applicable, how does the project address habitat protection and wildland fire hazard mitigation?

NA	Plan Sheet Page(s)

I. How does the project design protect against external and internal noise?

NA	Plan Sheet Page(s)

J. How do the proposed building materials and exterior lighting mitigate off-site glare?

There is no exterior lighting being added.	Plan Sheet Page(s)
Windows replace existing windows & stucco will not effect off-site glare.	

K. Are utility structures, mechanical equipment, trash containers and rooftop equipment screened?

NA	Plan Sheet Page(s)

L. If applicable, how does the location, scale, type and color of project signage enhance the design concept of the site?

When the rest of the building had stucco applied in 2012, the intention was	Plan Sheet Page(s)
to do the exterior of the entry staircase as well, but we could not afford it at	
the time. We are now completing the exterior of the entry stucco & new	
windows to match the rest of the building so it looks neat, clean & complete.	



M. If applicable, how does the project meet the needs of employees for outdoor space?

NA	Plan Sheet Page(s)

Additional Findings for Design Permits in the NCRO-2 District:

In addition to the findings required under BMC [§17.42.060](#), the Planning Commission must also affirmatively make the below special findings for structures in the NCRO-2 District, per BMC §17.14.110:

A. How does the design respect the intimate scale and vernacular character of the street?

The stucco will look much better as it will better match the style of other	Plan Sheet Page(s)
nearby buildings, with one base color and white windows.	

B. How do the design details articulate the building and emphasize the relationship to the pedestrian environment?

The stucco and new windows will have no effect on the pedestrian	Plan Sheet Page(s)
environment.	

C. How does the design incorporate creative use of elements that are characteristic of the area, such as awnings, overhangs, inset doors, tile decoration, and corner angles for entry?

	Plan Sheet Page(s)
We are not adding any elements that aren't already there, only stucco &	
new windows to replace existing windows.	

D. How are color and texture provided at the street level through the use of signage, lighting, planter boxes, or other urban landscape treatments?

	Plan Sheet Page(s)
No additional lighting or other elements are being added, only stucco &	
new windows to replace existing windows.	

E. How has landscaping been incorporated to enhance the design and enliven the streetscape?

	Plan Sheet Page(s)
There is no landscaping in this area. Most of the portion facing Visitacion	
is covered by an existing city tree in the sidewalk in front of that area.	



LEGEND

FLOWLINE

• = STEP MARKER

= STREET LIGHT

= STREET SIGN / POST

= UTILITY POLE

= AIR CONDITIONER

= UTILITY BOX

= WATER METER

= DRAIN

= FIRE HYDRANT

= SEWER / MAN-HOLE COVER

= IRRIGATION CONTROL VALVE

= HOSE BIB

= GAS METER

= ELECTRIC METER

= SOLAR COMPONENTS

= NATURAL GAS LINE

= DOWNSPOUT

BR = BRICK

WF = WATER FEATURE

PA = PLANTING AREA

EQ = EQUIPMENT

CONC = CONCRETE

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WORRY FREE RENOVATIONS

PREPARED FOR

BEN ORES

PLAN TYPE

SITE PLAN

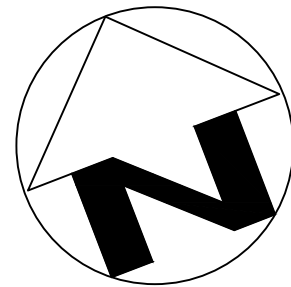
PROJECT NAME

398 KLAMATH STREET
MULTI-FAMILY

PROJECT ADDRESS

398 KLAMATH ST,
BRISBANE, CA 94005

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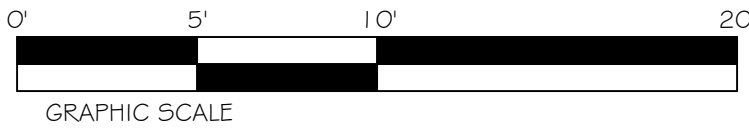
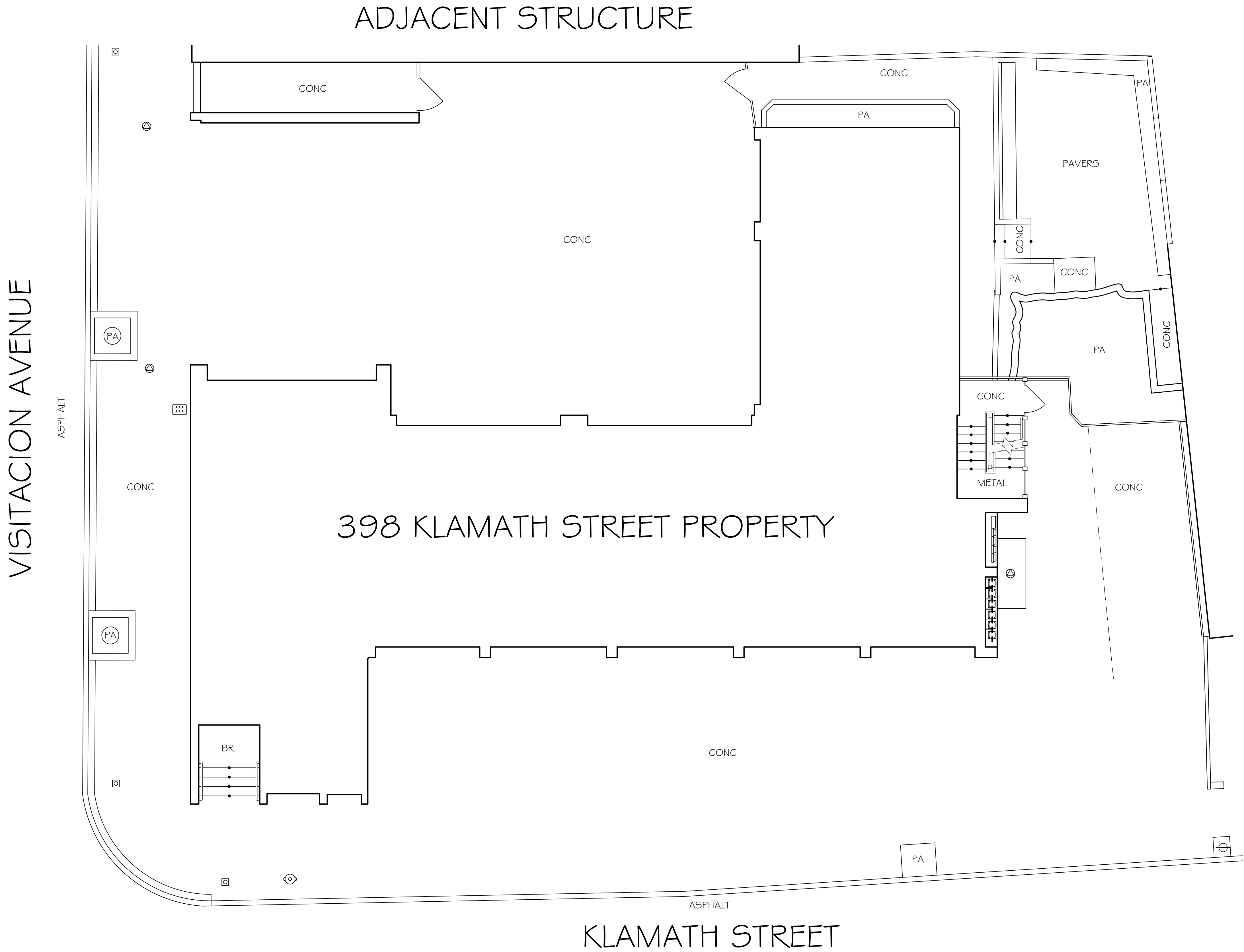
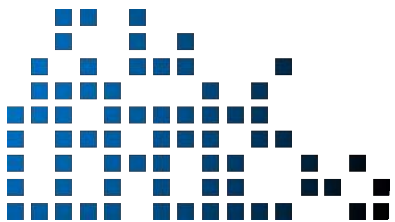
SCALE
3/16" = 1'-0"

PROJECT
3207_BA

APPROVED BY
NH

DATE
05/09/2022

SHEET
1 of 4



LEGEND

FINISHED GRADE LINE

FINISHED FLOOR LINE

12

X

ROOF PITCH LABEL (RISE/RUN)

