

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 2/27/18

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

SUBJECT: Interim Use Permit UP-8-16; 575-B Tunnel Avenue; Interim Use Permit to allow Avis Budget Group to utilize a vacant approximately 4.8 acre portion of the Baylands, located behind (or immediately east of) the Transdev bus yard as a temporary overflow lot for up to 750 rental passenger vehicles rented through San Francisco International Airport (SFO). Len Corpus, applicant; Tuntex (USA) Inc., owner.

REQUEST: The applicant is requesting approval of an interim use permit to allow for outdoor storage/staging of up to 750 rental, passenger vehicles for Avis Budget Group, Inc. (ABG), on a vacant, approximately 4.8 acre portion of the Baylands, as a temporary overflow lot for vehicles rented through San Francisco International Airport (SFO). Rental company drivers would shuttle vehicles to and from SFO and so rental customers would not enter the site. The request is for a period of up to 5-years.

PROJECT DESCRIPTION: The operations are described in the attached project description, as provided by the applicant. In summary, ABG proposes to use the existing vacant lot located behind the MV Transportation bus yard as a staging/storage site for new or nearly new rental cars. No non-operable vehicles would be stored at the site and no maintenance would be conducted on site. The applicant has indicated that SFO is in the process of developing a new rental car facility and this lot would be utilized while the new facility at SFO is under development.

There would be no permanent on-site personnel. ABG drivers would be shuttled by van to or from the site to either pick up or drop of individual rental vehicles. A roving security guard would periodically patrol the site.

The use would operate up to 7 days a week, with hours of operation between 7 am and 10 pm. Peak vehicle movement times would be on Sundays, Mondays, Thursdays and Fridays, as detailed in the applicant's attached trip estimate table. The travel routes would be to and from SFO, via Tunnel Avenue and Beatty Avenue. Vehicles would not come south to Lagoon Road or cross over onto Bayshore Boulevard. Access to and from the site from Tunnel Avenue would be through the southern edge of the Transdev bus yard, as was allowed for in the Interim Use Permit UP-5-16, approved on October 13, 2016.

Prior to occupying the site with vehicles, this vacant lot would be surfaced with gravel for dust control and to provide for a more even surface, to prevent water ponding. A perimeter fence would be installed for security. Neither site utilities nor structures are proposed. Since access to and from the site would be from along the southern edge of the Transdev bus yard, that access drive would be separated from the bus yard by a fence and gate. A chain-link fence would also be placed around the perimeter of the site, where there are gaps in the fencing, for security.

RECOMMENDATION: Conditionally approve Interim Use Permit UP-13-11 via adoption of Resolution UP-13-11 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: This project, a minor temporary use of land having negligible or no permanent effects on the environment, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15304(e) 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, adopted June 10, 1996, establishes procedures and required findings for the approval of interim uses in the Baylands subarea. Required findings are set forth in BMC Section 17.41.060, and mandatory conditions of approval are listed in BMC Sections 17.41.060.F and 17.41.070.

ANALYSIS AND FINDINGS: The required findings under BMC Sections 17.41.060.A-F and project analysis are as follows:

a) The interim use will not be detrimental to the public health, safety or welfare, or injurious to nearby properties or improvements;

The proposal **complies** with this finding. The site was previously occupied by an industrial use, in an area that is industrial in character, and this outdoor vehicle storage use is consistent with that character. Adjacent uses include Transdev bus yard to the west, the Recology storage yard to the north. These uses to the west and north also primarily serve as vehicle storage yards. The former Van Arsdale-Harris lumberyard at to the south is now also owned by Recology and includes warehouse buildings, used for storage of recycling bins. Then to the east are the soil and rock recycling operations on UPC's land.

The only use of the site would be storage and movement of passenger rental vehicles. The intensity and operational characteristics of the proposed rental car storage yard are consistent with the surrounding area and will not adversely impact nearby businesses.

As indicated above, hours of operation are primarily daytime hours, with some movements after dusk. It is proposed that vehicles would typically be moved on or off the site to serve customers at SFO between 7 am and 10 pm daily, with the peak days on Sundays, Mondays, Thursdays and Fridays. No lighting is proposed with the use. However a condition of approval is included should the operator determine that

temporary lighting is later desired, this shall be subject to review by the Planning Director. Lighting from the shuttle and rental vehicles after dusk would be essentially the same as expected for normal automobile traffic that occurs in the area.

