

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 10/28/2021

**SUBJECT:** **Interim Use Permit 2021-UP-3; 600 Tunnel Avenue;** C-1 Commercial District (Baylands); Interim Use Permit, renewal of UP-4-19, to allow continued staging of up to 90 Google Commuter buses on an approximately 3 acre vacant site on the Baylands. Sam Khodja, applicant; Oyster Point Properties Inc., applicant/owner.

**REQUEST:** An Interim Use Permit is requested by the property owner Oyster Point Properties, Inc. on behalf of Google to allow for the continued utilization of the subject site as a staging yard for up to 90 Google buses for transporting Google employee commuters. This is requested as a renewal of UP-4-19 and the requested term of the Interim Use Permit is for 5 years. No site improvements are proposed by the applicant with this proposed continued use.

**RECOMMENDATION:** Conditionally approve Interim Use Permit 2021-UP-3, with modifications, via adoption of Resolution 2021-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, 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.

### **BACKGROUND/PROJECT DESCRIPTION:**

#### **Site Description:**

The site is approximately 3 acres in size and is located south of Golden State Lumber, between the CalTrain rail-lines and Tunnel Avenue, on the westernmost edge of the former municipal landfill. Interim use permit UP-4-19 and grading permit EX-3-19 were approved in October 2019, which allowed for site preparation and the staging of Google buses for a two year period, which will end on October 31, 2021.

The yard has been graded and surfaced with gravel and enclosed with a chain link fence. Entry and exit driveways with gates have been provided at the north and south ends of the site,

respectively. The entry and exit drives are paved. Eleven portable, solar powered light standards are located on the site. No independent trash service or restrooms are provided on the site. Trash is collected off-site and the buses contain lavatories. Vehicle maintenance is prohibited on the site.

### **Operations:**

Google began its operations in late 2019. However, following the onset of the Covid-19 pandemic in early 2020, Google suspended its operations and removed the buses from the site. They restarted operations in the summer of 2021.

Proposed site operations include parking, or staging, of the buses up to 24 hours a day, seven days a week, although generally buses are out on rounds, transporting Google employees to and from work, during the weekday daytime hours. The buses are picked up and dropped off by contracted Google bus drivers Monday through Friday, between 3 and 7 am and 3 and 9 pm. Drivers arriving by personal vehicle park on the site. The total vehicle trips per day is estimated at 360, with the peak hours being between 4 and 6 am at a rate of 60 trips per hour and between 7 and 8 pm at a rate of 50 trips in that hour. Note that a trip is counted for each time either a personal vehicle or bus would enter or exit the yard. Buses generally do not return to the yard between the morning and evening commute hours. Per the Planning Commission's conditions of approval under UP-4-19, the buses are routed to the north to and from U.S. 101 and not south towards the Brisbane Lagoon or Central Brisbane. The Commission further suggested that Google should provide trip and routing data with any future applications.

As indicated above, the yard is fenced and gated to provide for security. Additionally, security personnel periodically patrol this site along with two other nearby Google sites 7 days a week. Portable, solar-powered lighting standards with security cameras are located on the site to provide light during early morning and evening vehicle transfers. Lighting is set for the weekday mornings beginning at 4:00 am and in the evenings ending at 11 pm.

The operational description provided above is consistent with current operations of the facility. No modifications are proposed to the site or operations with this current application. The applicant's project description and Google's bus routing and schedule are attached.

### **Operational Issues and Permittee Responses to Date:**

In early 2020, after Google began its operations, City staff received complaints regarding dust generation from bus movements on site and lighting at night. Staff communicated the complaints to the permittee/property owner and requested that these issues be addressed.

Regarding the dust concern, the property owner followed up with staff in early 2020, reporting that they had added paving to the two driveways leading up to the gates from Tunnel Avenue and were using a water truck to suppress dust generation on the interior of the site with the intent of creating a harder packed surface. Soon afterward operations were suspended due to the Covid-19 pandemic and the buses were removed from the site. The site was reopened in the summer of 2021 and has been in operation for the past few months.

Since reopening, the similar complaints have been raised and the applicant has indicated that they have now added asphalt grindings to the ground surface in an effort to address the dust issue.

Regarding the lighting, in 2020, the applicant indicated that they had their lighting contractor adjust the lights to face more downward onto the site in an effort to reduce off-site impacts. In 2021, they have reported that they have further adjusted the lighting (see letter in Attachment C).

A complaint has also been raised alleging that the drivers were coming and going via southbound Tunnel Avenue, instead of the required northbound route. The applicant has responded that the drivers are using the required northbound route and has requested routing data from Google. At the time of this report, that information is not yet available.