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PREPARED FOR

BEN ORES

PLAN TYPE

Existing
EXTERIOR
ELEVATIONS

PROJECT NAME

398 KLAMATH
STREET
MULTI-FAMILY

PROJECT ADDRESS

398 KLAMATH ST,
BRISBANE, CA 94005

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SCALE

3/16" = 1'-0"

PROJECT

3207_BA

APPROVED BY

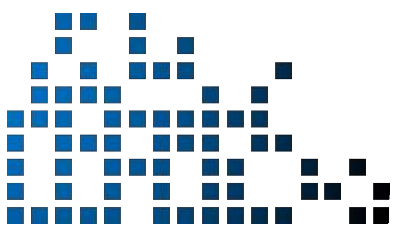
NH

DATE

05/09/2022

SHEET

2 of 4



NORTH

No Change to Existing Elevation



NORTH BREEZEWAY CUT

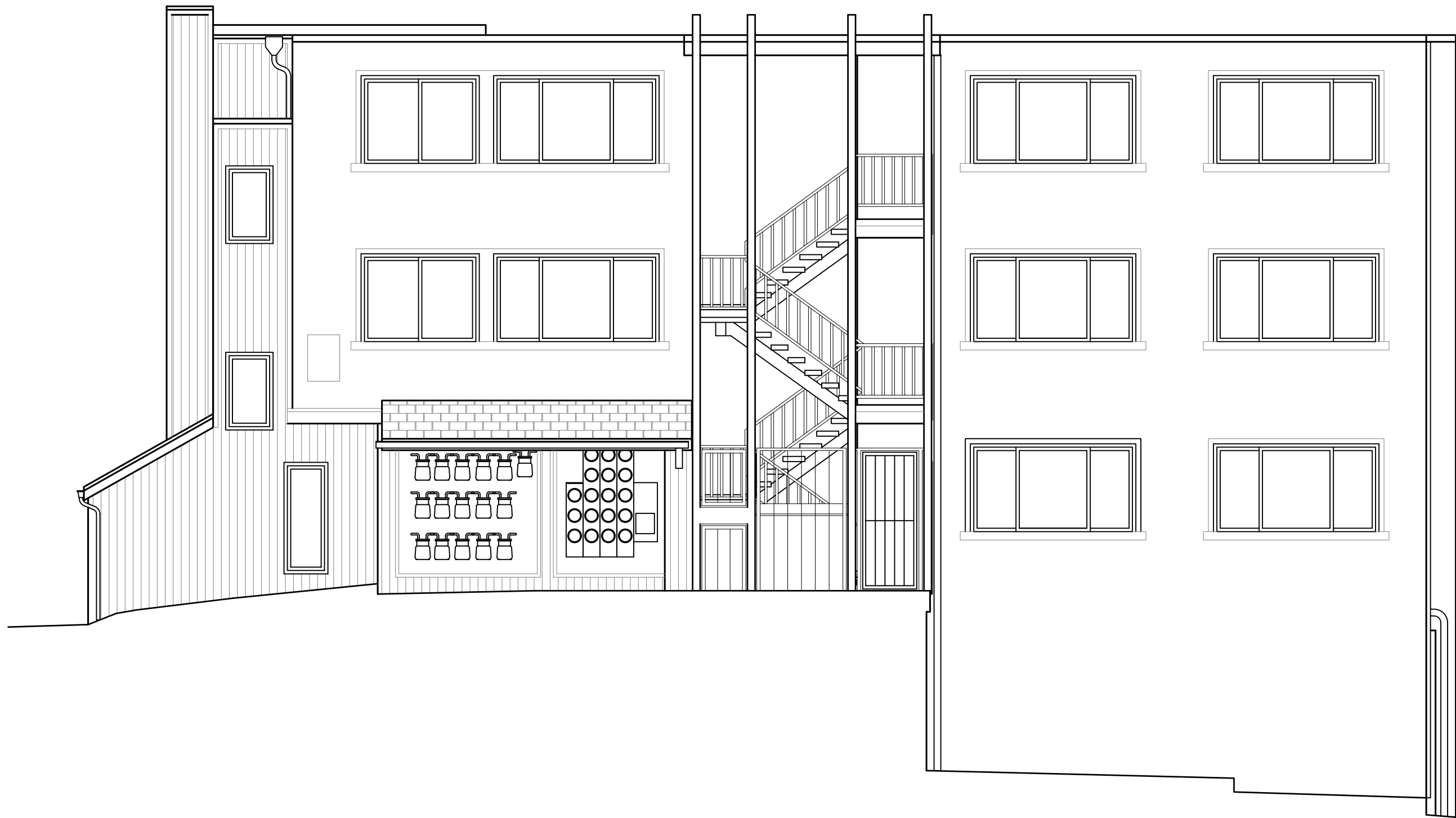
LEGEND

FINISHED GRADE LINE

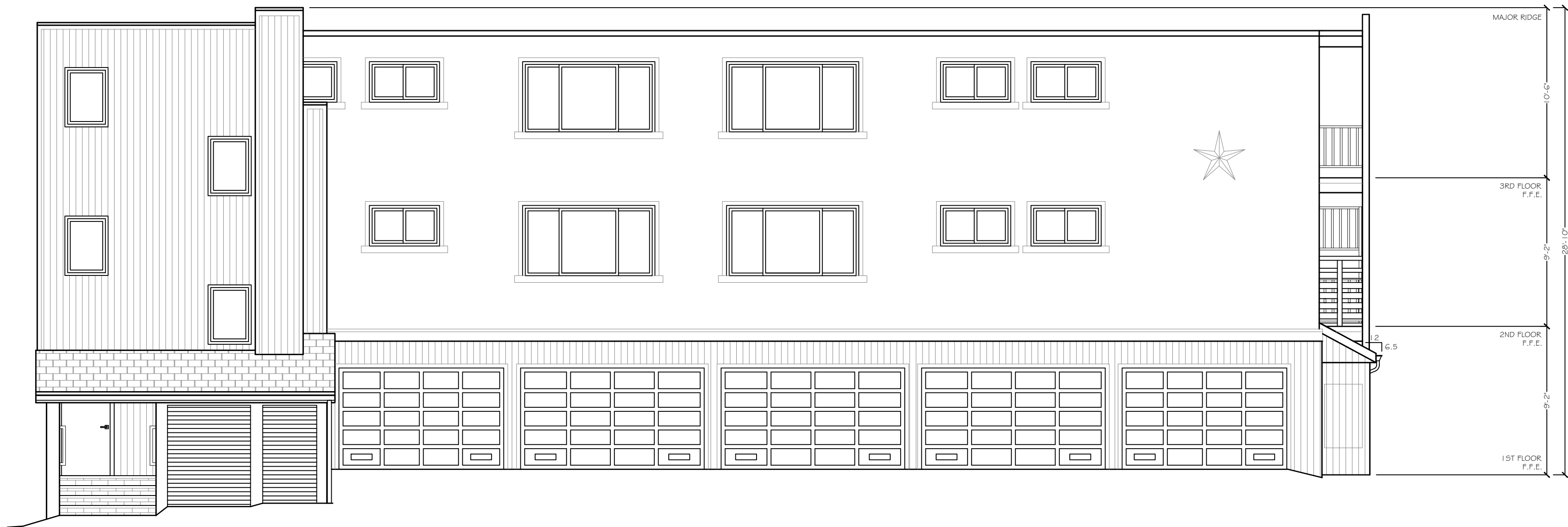
FINISHED FLOOR LINE

12
X

ROOF PITCH LABEL (RISE/RUN)



EAST



SOUTH

PPM

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PLAN TYPE

Existing
EXTERIOR
ELEVATIONS

PROJECT NAME

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STREET
MULTI-FAMILY

PROJECT ADDRESS

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SCALE

3/16" = 1'-0"

PROJECT

3207_BA

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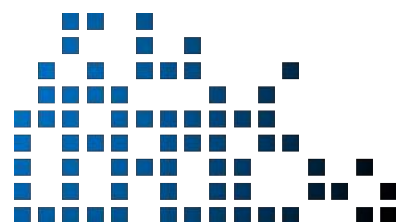
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DATE

05/09/2022

SHEET

3 of 4



LEGEND

FINISHED GRADE LINE

FINISHED FLOOR LINE

12

X

ROOF PITCH LABEL (RISE/RUN)