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

The proposal **complies** with this finding. The site overlies the former landfill and was previously used for a building materials facility that was removed in 2004. Until recently it was also the site of a soil pile that was used for landfill settlement monitoring. That work has been completed and the soil pile removed. Although the soil pile is gone, a settlement monitoring well still remains on the site and that will be lowered to ground level, per County requirements, prior to using the site. The site is essentially flat and has a mix of paved areas and hardened soil areas by these past uses. The applicant proposes to add a gravel layer to smooth out a depression at the site's center as well as to provide for dust control. Both the Regional Water Quality Control Board (RWQCB) and San Mateo County Environmental Health have reviewed the application and did not have objections to the proposed use. Conditions of approval have been included per the RWQCB's and County's request to ensure that the use complies with their requirements regarding not allowing for water ponding and not allowing for excavation into the cap.

Additionally, since the proposed use is for vehicle storage, the City retained Metis Environmental Group to analyze traffic impacts from the proposed use in combination in combination with past, present and reasonably foreseeable projects within the timeframe of the proposed use. Metis concluded that the proposal would not result in any significant impacts. Further, because the addition of traffic from the proposal was negligible, no significant impacts related to air quality, greenhouse gas emissions and noise would be expected either.

There are no permanent structures associated with this use that would have environmental impacts. It's anticipated that a few large shrubs to small trees would be removed from the southern area of the site and a condition of approval is included to address their removal. No protected tree species have been found on site.

c) the interim use will not obstruct redevelopment;

In considering approval of the Interim Use Permit, the Planning Commission must find that the use "...will not obstruct, interfere with, or delay the intended redevelopment of the property..." (BMC Section 17.41.060.C). The project would not include any buildings and the proposed perimeter fence may be readily removed upon termination of the use.

The site lies in proximity to the extension of Geneva Avenue associated with the Baylands Specific Plan. Based on preliminary design work, portions of the site could be impacted by the future roadway alignment and/or associated grading. However, roadway design work has not been completed so an element of uncertainty remains. Even if the site is impacted by the future roadway extension, there is no funding source, nor an established schedule for roadway construction. Based on these circumstances it appears

highly unlikely that implementation of this project for a term of 5 years would impact foreseeable roadway improvements. However, to ensure that the project would not interfere with the roadway extension in the unlikely event it proceeds during the term of the interim use permit, it is recommended that a condition of approval be applied that the applicant acknowledge and agree in writing to remove improvements identified as an obstacle to public improvements. Based on these considerations, the proposal **complies** with this finding.

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

This finding **complies** with this finding. There are no public utilities required for this use and the project would gain access to and from Tunnel Avenue at the existing driveway entrance at the south end of the Transdev bus yard. That driveway would be separated from the Transdev yard by a fence. Transdev would continue to have its existing access at the northern end of that site.

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

The proposal **complies** with this finding. The shuttle operation proposed for the site provides a public benefit by allowing for needed rental car transportation, close to SFO, thereby reducing vehicle miles traveled over other more distant options. The project would also provide for suitable utilization of an otherwise unutilized area of the Baylands.

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

The proposal **complies** with this finding. The applicant indicates that their employment recruitment program will include directed outreach to Brisbane residents. It is recommended that the specifics of such a program be presented for City staff review and approval prior to commencement of the use.

ATTACHMENTS:

Vicinity Map
Site Photograph
Applicant's Project Description
Proposed Site Plan
Draft Resolution UP-8-16

