

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 2/9/17

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

SUBJECT: **55 & 131 Industrial Way; Use Permit UP-10-16; Use Permit for outside storage of vehicles and equipment and temporary staging of wood chips and logs, for continuation and minor expansion of the previously granted Use Permit UP-1-11; The Davey Tree Expert Company, applicant; Universal Paragon Corporation for Sierra Hotel Management Corp., owner; APN Ptn. 005-312-070**

Request: The Davey Tree Expert Company currently occupies the warehouse at 131 Industrial Way as its place of business for tree trimming and removal. Under a number of use permits granted over the years, the latest being UP-1-11, they are authorized to use yard area to the north side of the warehouse to store trucks and equipment and for temporary staging area for wood chips from job sites before these materials are hauled away to an off-site cogeneration plant in Woodland, California. No wood processing activities, such as cutting or chipping, are permitted. Davey Tree utilizes the approximately 0.6-acre southern portion of the adjoining vacant lot at 55C Industrial Way (the southern portion of the vacant lot of 55 Industrial). The proposed use of the rear yard of the 131 Industrial Way site represents a minor expansion on the previously approved staging area.

In brief, the request is to extend the previously granted use permit for 55 Industrial Way and to extend the permit to include 131 Industrial Way. Davey Tree has indicated that their fleet currently includes 14 vehicles/pieces of heavy equipment including box trucks, chippers, aerial lift trucks, a crane and tank trucks. The proposal also includes modifying the previous approval to allow temporary staging of logs, in addition to the wood chips as previously permitted, and to extend the staging location to include the area behind the warehouse at 131 Industrial Way. As proposed, the storage area crosses the boundary between 55 and 131 Industrial Way, so that the southerly portions of 55 Industrial Way and 131 Industrial Way function as one yard.

Recommendation: Conditionally approve Use Permit UP-10-16 per the agenda report, via adoption of Resolution UP-10-16 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: Operation, permitting and minor alteration of existing facilities are categorically exempt from the provisions of the California Environmental Quality Act per

Section 15301 of the State CEQA Guidelines. The exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

Applicable Code Sections: Per Brisbane Municipal Code Section 17.20.020.C, a Use Permit is required for “outside storage of trucks and equipment, when properly screened” in the M-1 District. The findings required for Use Permit approval are contained in BMC Sections 17.40.060.A & B.

Background/Description: Use Permits for outside storage were granted by the Planning Commission for this use in 2003 and renewed in 2006, 2008 and 2011. The latest use permit was UP-1-11 in 2011 and that permit has since expired. As noted previously, the permit was granted for outdoor storage of trucks and equipment on the vacant lot of 55 Industrial Way, along with staging of wood chips for recycling. It did not include storage of logs.

Previous use permit approvals acknowledged that the staging of organic materials for recycling was recognized by standard practice as exempt from BMC Section 17.20.010, Permitted Uses, and that the provisions of BMC Section 17.20.030.G, Recycling Area Requirements, did not apply. The recycling area requirements contained in that section pertain to recycling enclosures for day-to-day collection associated with the on-site business activities and are applied to new development or re-development sites. Since the incidental staging of materials to be recycled is not addressed through the development standards contained in Section 17.20.030.G, but is consistent with the General Plan policies 143 and 265, which encourage recycling, the use permit conditions of approval are the means to ensure that the on-site handling and management of these materials are done in a safe and orderly manner.

As proposed, wood chips and logs from Davey Tree’s job sites will be staged at the rear and the north side of the site, as shown in the attached map. The site is partially paved with asphalt and hardened with asphalt grindings or gravel. The overall area is enclosed by a chain-link fence on three sides and the area for organics staging is backed by modular block concrete wall. Views into the site are screened from street view by a previously approved 9-foot chain-link fence with slats and by the warehouse building.

As indicated above, the applicant has stated that their current number of vehicles and equipment totals 14 units and that area is immediately behind the front fence. The recyclable materials are located behind the vehicle and equipment storage area, to the rear of the site.

The recyclable materials, both the wood chips and large logs, are skip-loaded into large shipping containers and hauled 3 times a week to an electricity co-generation plant in Woodland, CA. No chipping or cutting is proposed on-site, but rather the materials are processed off-site.

Per the County’s recommendations, the volume of chipped material stored on-site is limited to a maximum of 50 cubic yards a day; otherwise, additional State permitting requirements for compostable materials would apply. To assure that the recyclables storage aspect of the use does not become a nuisance or hazard, conditions of approval were previously adopted to specify compliance with applicable State regulations as recommended and administered by the County Environmental Health Division and carry forward in the recommended conditions.