PPM

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Existing
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MULTI-FAMILY

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SCALE

3/16" = 1'-0"

PROJECT

3207_BA

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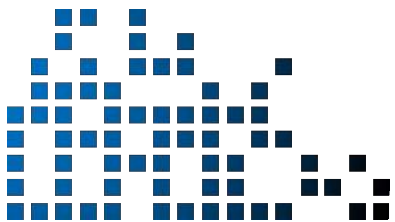
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DATE

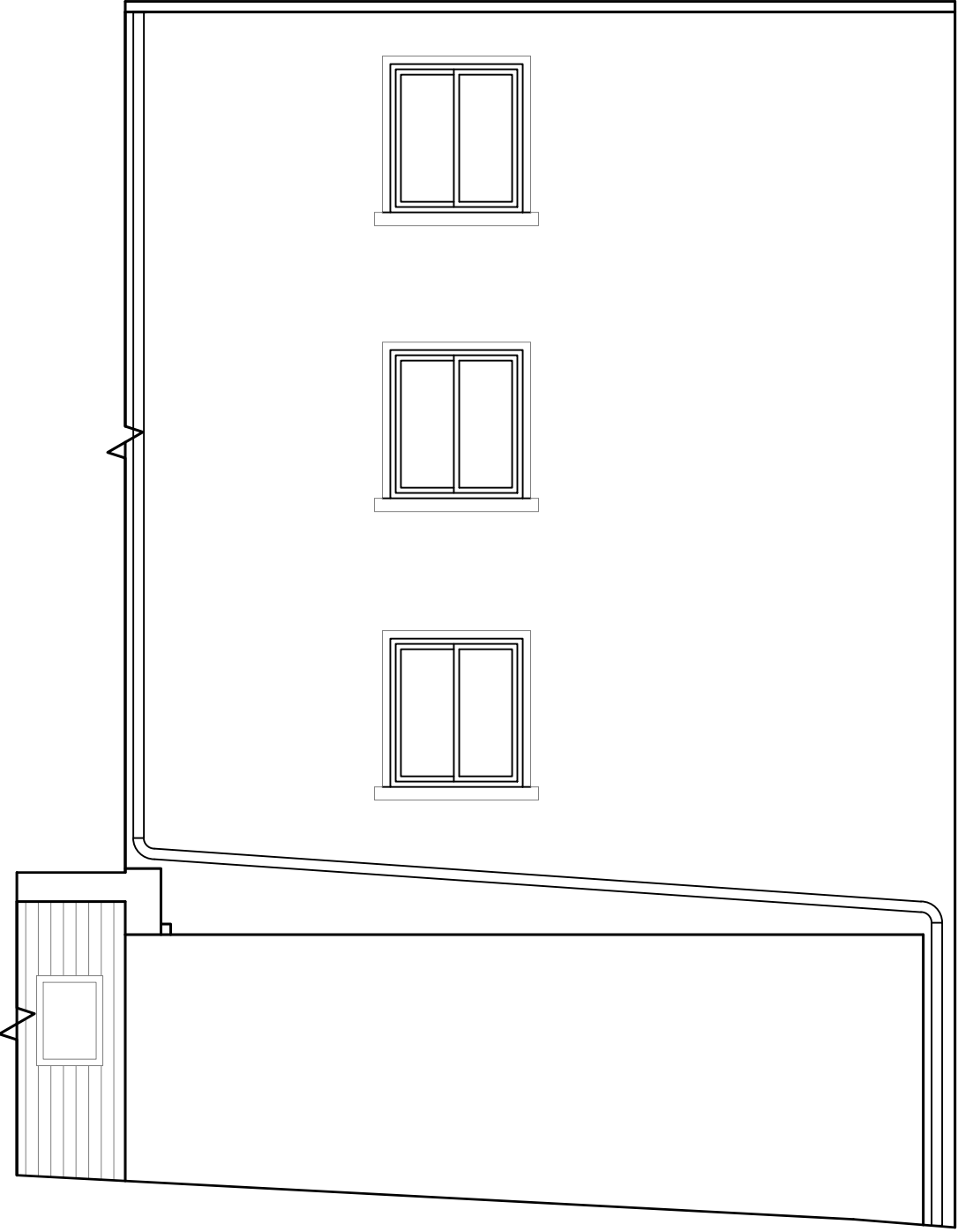
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SHEET

4 of 4

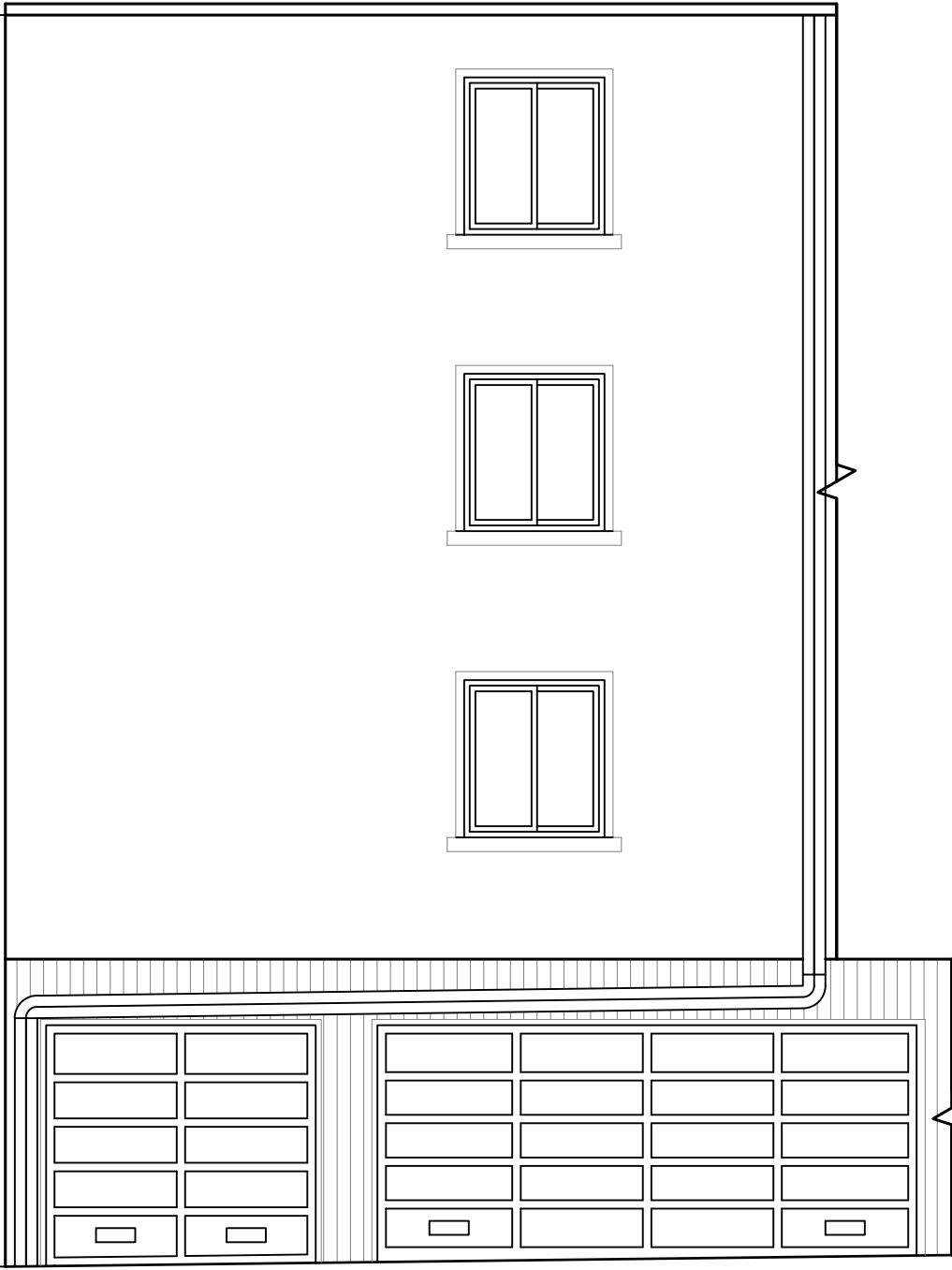


WEST



EAST COURTYARD

No Change to Existing Courtyard Elevations



WEST COURTYARD

All new stucco will be medium finish sponge float to match finish of existing stucco