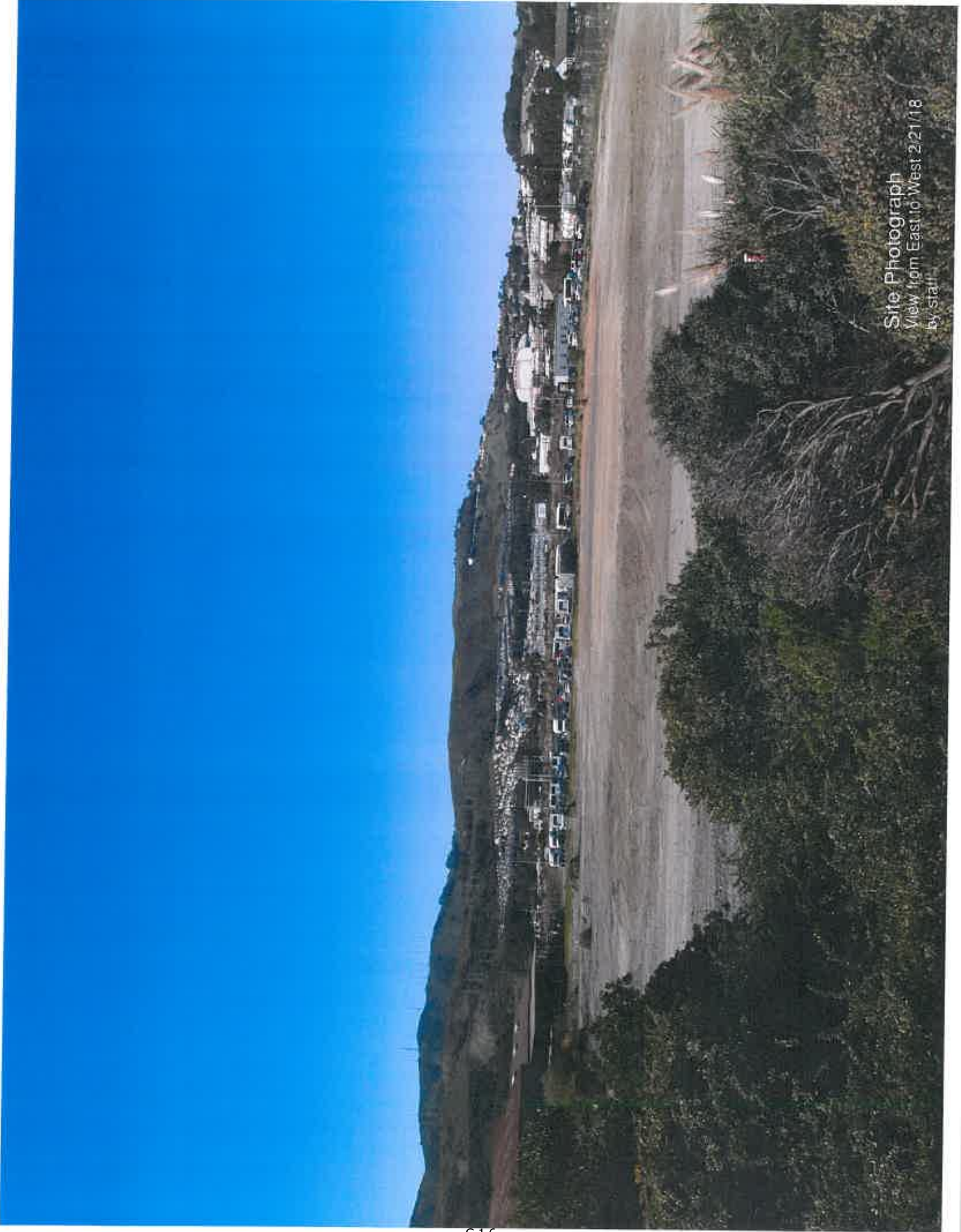


Vicinity Map/Aerial Photo



2000 ft

Site Photograph
View from East to West 2/21/18
by Staff



SUPPORTING STATEMENTS**For Interim Use Permit**

DESCRIPTION OF PROPOSED USE: Sunquest Properties, Inc. is requesting a new 5-year Interim Use Permit at 575-B Tunnel Avenue to lease 4.8 acres of ground space to a prospective tenant who intends to store no more than 750 new rental vehicles with vehicle maintenance performed off site.

Our prospective tenant, Avis Budget Group, Inc. (ABG), is a leading global provider of vehicle rental services, both through its Avis, Budget, and Payless brands, which have more than 11,000 rental locations in approximately 180 countries around the world, and through its Zipcar brand, which is the world's leading car sharing network, with nearly one million members. ABG operates most of its car rental offices in North America, Europe, and Australia directly, and operates primarily through licensees in other parts of the world. ABG has approximately 30,000 employees and is headquartered in Parsippany, N.J.

ABG is interested in establishing a temporary overflow storage site for parking rental vehicles while they are waiting to be rented at the San Francisco International Airport (SFO). ABG has multiple locations around the airport to service its clientele. SFO is in the process of developing a new rental car facility at the airport. Until this facility is completed, ABG needs a location to store the vehicles which are either waiting to be rented, or recently rented. The company has identified the location on Tunnel Avenue to be an optimal location for storage of these vehicles. Its location will maximize response time and keep costs contained.