During the fourth quarter of 2016, San Mateo County Environmental Health Dept. issued two violations, one for exceeding storage time limits and one for fire control temperature of the wood chip piles being exceeded. It was also noted that the storage had been expanded beyond the previous approval and included leafy limbs. As a result, as recommended by the County and North County Fire Authority, draft conditions of approval have been added to place tighter controls on the day-to day operations and to include inventory reporting to the County.

Analysis and Findings: To approve a use permit, the Planning Commission must make the findings required by Brisbane Municipal Code Section 17.42.040. There are 2 applicable findings which this application must meet for approval. They are provided below in italics along with the discussion for each:

1. *“In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.”*

The application meets this finding. While there is a draft specific plan for the Baylands, which includes this site and the lands surrounding it, that specific plan has not been adopted and is subject to the ongoing review by the City Council. Therefore, the M-1 zoning remains effective and the proposed use is consistent with the zoning. This is also consistent with the 1994 General Plan’s land use designation of trade commercial, which designates this area for “light industrial...and uses of similar character.”

Both the truck and equipment storage and the organics staging areas would continue to be located on site and screened from view by the slatted chain link fence. The proposed storage and staging uses are also consistent with the neighboring industrial uses characterized by the district and consistent with the General Plan and staff has received no complaints from the neighbors regarding past operations at the site.

2. *“The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.”*

The application meets this finding, given the conditions of approval. The use is in keeping with the neighborhood and it would not be detrimental or injurious.

As discussed in the background section, San Mateo County Health Dept. issued two violations in the fourth quarter of 2016. Staff subsequently met with the County and North County Fire Authority to review the operation and to ensure that the conditions of approval are current with the operation. These two agencies provided conditions of approval with the previous application and those conditions have now been expanded to further address the safe operation of the facility,

as provided in the draft conditions of approval. These conditions include, but are not limited to, monitoring the wood chip pile and sending it off site for recycling in a timely fashion for cogeneration and not allowing leafy green waste on site. These conditions of approval, together with those carried forward from the 2011 permit are designed specifically to address the safe operation of the facility.

The last condition reiterates that there are revocation procedures, and provides some specificity to what would constitute grounds for referring the application back to the Planning Commission for revocation. Grounds for referral of the application would rest with the Community Development Director.

Attachments:

Draft Resolution with Findings and Conditions of Approval
Annotated Assessor's Map & Site Photographs

draft
RESOLUTION UP-10-16

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-10-16
TO PERMIT OUTSIDE STORAGE OF VEHICLES AND EQUIPMENT
AND TEMPORARY STAGING OF WOOD CHIPS AND LOGS FOR RECYCLING
BY THE DAVEY TREE EXPERT COMPANY
AT 55 and 131 INDUSTRIAL WAY

WHEREAS, the Davey Tree Expert Company, the applicant, applied to the City of Brisbane for Use Permit approval for fenced outside storage of trucks and equipment and staging of wood chips and logs for recycling on the shared yard of the southern portion of the vacant parcel at 55 Industrial Way and 131 Industrial Way, such application being identified as Use Permit UP-10-16; and

WHEREAS, on February 9, 2017, the Planning Commission conducted a hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the agenda report relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the CEQA Guidelines; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 9, 2017, did resolve as follows:

Use Permit UP-10-17 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this ninth day of February, 2011, by the following vote:

AYES:
NOES:
ABSENT:

Tuong Van Do
Chairperson

ATTEST:

JOHN SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-10-16 per the agenda report with attachments, via adoption of Resolution UP-10-16.

Findings:

- A. In considering an application, the Planning Commission considered and gave due regard to the nature and condition of all adjacent uses and structures, and the general plan and the application is consistent. There is no specific plan for the area in question.
- B. The Planning Commission determined that the establishment, maintenance or operation of the use of storage of trucks and equipment and staging of chipped wood and logs for recycling will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

Conditions of Approval:

- 1. Recyclable materials shall be stored within the modular concrete wall enclosure area only and maintained to the satisfaction of, and enforced by, the San Mateo County Health Department's Environmental Health Division (County), in compliance with applicable State regulations. The County may impose additional requirements.
- 2. The chipped wood pile shall not exceed the height of the enclosure, nor shall it exceed 6 feet in height.
- 3. Chipped wood shall be maintained separate from the logs, with K-rail or concrete blocks to provide separation.
- 4. Palm fronds and other organic materials that cannot be chipped may only be temporarily stored in debris boxes, as approved by the County, and shall be removed as necessary to prevent the creation of any public or environmental nuisances.
- 5. The stored tree chip material shall be limited to a maximum of 50 cubic yards a day
- 6. The working surface of the yard shall be maintained to prevent tire rutting, and water ponding.
- 7. A temperature probe shall be used as necessary to monitor the temporary stockpile temperature and maintain it below the County and Fire Dept. requirements
- 8. The applicant shall provide records of incoming and outgoing amounts of material per day to the County as part of a monthly operations report, or at an alternative schedule that is pre-approved in writing by the County.