Proposed dimensional foam around windows to match existing window foam

Proposed stucco color Tuscan Sun for enclosed front staircase - Manufacturer Sika USA Color #4051

Existing roof shingles to remain the same

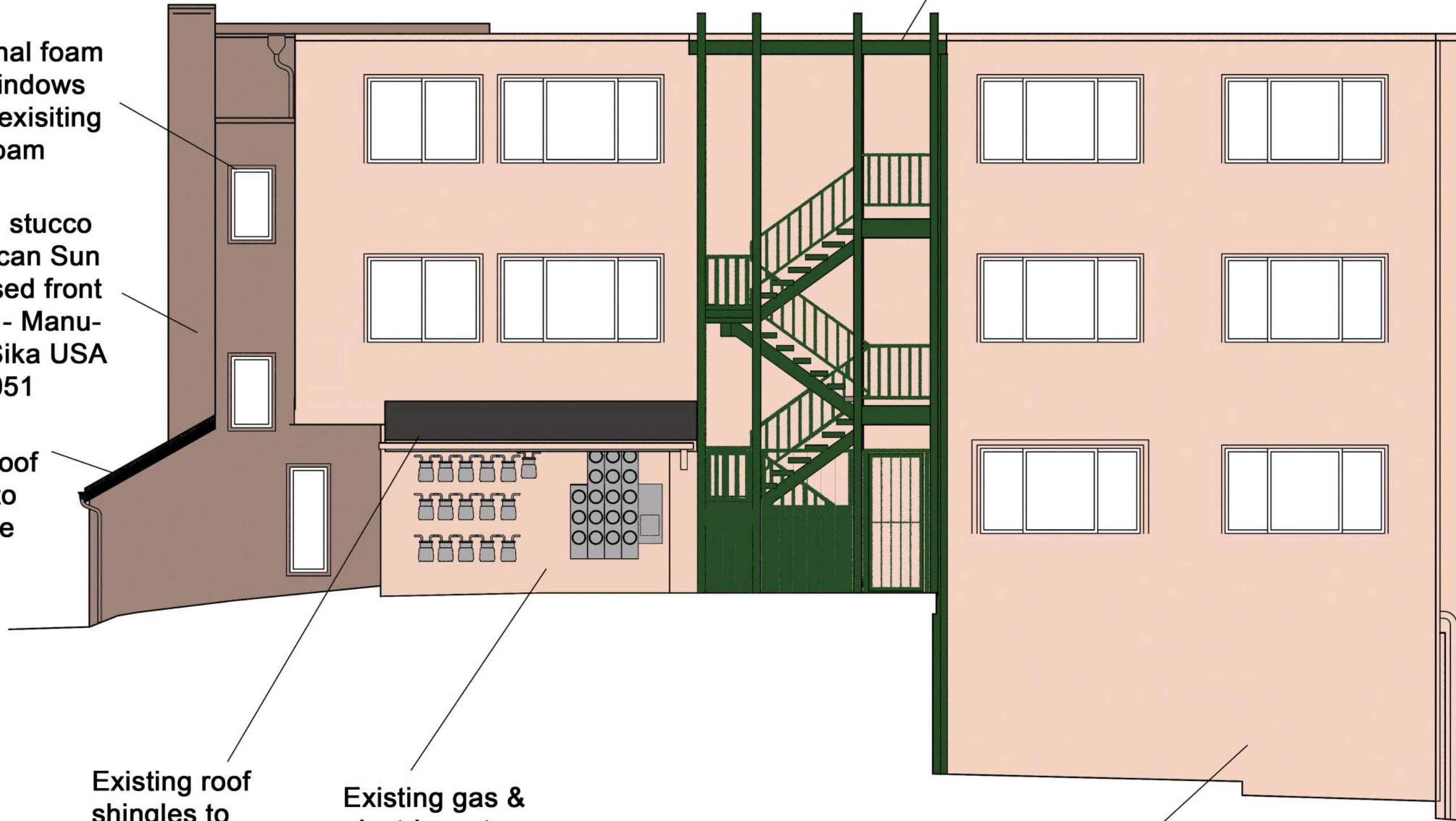
Existing roof shingles to remain the same

Existing gas & electric meters

Existing Railing green color to remain, existing color is similar to proposed sage green stucco color on lower section

Existing stucco color Light Adobe installed circa 2011 - Manufacturer Sika USA Color #4023

EAST
Proposed



Dimensional Foam Window Trim will match existing windows (see inset photo)

All new stucco will be medium finish sponge float to match finish of existing stucco

Existing stucco color Light Adobe installed circa 2011 - Manufacturer Sika USA Color #4023

Existing green color on metal rear staircase to remain, existing color is similar to proposed sage green stucco color

Proposed stucco color Tuscan Sun for enclosed front staircase - Manufacturer Sika USA Color #4051

Existing roof shingles to remain the same

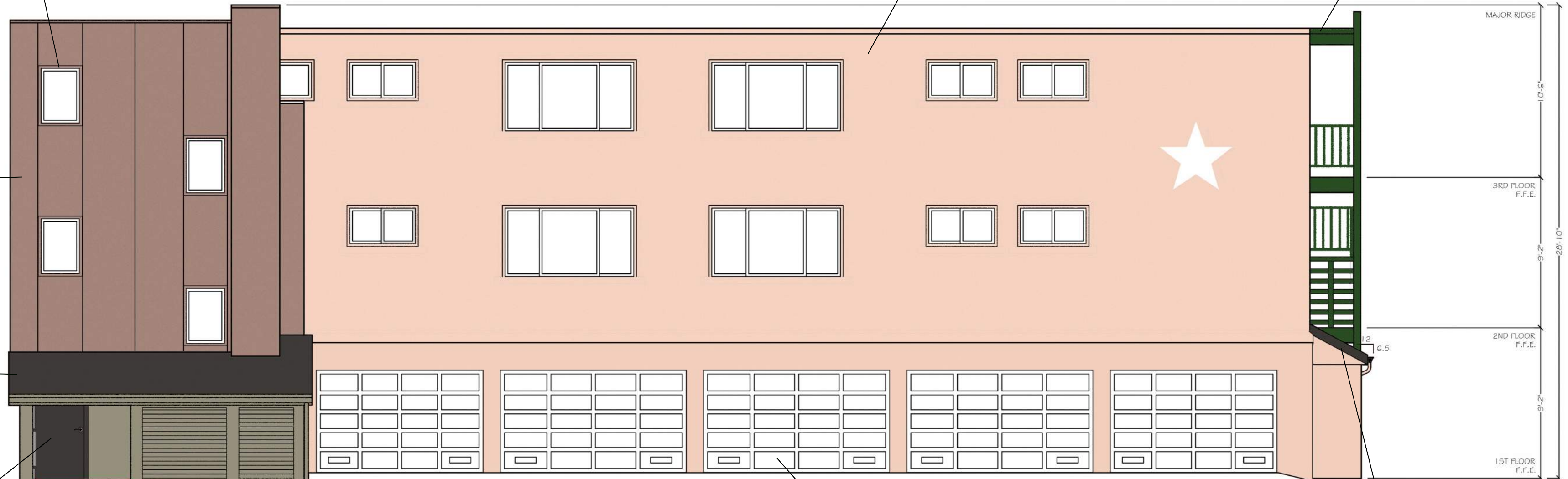
Existing front door to enclosed stairway to remain the same

Existing brick stairs at front entry to remain the same

Existing roll up doors for garbage bin enclosures and trim proposed color to be painted to match Sage Green stucco - Manufacturer Sika USA Color #3096

Existing garage doors to remain the same. Existing garage doors are painted white to match white windows

Existing roof shingles to remain the same



SOUTH

Proposed

Existing Stuco
Color Light
Adobe installed
circa 2011 -
Manufacturer
Sika USA Color
#4023

All new stucco will be medium finish sponge
float to match finish of existing stucco

Existing wood slats to remain the same existing
natural color, existing color similar to proposed
enclosed staircase color Tuscan Sun

Existing Railing green color to
remain, existing color is similar
to proposed sage green stucco
color on lower section

Proposed color coated
stucco color Tuscan Sun
for enclosed front staircase
- Manufacturer Sika USA
Color #4051

Existing
wall on north
side of
property to
continue
proposed
sage green
color to
match lower
section

Proposed
decorative
vertical lines in
stucco approx
24" spacing

Proposed
dimensional foam
around windows
to match existing
window foam

Existing roof
shingles to
remain the
same

Proposed Green Sage stucco
color to be continued to end of
building.