The primary benefit of rental car services is to serve visitors to the Bay Area. With the lack of vacant land on the peninsula, ABG has been forced to look at sites across the bay in Oakland and Hayward. This distance is not only costly, it unnecessarily adds to the traffic and our carbon footprint, both of which, ABG is striving to minimize.

USE AND LOCATION:

ABG is pursuing the ability to use this site on a temporary basis while they wait for their new rental car facility at the airport to be constructed. Because of the temporary nature of the site, ABG have met with City of Brisbane staff and toured the site and have determined that, with minimal improvements, ABG can make this site work economically, physically, and ecologically.

The proposed location on Tunnel Avenue is a site of a former manufacturing building materials facility that was torn down about 13 years ago. The project site will be surfaced with gravel to meet the City's standards for dust control. The site will allow for approximately 750 vehicles to

be temporarily parked and returned/retrieved. An exclusive, secured entrance will be created for a secured and clear ingress/egress from the proposed new site at the southwest corner along the south edge of the bus yard at 575 Tunnel Avenue.

FACILITY OPERATION AND VEHICLE ROUTING

ABG intends to access this site from 7 AM to 10 PM, 7 days a week. The majority of their activity will typically be on Mondays from 8 AM to 6 PM, Thursdays from 2 PM to 6 PM, Fridays from 8 AM to 6 PM and Sundays from 2 PM to 6 PM. There will be very limited activity on the other days of the week and after 6 PM.

The rental vehicles will be driven by ABG employees and/or contracted professional drivers whose companies have contracts directly with ABG. All drivers are in possession of company ID cards. These drivers operate in teams between 10 to 11 drivers each. When loading the proposed site with rental vehicles, drivers move individual rental vehicles to this location where drivers are picked up by our shuttle van and return as a group to SFO facilities. When unloading the proposed site of rental vehicles, the reverse operation occurs. The total number of shuttle van trips will not exceed 40 trips per day and will likely be less than 20 shuttle van trips per day on most days.

Vehicles would 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 shuttle vans are based at the South San Francisco facility and will not be stored at the Brisbane site. The shuttle van routes will travel to and from SFO exclusively on Tunnel Avenue combined with Beatty Avenue. On most occasions, ABG will only utilize one shuttle crew at a time. The round trip time to SFO is about 35 minutes so there should be no bundling or caravanning of rental vehicles through the Brisbane roadways.

No customer transactions will take place at this site and will not be open to the public.

ON-SITE PERSONNEL

There shall be no permanent on-site personnel. A contracted, roving security officer, who monitors and patrols our prospect's other two off-airport sites located just a few miles away in South San Francisco, will be utilized.

VEHICLE MAINTENANCE

There will be absolutely no vehicle maintenance performed on this site. All rental vehicles are virtually new and are in good working condition. Disabled vehicles will never be stored at the proposed site.

FENCING, SECURITY, AND SITE LAYOUT

Proposed perimeter fencing and vehicle barriers (e.g., concrete K-rail) will be added as shown in the attached site plan. A manually operated security gate will also be installed at the entrance. These additions will enhance the existing perimeter elements and mitigate the potential for unwanted access to this portion of the site. One ingress/egress gate servicing the site from Tunnel Avenue with adequate clearance to accommodate the vehicle and bus operations will also be provided as shown.

SITE PREPARATION

The majority of the site has previously been cleared of brush and debris. The existing topography essentially will remain as-is. Approximately two to three inches of gravel will be added to areas where exposed dirt exists to mitigate the potential of generating dust from parking operations.

List the types and quantities of hazardous, toxic, flammable or explosive materials or wastes are involved with the use: None. No vehicle maintenance will be performed at this site.

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

List any material and equipment which will be stored outside and explain how these will be screened from public view: None. There are no plans for screening of this site because it does not front on any public street and it's adequately screened from public view by the operations on the adjacent sites.

Will the use generate air emissions, odors, smoke or dust? If so, how will these be controlled? No exceptional dust or other emissions are anticipated from simple parking/storage of the vehicles.

Will the use generate noise or vibration? If so, how will these be controlled? None anticipated from parking operations.

Will the use generate glare, heat, or other impacts? If so, how will these be controlled? None anticipated from parking operations.