9. Removal of organic recyclables is generally to be within 48 hours and under no circumstances shall materials remain longer than 7 days.
10. The subject portion of the site shall be maintained in a graded and/or paved condition to eliminate ponding water, subject to the approval of the Public Works Department and to the satisfaction of San Mateo County Environmental Health Division. Stormwater flows shall be directed to the City's storm sewer system subject to the approval of the Director of Public Works/City Engineer.
11. Use of the subject portion of the site shall comply with National Pollution Discharge Elimination System Program best management practices for storm water discharge (per BMC Chapter 13.06).
 - a. Exterior vehicle washing is prohibited on the subject portion of the site without proper Best Management Practices approved by the Public Works Department.
 - b. "Dry methods" such as dry mop, broom, rags, absorbents, etc., shall be used to clean impervious surfaces within the subject portion of the site and on the adjoining street and City right-of-way. Leaks and drips shall be routinely "spot cleaned."
 - c. A spill response plan shall be maintained and kept current. Employees shall be trained on the elements of the plan.
 - d. Any waste shall be managed to reduce adverse impacts on stormwater quality.
 - e. All employees shall be trained upon hiring and annually thereafter on proper methods for handling and disposing of waste.
 - f. Any storm drain inlets and catch basins shall be inspected and cleaned if necessary before October 1st of each year.
 - g. The City right-of-way shall be maintained clean of any grindings, dirt or debris that might tracked from the site.
12. The fence around the storage yard, including wood or plastic slats in the portion of the fence facing Industrial Way (excluding the gates), shall be maintained to the satisfaction of the Community Development Director.
13. No repair work, including welding or exchange of any combustible/flammable fluid, including radiator fluid, is allowed on the subject portion of the site.
14. No fuel storage (other than in the trucks' fuel tanks) shall be permitted on the subject portion of the site, except as approved by the Fire Department. A mobile fuel tanker may be allowed on the site to fuel vehicles but is not to be stored there. Fire Department approval is required for any tank at 131 Industrial Way, which shall be a double-wall UL approved vaulted fuel tank, with required venting, monitoring and detection, and in compliance with the current requirements of the California Fire Code. Any oil drums stored at 131 Industrial Way shall have secondary containment as required by the Fire Department.

15. The number of vehicles and equipment may be increased within the limits of the site, subject to Community Development Director approval. However, a 20 ft. wide fire lane (with no parking) shall be maintained to the satisfaction of the Fire Department at all times to provide access to all areas of the site.
16. A minimum 2A:60-B:C fire extinguisher shall be provided for all vehicles and equipment as required by the Fire Department.
17. No water discharges from the yard may be directed to the Bayshore Sanitary District's wastewater system unless an Industrial Discharge Permit is obtained from the District.
18. The street address ("131 Industrial Way") shall remain posted at the site to the satisfaction of the Fire Department. No other signage is approved as part of this permit. A Sign Permit shall be obtained prior to the installation of any signs not otherwise exempt by the Municipal Code.
19. Access to the site is to be granted to oversight agencies for inspection as may be deemed necessary by the agencies.
20. This permit may run with the land and be transferrable to another operator, if the operator provides a complete description of the operations to the Community Development Director and it is deemed to be substantially conforming to this Conditional Use Permit, as determined by the Community Development Director.
21. The use of this site shall not inhibit or impede future development of the Baylands.
22. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
23. 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.
 - a. Failure to comply with any of the aforementioned conditions of approval shall constitute grounds for revocation of the use permit. Generally, in the event that any of the agencies with oversight authority (ie: including the City of Brisbane, North County Fire Authority or the County) provides a written notice of the violation and correction items have not been properly addressed in a timely manner (as may be indicated in the notice); or in the event that more than one violation is issued within a 6 month period, the application will be brought to the Planning Commission for revocation.
 - b. The Community Development Director shall have discretion regarding referral of the application to the Planning Commission for revocation proceedings.

11 Industrial

1000' 00" E

INDUSTRIAL

BAYSHORE



G.1.6
G.1.9

Subject Site A1