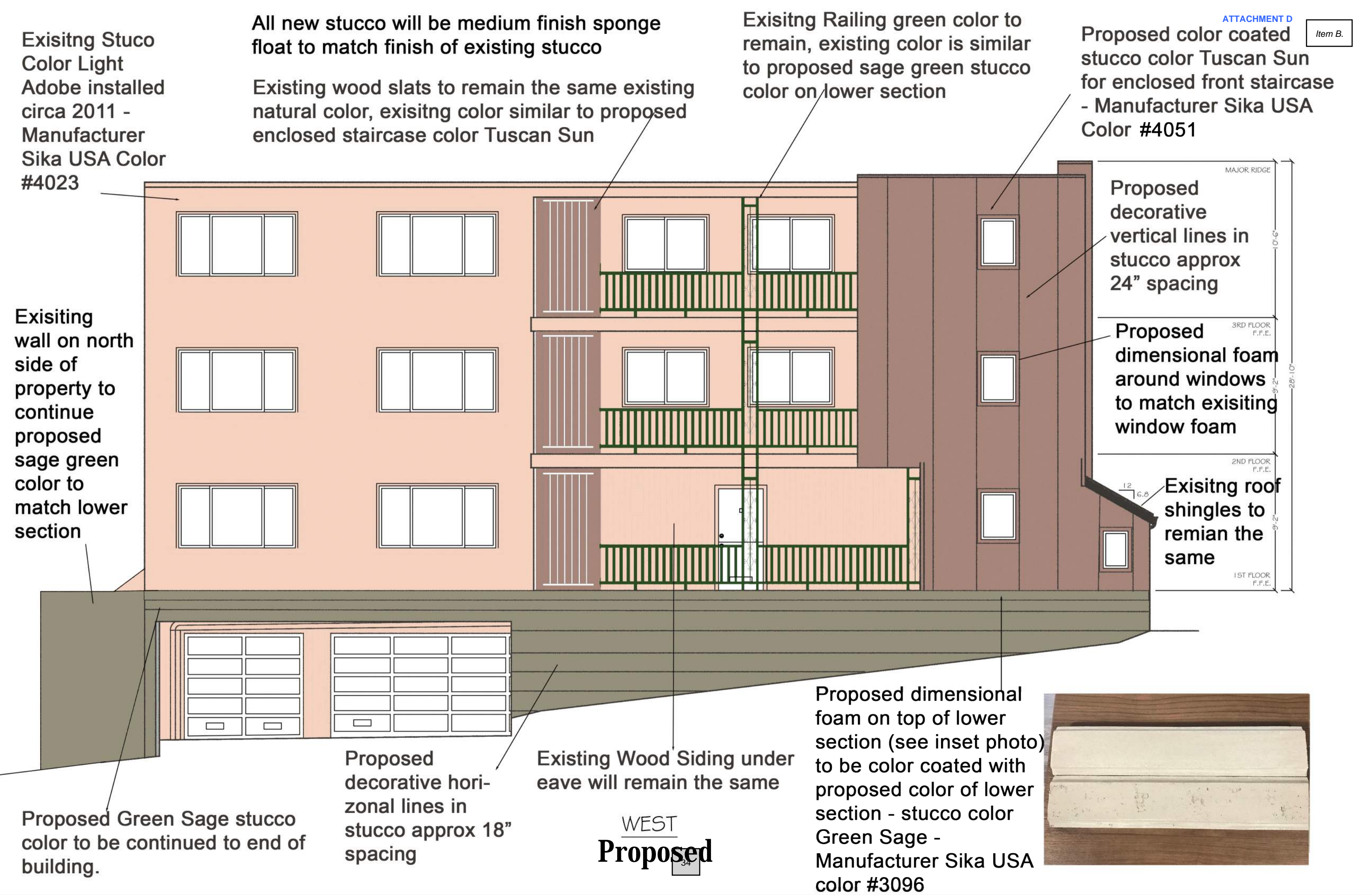
Proposed
decorative hori-
zonal lines in
stucco approx 18"
spacing

Existing Wood Siding under
eave will remain the same

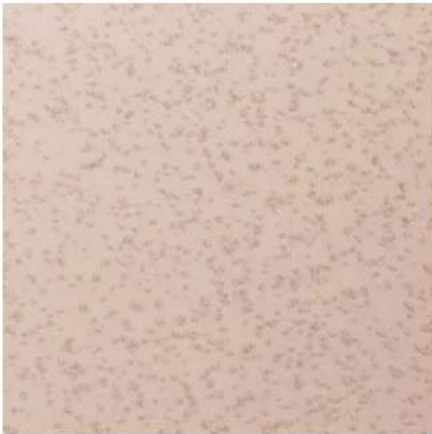
Proposed dimensional
foam on top of lower
section (see inset photo)
to be color coated with
proposed color of lower
section - stucco color
Green Sage -
Manufacturer Sika USA
color #3096



WEST
Proposed



398 Klamath Street Color Palette



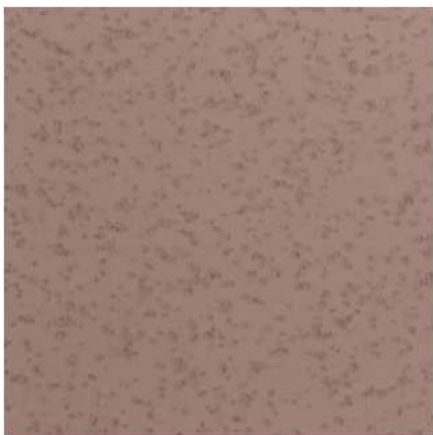
Light Adobe 4023

**Light Adobe: Existing Buidling
Body Color Stucco
Manufacturer: Sika USA Color
4023**



Sage 3096

**Sage: Proposed Stucco Color
for Street Level on Visitacion
Manufacturer: Sika USA Color
3096**



Tuscan Sun 4051

**Tuscan Sun: Proposed
Stucco Color for Front
Enclosed Staircase
Manufacturer: Sika USA
Color # 4051**



Building pre 2010
stucco refinish
and post exterior
stair enclosure



Building as
originally
constructed in the
1960s with an
exterior staircase



Building in 2022; Visitacion Avenue frontage above and Klamath Street below



File Attachments for Item:

C. 575 Tunnel Avenue; Interim Use Permit 2022-UP-3; C-1 Commercial District (Baylands); Interim Use Permit; renewal of UP-5-16, to allow continuation of the use of a parking and dispatch facility, for up to 150 shuttle minibuses and smaller para-transit fleet vehicles, for transportation of elderly and disabled persons; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301, Existing Facilities; Sam Khodja, applicant; Oyster Point Properties Inc., applicant/owner.



PLANNING COMMISSION AGENDA REPORT

Meeting Date: 12/13/22

From: Ken Johnson, Senior Planner

Subject: **575 Tunnel Avenue; Interim Use Permit 2022-UP-3;** C-1 Commercial District (Baylands); Interim Use Permit renewal of UP-5-16, to allow continuation of the use of a parking and dispatch facility, for up to 150 car and minibus para-transit fleet vehicles, for transportation of elderly and disabled persons; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301; Sam Khodja, applicant; Oyster Point Properties Inc. (Baylands Development, Inc), applicant/owner.

REQUEST: The applicant requests approval of the above referenced Interim Use Permit application on behalf of Transdev to allow for the continued utilization of the subject site as a parking lot and dispatch facility, for up to 150 para-transit shuttle vehicles which are up to 25 feet in length. Transdev provides transportation to elderly and disabled persons in San Francisco under a contract with San Francisco MTA. The request is for a 5-year term.

RECOMMENDATION: Conditionally approve Interim Use Permit 2022-UP-3, via adoption of Resolution 2022-UP-3 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines. The exceptions to this categorical exemption, referenced in Section 15300.2, do not apply.

APPLICABLE CODE SECTIONS: Brisbane Municipal Code Chapter 17.41 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.

Background and Project Description

The site was first approved for this use in 2010. It was revised in 2011 and renewed in 2016 via interim use permit UP-5-16.