Will the use generate waste materials? If so, how will these be disposed? The use will not generate waste materials.

How will waste materials from the use be prevented from polluting storm water runoff? The use will not generate any waste materials.

What utilities and other infrastructure are required for your use? Are these existing on site? If not, how will they be provided? No utilities or other infrastructure are anticipated for overflow parking.

The Brisbane Municipal Code requires that your use benefits the property. List the benefits below: (a) eliminate blight or unsightly or hazardous conditions, (b) by installing improvements that will facilitate redevelopment of the property, (c) other: A and C.

There are few users anticipated for a site next to a landfill/recycle facility. It's ideal for overflow vehicle parking and storage which eliminates vacant land that sits underutilized within the City limits. The visibility of ABG's drivers and security staff should discourage vandals/trespassers from dumping trash or other hazardous conditions that arise from large parcels that are vacant. The site will also be improved by the removal of any debris and overgrown vegetation. By locating this vehicle storage area in close proximity to SFO, there will be less travelling and air pollution created to transport the vehicles.

The Brisbane Municipal Code requires that your use benefit the public. List the public benefits below: (a) creating jobs, (b) generating revenues, (c) providing needs, good or services, (d) other: A, B and C. This storage area will create jobs for the Peninsula area and job postings will be made at City Hall. Four ABG employees have residences in Brisbane and are joining the Chamber of Commerce to become active members in the community as well as to offer employment. The increased use of this vacant property will increase the property tax value for the area.

Will you establish a program to encourage employment of Brisbane residents in the construction and operation of the use? Explain: Yes, we will encourage the hiring of residents from the Brisbane community.

Will your use include any of the following?

the manufacture, processing, handling, treatment, transportation, recycling, or storage of hazardous, toxic, flammable or explosive materials or wastes in quantities for which a permit is required from any governmental agency? No.

The dumping, processing, sorting, recycling, recovery or storage of garbage, debris, scrap materials, or similar items (excluding the recycling of concrete or brick and the storage and processing of soils, rock, and other similar materials. No.

Uses that create unsightly visual impacts or the appearance of blight as seen from any other location with the city, such as automotive dismantling and wrecking yards, junk yards, outside storage of used equipment, trailers, or vehicles not being offered for sale, and outside storage of glass, metal, paper, cardboard, or other material collected for recycling or disposal (except as otherwise permitted). No.

Will your use include any of the following? heavy manufacturing operations, including concrete or asphalt batch plants, foundries and other activities involving the fabrication of metal products from raw materials, processing of chemicals, and the rendering or refining of oils or animal materials? No.

What is the length of time for which you are applying for an Interim Use Permit? (For initial terms of up to 5 years, Planning Commission approval is required. For initial terms of more than 5 years, City Council approval is required, following a recommendation from the Planning Commission. We are applying for a new Interim Use Permit, at 575-B Tunnel Avenue for a 5-year period.

Supporting Statements: Under BMC sections 17.41.060 A-F, we have provided answers on the Supporting Statement for Interim Use Permit sheet attached to this submittal. Below are each section and a brief answer to what applies to our use.

a) The interim use will not be detrimental to the public health, safety or welfare, or injurious to nearby properties or improvements;

With the location of the property, public health, safety or welfare to nearby properties will not be a factor.

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

The use will not create any significant environmental impacts.

c) The interim use will not obstruct redevelopment;

The use will not obstruct redevelopment.

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

No utilities or other infrastructure are anticipated for overflow parking. ABG's use is essentially the same as previous parking operations for the San Francisco 49er games.

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

The primary benefit of rental car services is to serve visitors to the Bay Area. With the lack of vacant land on the peninsula, ABG is forced to look at sites across the bay in Oakland and Hayward. This distance is not only costly, it unnecessarily adds to the traffic and our carbon footprint, both of which ABG is striving to minimize. The visibility of ABG's drivers and security staff should discourage vandals/trespassers from dumping trash or other hazardous conditions that arise from large parcels that are vacant. The site will also be improved by the removal of any debris and overgrown vegetation. By locating this vehicle storage area in close proximity to SFO, there will be less travelling and air pollution created to transport the vehicles.

f) Encourage the employment of Brisbane residents to the extent it is reasonably possible to do so;

We will continue to encourage and recommend our tenants to post job opportunities at City Hall or City offices where residents are encouraged to apply for employment.