The site at 575 Tunnel Ave was developed for fleet vehicle parking and a dispatch office on approximately 2.5 acres. Improvements included asphalt paving, site perimeter fencing, site lighting, stormwater drainage swales with landscaping, and placement of an approximately 2,100 square foot modular office with utilities. The site lighting is comprised of downward facing, fixed lighting standards.

Under UP-5-16, the total site area was reduced from 2.5 to approximately 2.3 acres to allow for a driveway to the Avis rental car storage yard to the rear of the site. Under the 2010 and 2016 approvals an approximately 0.3-acre area within the rear area of the site was not included since it was in use as a landfill settlement monitoring station. The property owner indicates that the monitoring station was decommissioned in 2018 and Transdev is now requesting that parking be allowed within this area. That area is shown in grey on the site plan (Attachment C). That would increase the yard area from approximately 2.3 to 2.6 acres, 0.1 acre larger than the yard as originally approved. The area of the former monitoring station is surfaced with gravel and is within the existing fenced area, while the rest of the yard is paved with asphalt. Transdev proposes to maintain the yard in its existing condition.

The permit approvals in 2011 and 2016 were for cars and minibuses up to 25-feet long and that is also the current request. Operations are 24 hours per day, 7 days per week, although the primary hours of operation are between 4 am and 10 pm. The existing dispatch office accommodates approximately 22 employees at the site. Security is provided by on-site Transdev personnel, as the dispatch office is always manned.

The parking limit for the 2016 permit was a maximum of 125 fleet vehicles, with a mix of cars and minibuses up to 25-feet long. As noted above, the current application is to allow storage of up to 150 fleet vehicles, with the same vehicle size range. Transdev estimates that under current post-pandemic conditions approximately 70 vehicles are in active use on a daily basis, with approximately one trip in and one trip out per day for each. While Transdev does not anticipate near-term increases in that number, the proposal allows for future flexibility.

The typical vehicle routing is to and from the north to serve Transdev's San Francisco passengers. However, there is no prohibition on use of the roadways south of the site, nor is such a prohibition proposed. Regional road or traffic conditions and off-site trips for bus maintenance may necessitate such occasional routing.

With this current application, Transdev also requests approval of their placement of a 40-foot long, truck trailer storage unit on the site. Transdev indicated that they have already placed such a trailer at the rear of the site, on the gravel area, for storage of cleaning supplies in response to the Covid-19 pandemic. This was to accommodate intensification of their cleaning of the fleet vehicle interiors. Note that vehicle maintenance activities, such as washing of the exteriors of the vehicles and mechanical repairs would still be required to be done off site.

In addition to the storage trailer, Transdev has indicated that they plan to utilize the approximately 0.3-acre gravel area at the rear of the site for parking of their lesser used inventory of vehicles.

See the applicant's project description provided in Attachment D for further operational details.

Analysis

The required findings under BMC Sections 17.41.060.A-F and project analysis are provided below. The project, including the suggested conditions of approval, with site modifications, would meet the findings.

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 is in an area that is industrial in character and the site has already been developed as a para-transit parking and dispatch facility.

Adjacent and nearby uses include Recology's solid waste transfer facilities and Avis' rental car staging yard. The intensity and operational characteristics of the proposed shuttle vehicle storage yard are consistent with the surrounding area and will not adversely impact nearby businesses.

The total trips are anticipated to continue as currently operating, to be less than 300 per day. Since the facility serves San Francisco, shuttle vehicle trips primarily utilize Tunnel Avenue and Beatty Road to access Highway 101.

Since no significant changes in the applicant's current operations are proposed, the operations are not anticipated to impact local roadways beyond current conditions.

This use is seen as having a positive impact on public health, safety and welfare in general terms, in that it serves to provide mobility to elderly and disabled persons and at the same time serves to reduce the number of personal vehicles on the area roadways, reducing vehicle miles travelled (VMT) for the region.

Note that, as required with the previous approval of this use, the City Engineer may require a traffic study and mitigations, if unanticipated impacts are noticed, with funding of those items by the applicant (see condition 7). A condition of approval has also been added for dust control on the area at the back of the site (see condition 8).

b) the interim use will not create any significant environmental impacts;

The proposal **complies** with this finding.

The ongoing operation of the facility has been determined to be categorically exempt, per the CEQA Guidelines, as indicated in the environmental determination. The use of the site would be a continuation of the existing use, with a minor expansion of the use area as described above and potentially a modest increase in the number of fleet vehicles over time, but no new improvements proposed. Additionally, as noted above, the use serves to reduce vehicle miles

travelled (VMT) for the region by reducing the number of single occupancy vehicle trips that might otherwise occur, thereby reducing greenhouse gas emissions.

The site was designed and developed with stormwater controls, including a stormwater collection swale at the site frontage, and operates under an industrial stormwater permit through the Regional Water Quality Control Board.

There are no vehicle maintenance activities proposed at the site, except for cleaning of fleet vehicle interiors, and no storage of hazardous materials would be allowed.

c) the interim use will not obstruct redevelopment;

The proposal **complies** with this finding.

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..." Based on the following considerations, the proposal complies with this finding.

The site has already been developed for the bus yard use and those existing improvements would not obstruct, interfere or delay future redevelopment being contemplated by the City with the Baylands EIR. The previously completed modifications to the site are reversible. The existing site development includes a prefabricated structure which is 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. Portions of the site could be impacted by the future roadway alignment and/or associated grading, subject to Baylands EIR certification, approval of associated planning applications, engineering and funding. There is no established schedule for roadway construction, but it would be anticipated to be a few years or more from now.

To ensure that the project would not interfere with redevelopment, in the event the road extension or other redevelopment improvements are to proceed during the term of the interim use permit, condition 12 is provided which commits the applicant to removing improvements identified as an obstacle to redevelopment.

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

This proposal **complies** with this finding.

The use complies with this finding. The site was redeveloped following the previous approval and all required public utilities and infrastructure has already been provided to the site.

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

The proposal **complies** with this finding.

The para-transit shuttle operation proposed for the site provides a public benefit by increasing the mobility of elderly and disabled persons and reducing regional vehicle miles travelled and greenhouse gas emissions.

- f) encourage the employment of Brisbane residents to the extent it is reasonably possible to do so.

The proposal **complies** with this finding.

The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do, inasmuch as a condition of approval is included for Transdev to provide a current copy of their local recruitment program, for Planning Director approval (condition 2).

Note that the above outlined operations, describe the use of the facility. The operational parameters of Transdev's proposed operations in terms of hours and routing are the same as what was previously approved for their ongoing operations and the inclusion of the 0.3 acre area at the rear of the site and increase on the fleet vehicle limit from 125 to 150 is not seen as significant. At the time of this writing, staff has not received complaints on their operations.

Finally, note that this application was routed to the City Engineer/Public Works Director, Fire Dept., Building Dept., Police Dept., San Mateo County Environmental Health, and Regional Water Quality Control Board for review and comment. The City Engineer noted the need for dust and soil tracking control on the area at the rear of the site, which is addressed through the condition of approval, as noted above.

ATTACHMENTS:

- A. Draft Resolution 2022-UP-3
- B. Vicinity and Routing Map
- C. Proposed Site Plan
- D. Applicant's Project Description
- E. Photo of Transdev Minibus



Ken Johnson, Senior Planner



John Swiecki, Community Development Director

ATTACHMENT A

Draft
RESOLUTION 2022-UP-3
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING INTERIM USE PERMIT 2022-UP-3
TO ALLOW CONTINUED OPERATION OF A PARA-TRANSIT SHUTTLE VEHICLE SITE FOR PARKING
AND DISPATCH FOR MINI-BUSES
AT 575 TUNNEL AVE

WHEREAS, Sam Khodja, the applicant, applied to the City of Brisbane for an Interim Use Permit 2022-UP-3 at 575 Tunnel Ave, to continue use of an existing facility for parking and dispatch of up to 150 paratransit fleet vehicles, minibuses and smaller vehicles (25 feet or less in length), with approximately 22 on-site employees, on an approximately 2.6-acre site; and

WHEREAS the site was previously developed, following City approval of interim use permit UP-13-11 and the subsequent building permits, as a minibus parking yard with an approximately 2,100 square foot dispatch office; and

WHEREAS the project will require no new buildings or other structures, except that a portable storage trailer will be permitted to remain on the site; and

WHEREAS, on December 13, 2022, 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 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 Interim 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, 2022 did resolve as follows:

Interim Use Permit 2022-UP-3 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this thirteenth day of December, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Sandip Patel
Chairperson

ATTEST:

EXHIBIT A

ACTION TAKEN: Conditionally approved Interim Use Permit 2021-UP-3 per the staff memorandum with attachments, via adoption of Resolution 2021-UP-3.

FINDINGS:

- A. 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 and given the conditions approval;
- B. The proposed interim use is categorically exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines and will not result in any significant adverse environmental impacts;
- C. 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 improvements are reversible and would not hinder future site redevelopment.
- D. Utilities exist at the site to serve the interim use in a safe, sanitary, and lawful manner.
- E. The ongoing operation of the facility, as proposed by the applicant, would provide a public benefit by the provision of needed transportation services to the elderly and disabled.
- F. The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do.

CONDITIONS OF APPROVAL:

Operations

- 1. Approval of this application is to allow for the project as detailed in the Project Description contained in the Planning Commission staff report dated December 13th, 2022, except where project parameters are modified expressly by this Resolution. This includes parking of operable shuttle vehicles and operation of a vehicle dispatch office, as further described in the Project Description.
- 2. The operator shall provide a current copy of their employment recruitment program targeted toward Brisbane residents within one (1) month of the effective date of this permit, subject to the review and approval of the Community Development Director.

3. Hazardous materials storage is not permitted on this site.
4. Vehicle maintenance is not permitted on this site, except routine cleaning of fleet vehicle interiors.
5. The total number of fleet vehicles shall not exceed 150. Any proposed modifications to the striping or driveways depicted in the site plan, provided with this application, shall require Planning Director review and approval.
6. Storage of non-operable vehicles is not permitted on the site.
7. If operations result in unanticipated traffic impacts, the City Engineer may require the applicant to fund traffic impact study(s) and fund any identified mitigation measures deemed appropriate by the City Engineer.
8. The unpaved, approximately 0.3-acre area at the rear of the site shall be maintained and monitored by the property owner and Transdev such that it does not result in fugitive dust or tracking of dirt off the site. The City Engineer may require the area to be treated with a calcium chloride binder (or other chemical soil stabilization agent approved by the City Engineer) or to be paved, if he or she determines that the condition is not being met to the satisfaction of the City. If the area is to be paved such that a new impervious surface is created, it shall also be subject to applicable stormwater collection and treatment requirements under the Water Board's Municipal Regional Permit C.3 provisions.
9. Drive aisles shall be maintained open for Fire Dept. apparatus access.
10. Site/Landscape Maintenance:
 - a. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
 - b. The site and site frontage shall be maintained in a trash-, debris- and weed-free condition.
 - c. Stormwater swales, including the swale outside the fence at the front of the site, shall be maintained free of invasive species and the design plantings shall be maintained in good health. Any modification to the previously approved plant species or planting density within the stormwater swales shall be subject to approval by the Planning Director.
 - d. Note that new and replacement irrigated landscapes may be subject to the Water Conservation in Landscaping Ordinance BMC Chapter 15.70, or the then effective state requirements, whichever is the most water conserving.

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

Hold Harmless Requirements

- 11. 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.

Mandatory Conditions for Interim Use Permits, per BMC Section 17.41.070

- 12. The permit shall require both the owner and the operator to furnish the city with an agreement (or a copy of a lease containing such agreement) 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.
- 13. Each permittee shall be jointly and severally liable for all costs and expenses, including attorneys' fees, 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.

Interim Use Permit Cessation, Revocation Procedures and Term Limit

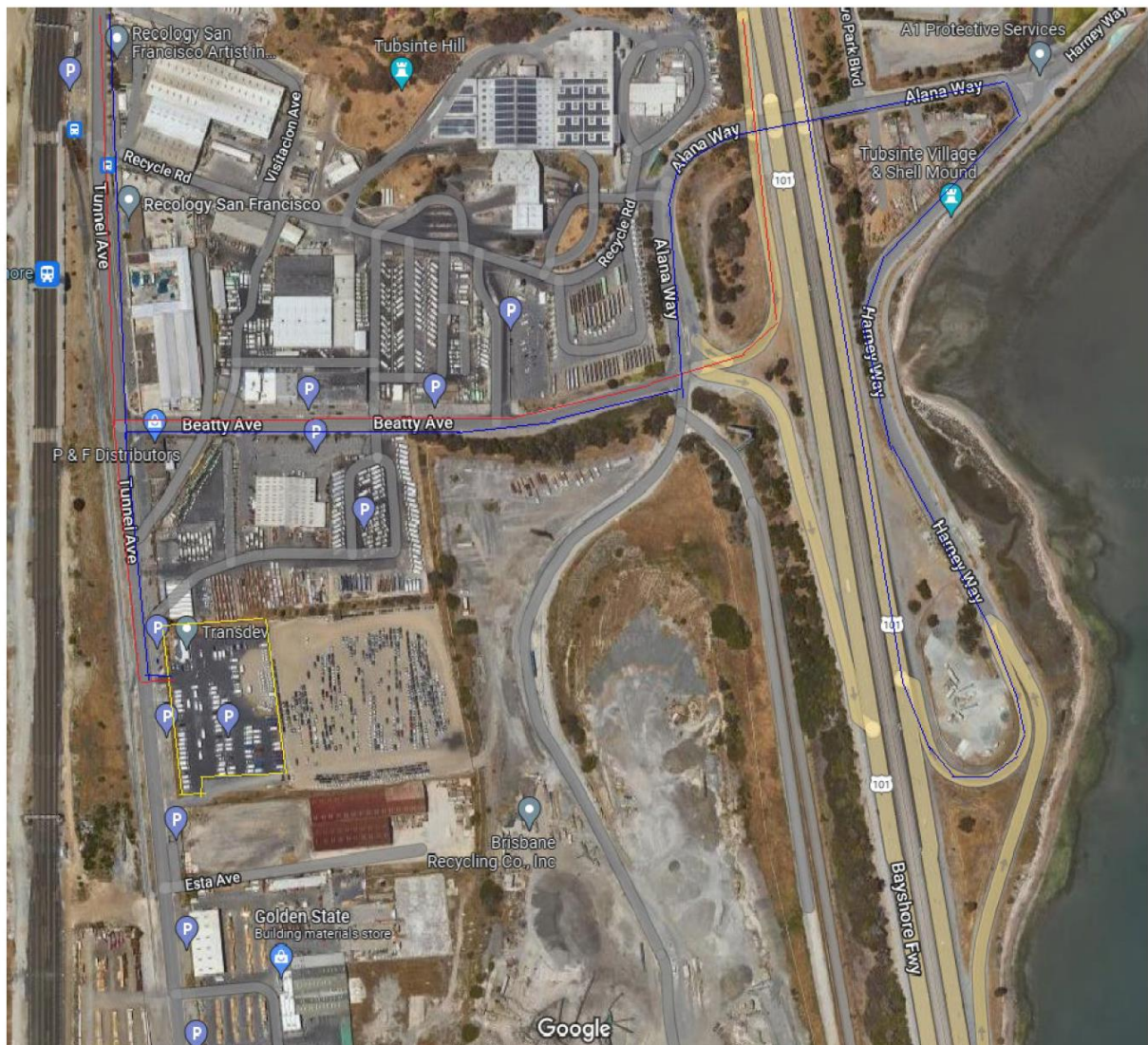
- 14. In the event that the continuation of the use approved with this interim use permit would obstruct, interfere with, or delay the intended redevelopment of the property in accordance with the uses anticipated in the general plan or any adopted specific plan applicable to the site, the operator shall vacate the site and remove improvements as required by the City or property owner, within 90 days written notice by the City or property owner.
- 15. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.