Vehicle Trips #8

Cars inbound to Brisbane Lot (Average)

= Peak Traffic Hours

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0800-0900	0	0	0	0	10	10	0
0900-1000	0	0	0	0	20	20	0
1000-1100	0	0	0	0	20	20	0
1100-1200	0	0	0	0	20	20	0
1300-1400	0	0	0	0	20	20	0
1400-1500	0	0	0	10	20	10	0
1500-1600	0	0	0	20	20	0	0
1600-1700	0	0	0	20	20	0	0
1700-1800	0	0	0	20	20	0	0
1800-1900	0	0	0	20	20	0	0
2000-2100	0	0	0	10	10	0	0
2100-2200	0	0	0	0	0	0	0
2200-2300	0	0	0	0	0	0	0

Cars inbound to Brisbane Lot (Maximum)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0800-0900	0	0	0	0	25	20	0
0900-1000	0	0	0	0	50	40	0
1000-1100	0	0	0	0	50	40	0
1100-1200	0	0	0	0	50	40	0
1300-1400	0	0	0	0	50	40	0
1400-1500	0	0	0	20	50	20	0
1500-1600	0	0	0	40	50	0	0
1600-1700	0	0	0	40	50	0	0
1700-1800	0	0	0	40	50	0	0
1800-1900	0	0	0	40	50	0	0
2000-2100	0	0	0	20	25	0	0
2100-2200	0	0	0	0	0	0	0
2200-2300	0	0	0	0	0	0	0

Cars Outbound from Brisbane Lot (Average)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0800-0900	20	0	0	0	0	0	0
0900-1000	20	0	0	0	0	0	0
1000-1100	30	0	0	0	0	0	0
1100-1200	30	0	0	0	0	0	0
1300-1400	30	0	0	0	0	0	0
1400-1500	30	0	0	0	0	0	10
1500-1600	30	0	0	0	0	0	20
1600-1700	30	0	0	0	0	0	20
1700-1800	30	0	0	0	0	0	20
1800-1900	30	0	0	0	0	0	20
2000-2100	20	0	0	0	0	0	10
2100-2200	0	0	0	0	0	0	0
2200-2300	0	0	0	0	0	0	0

Cars Outbound from Brisbane Lot (Maximum)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
0800-0900	40	10	0	0	0	0	0
0900-1000	40	20	0	0	0	0	0
1000-1100	60	20	0	0	0	0	0
1100-1200	60	20	0	0	0	0	0
1300-1400	60	20	0	0	0	0	0
1400-1500	60	10	0	0	0	0	20
1500-1600	60	0	0	0	0	0	40
1600-1700	60	0	0	0	0	0	40
1700-1800	60	0	0	0	0	0	40
1800-1900	60	0	0	0	0	0	40
2000-2100	40	0	0	0	0	0	20
2100-2200	0	0	0	0	0	0	0
2200-2300	0	0	0	0	0	0	0

RESOLUTION UP-8-16

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-8-16
FOR AN INTERIM USE PERMIT TO ESTABLISH A STORAGE/STAGING YARD
FOR UP TO 750 PASSENGER RENTAL VEHICLES

WHEREAS, Len Corpus applied to the City of Brisbane for an Interim Use Permit, UP-8-16, to establish a temporary yard for outdoor storage of up to 750 passenger rental vehicles on approximately 4.8 acres previously occupied by industrial uses at 575-B Tunnel Avenue; and

WHEREAS, on February 27, 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 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 15304(e) 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 February 27, 2018 did resolve as follows:

Interim Use Permit UP-8-16 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-seventh day of February, 2018, by the following vote:

AYES:
NOES:
ABSENT:

Jameel Munir
Chairperson

ATTEST:

EXHIBIT A

ACTION TAKEN: Conditionally approved Interim Use Permit UP-8-16 per the staff memorandum with attachments, via adoption of Resolution UP-8-16.

FINDINGS:

1. 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;
2. The proposed interim use is categorically exempt from environmental review pursuant to Section 15304(e) of the California Environmental Quality Act (CEQA) Guidelines and will not result in any significant adverse environmental impacts;
3. 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 there are no permanent site improvements proposed.
4. There are no required public utilities since there will be structures and no-one stationed at the yard and the infrastructure of Tunnel Avenue will provide for roadway access, so that the interim use will operate in a safe, sanitary, and lawful manner.
5. The use will benefit the property and/or the public in that the shuttle operation proposed for the site provides a public benefit by allowing for needed rental car transportation, close to SFO, thereby reducing vehicle miles traveled versus other more distant options. The project would provide for suitable utilization of an otherwise unutilized area of the Baylands.
6. The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do so.

CONDITIONS OF APPROVAL:

Operational Conditions:

- A. Prior to occupying the site with vehicles, the prospective operator shall obtain a business license through the City's Finance Dept.
- B. The Interim Use Permit is approved for vehicle storage for up to 750 passenger vehicles only. It does not include on-site maintenance of vehicles and no non-operable vehicles shall be stored on site.
- C. The site shall not be open to the public, but access is to be restricted to the operator's employees, contractors and representatives and security maintained by the operator.

- D. Per the City Engineer, inbound and outbound vehicles shall be prohibited from using Lagoon Way. Signage advising this restriction shall be placed at the egress point of the storage yard, subject to the satisfaction of the City Engineer.
- E. Hours of operation are from 7 am to 10 pm daily. Hours outside this time shall be subject to approval by the Planning Director, following written request by the applicant or operator.
- F. Prior to occupying the site with vehicles, the operator shall provide the Planning Department with an employment recruitment program targeted toward Brisbane residents, subject to the review and approval of the Planning Director.

Site Work:

- G. Gravel shall be placed and maintained to prevent water from ponding on the site and to provide for dust control, to the satisfaction of the City Engineer and San Mateo County Environmental Health. Positive drainage shall be maintained to the existing swale to the west edge of the site. The applicant shall apply for a grading permit through the Public Works Dept. prior to gravel placement.
- H. The project shall comply with stormwater NPDES requirements, including Best Management Practices during site preparation, to the satisfaction of the City Engineer.
- I. This project does not include paving with an impervious surface. Any such proposal would be subject to further review and approval by the Planning Director and City Engineer and reviewed for compliance with C.3 stormwater regulations and consistency with this interim use permit.
- J. Per the RWQCB, the site shall be maintained with a minimum of 2 feet of thickness of clean soil above the waste.
- K. Any new perimeter fencing shall comply with the provisions of BMC Section 17.32.050.
- L. Prior to conducting site work, the applicant shall provide at least a 72 hour notice to the RWQCB and San Mateo County Dept. of Health and the RWQCB.
- M. Prior to vehicle storage, the existing Sondex settlement monitoring well shall be adjusted to be flush with the grade surface and any other monitoring wells within the site area shall be protected to the satisfaction of the San Mateo County Environmental Health.
- N. If portable security lighting is proposed at a future date, details of security lighting shall be provided for review and approval of the Planning Director. Any such security lighting shall be shielded and directed downward to avoid offsite light spillage and glare.
- O. The site shall be maintained in a debris- and weed-free condition.
- P. The applicant shall apply for a separate tree removal permit through the Planning Dept. if any trees are proposed for removal that fit the requirements for a tree removal permit, per BMC

Chapter 12.12. The City may require replacements elsewhere or an in lieu fee for regulated trees.

Other:

- Q. The property owner's agreement with the operator of the interim use shall continue to state that: (i) the operator's right to possession of the premises for the purpose of conducting the interim use is dependent upon the interim use permit having been granted and maintained in full force and effect; and (ii) the operator's right to possession of the premises for the purpose of conducting the interim use will terminate upon any expiration or revocation of the interim use permit; and (iii) it shall be the responsibility of the owner to terminate the operator's possession of the premises upon any expiration or revocation of the interim use permit if the operator continues to utilize the premises for the conduct of such interim use.
- R. The permittee shall be jointly and severally liable for all costs and expenses, including attorney's fee, the City may incur to enforce the conditions of the interim use permit upon any breach thereof by the permittee, or to abate and remove the interim use upon any failure by the permittee to discontinue such use, or to evict the operator of such use, upon the expiration or revocation of the interim use permit.
- S. 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.
- T. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48 should the use not comply with its conditions of approval, or in any way prove to be a nuisance, injurious or detrimental to property or improvements in the neighborhood or to the general welfare of the City, or for any reason whatsoever that the City Council or Redevelopment Agency deems in its sole discretion that makes continuation of this use not satisfactory, or in the event of the repeal of the Interim Use Ordinance.
- U. This Use Permit shall expire **5 years** from its effective date (at the end of the appeal period).