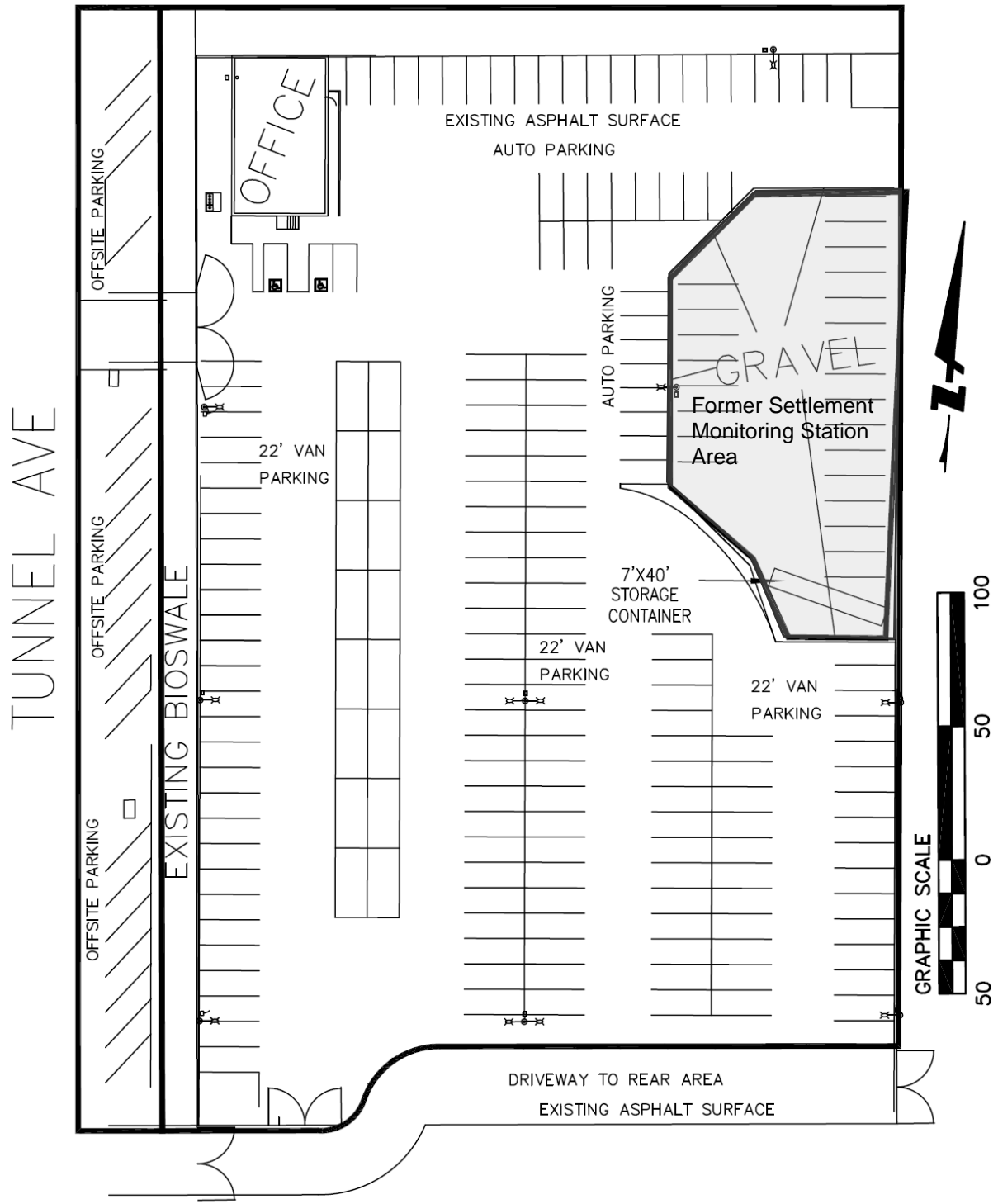
16. Material violation of any of the Conditions, including material deviations from the approved project description, may be cause for revocation of this permit and termination of all rights granted there under.
17. This Interim Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.41.100 - Revocation of Interim Use Permit.
18. This Use Permit shall expire 5 years from its effective date, on December 20, 2027.

Transdev Shuttle Parking: Existing Route Mapping

Red represents inbound shuttle

Blue represents outbound shuttle





SITE PLAN

ATTACHMENT D APPLICANT'S PROJECT DESCRIPTION



Veolia Transportation has changed its name to Transdev

Project Description – Transdev Bus Operations, Storage and Maintenance

December 05, 2022

Transdev Services, Inc. (Brisbane operations) is interested in continuing offices and parking facilities for the provision of services to persons with disabilities and elderly in the company's operation of ADA paratransit services for the City and County of San Francisco.

Transdev Services, Inc. was incorporated on December 5, 1986, and initiated operations in Brisbane on September 1, 2014. They took over a contract previously held by MV Transportation with the San Francisco Municipal Transportation Authority, providing public paratransit services for the agency.

The company has identified the location at 575 Tunnel Road to be an optimal location from where to house its operations. Its central location will maximize response time and keep costs contained.

The primary benefit of Paratransit services is to increase mobility persons with disabilities and the elderly, as well as to reduce personal vehicle trips associated with caretakers, family members, and others visiting or assisting persons with disabilities and elderly. Since the number of people requiring Paratransit is not increased due to this project, no additional trips will be generated from current baseline levels.

Use and Location

Transdev is pursuing the continuation of bus storage, dispatch, maintenance and operations facility on approximately 2.3 acres or 100,000 SF of land owned by BDI. The proposed site, 575 Tunnel Rd. The project site is graded and paved to City of Brisbane standards and implement the latest storm water BMPs necessary to accommodate the storage of approximately 150 vehicles with a mix of mini-vans and mini-buses (25 feet or less in length). There is a security fence surrounding the entire site. The proposed use covers less than 1/3 of the seven-acre site occupied by the former manufacturing/building materials facility.

Transdev also requests approval of a small expansion of the use into an approximately 0.3 acre gravel-surfaced area located within the rear Transdev yard area. Which was formerly occupied by a geotechnical settlement monitoring station. This would be for parking of lessor used fleet vehicles and allows space for portable storage container that was placed on site to store cleaning supplies during the Covid-19 pandemic.

Project Description – Transdev Bus Operations, Storage and Maintenance, 575 Tunnel Avenue

Facility Operation & Bus Routing

Buses gain access to the freeway system via Tunnel Avenue to Beatty Road and then Alana Way to obtain north or southbound access to Highway 101. The buses will primarily be off-site during weekdays/peak hours providing service to the customers. The Transdev SF Paratransit program operates 24 hours a day. The primary hours of operation will be between 4 AM and 10 PM. Between midnight and 4 AM a maximum of two buses are expected to operate. Bus routes will travel to and from San Francisco exclusively on Tunnel Avenue, either directly on Tunnel Avenue or Tunnel Avenue combined with Beatty Avenue.

Security is provided by Transdev personnel on duty, as the dispatch area is manned 24/7/365. The site perimeter is enclosed with a security fence.

Not all buses will be in use at all times; some will be back-up buses, while others are transported to another location to be cleaned or to undergo preventive maintenance, checking and replacing fluids, etc. Parking for employees is provided in bus stalls once the bus is moved to begin its service day.

Paratransit Bus Usage

The peak pull-out time is between 6 and 8 am, with approximately 135 trips in and out of the property per day. These buses are fueled off site.

On-site Personnel

Transdev operates with approximately 100 drivers(as demand increases post-Covid) reporting for service and departing in a revenue vehicle, removing it from the location until the end of its service day. The facility is manned by approximately twenty-two (22) dispatch and administrative employees during the course of a 24 hour day.

Project Description – Transdev Bus Operations, Storage and Maintenance

Dispatch Office

The ADA accessible office will continue to accommodate support staff that will perform administrative, dispatch, security, and management responsibilities.

Fencing, Security and Site Layout

The site is paved and fenced with ingress and one egress gates serving the site from Tunnel Avenue with adequate clearance to accommodate bus operations. Security lighting is installed on the site via electrical service from Tunnel Avenue with overhead service to a minimum of four lights poles mounted on each end and the center of the parking area. These poles are

serviced with overhead wires and double mounted halogen floodlighting aimed towards the ground. The site is drained of surface water with adequate SWPPP protections on the edge to avoid erosion.

Surface Conditions:

The paved site is graded to drain to the perimeter of the site. Storm drainage is collected in an infiltration swale and directed to the City storm drain in Tunnel Avenue. The area of the former settlement monitoring station at the rear of the site is surfaced with gravel and will be maintained to prevent airborne dust and tracking of soils.

ATTACHMENT E
Photograph of Transdev Minibus
By Staff on 10/1/22

Item C.