### **Staff Suggested Project Modifications:**

Generation of dust was prohibited in the original use permit conditions of approval and is likewise prohibited for interim uses on the Baylands, per BMC Section 17.41.030.F.1. It does not appear that the base rock or the recently placed asphalt grindings will provide an adequate surface to prevent further dust issues. It is therefore recommended that the parking area be required to be fully paved. Installation of an impervious surface will also require stormwater capture and treatment on site, to comply with the State Water Board's Municipal Regional Permit (MRP) NPDES requirements, as provided in MRP Section C.3. Conditions of approval are included along with suggested timelines for compliance.

Regarding the lighting, the applicant has indicated that the lights have been adjusted downward. However, staff has continued to receive complaints. In order to address the concern about lighting, a condition of approval is recommended that the applicant provide the Planning Director with details showing how the lights are shielded and directed downward to eliminate direct visibility from Brisbane's residential neighborhoods and/or from nearby street views. The applicant shall further provide photometric data demonstrating that that light spillage beyond the site is not occurring. In the event these standards cannot be satisfied, the lighting shall be removed from the site. Removal may necessitate added Google security patrols. Additionally, a condition has been recommended to limit the programmed lighting hours to no earlier than 4 am and no later than 9 pm on weekdays. Weekend lighting has not been requested, since the buses only run during the weekdays.

At this time, staff has not confirmed whether or not Google bus drivers are utilizing southbound Tunnel Ave, in violation of the condition of approval regarding routing. The Police Dept. has reported that they have not observed Google's buses south of the site and, as indicated above, the applicant has reported that Google drivers are using northbound routes and has reached out to Google to see if supporting data is available to verify compliance. It is recommended that the previously included condition of approval carry forward, with a modification that Google provide a monthly report to the Planning Director documenting bus movements. A clarification is suggested that the condition be modified to specify "Google buses" versus "vehicles", to make it clear this prohibition does not apply to the drivers private vehicles.

If the above outlined issues cannot be resolved to staff's satisfaction or there are other violations to the terms of the interim use permit, the permit would be referred back to the Planning Commission for revocation procedures established in Brisbane Municipal Code Chapter 17.48.

**ANALYSIS AND FINDINGS:** 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.

### **Interim Use Permit**

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

The proposal continuation of the use would **comply** with this finding, given the proposed modifications to the site.

The site is within an industrial area of Brisbane and the proposal is not anticipated to have detrimental or injurious effects, given the modifications provided in the conditions of approval. These modifications include paving the site and modifications to prevent off site glare from lighting, per the conditions of approval.

Adjacent uses include vacant lands to the south and the CalTrain rail line, which runs north-south rail adjacent to the site immediately to the west. The Golden State Lumber storage yard is located approximately 200 feet to the north. To the east, across Tunnel Avenue, are the Brisbane Recycling Company and Brisbane Soil Processing operations. There are no anticipated detrimental impacts to these nearby uses, given the site modifications provided in the conditions of approval.

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

The proposal **complies** with this finding.

The use is a continuation of an existing use and the use would have negligible or no permanent effects on the environment, with minor modifications considering the conditions of approval. As such it is categorically exempt from the provisions of CEQA, per Sections 15301 of the CEQA Guidelines. The exceptions to this categorical exemption, referenced in Section 15300.2, do not apply.

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..." (BMC Section 17.41.060.C). Given the short duration of the proposed use and that fact that it will not include any permanent structures, there would be no obstruction



to redevelopment plans. A condition of approval is included to address vacation of the site should redevelopment be advanced during the permit period.

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

This proposal **complies** with this finding.

The infrastructure of the roadway is provided via Tunnel Avenue with nearby U.S. 101 freeway access via Beatty Avenue or farther north just over the San Francisco border. Per the condition of approval, the applicant will be required to provide paving on-site and on-site stormwater treatment prior to discharge. No other infrastructure or utilities are required for this continued use.

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

The proposal **complies** with this finding.

The use would benefit the public in that the bus yard would support the use of commuter buses and thereby reduce greenhouse gas emissions for the region.

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 has indicated that their employment recruitment program includes directed outreach to Brisbane residents, to the extent possible. Google utilizes vendor partners for bus driver services and has indicated that they will encourage those vendors to post job openings in the City's Chamber of Commerce publication, the Luminary.

Finally, note that this application was routed to the City Engineer/Public Works Director, Fire Dept., Police Dept., San Mateo County Environmental Health, Regional Water Quality Control Board and CalTrain JPB for review and comment. The City Engineer commented on the issues of dust and lighting, which are discussed above and addressed in the conditions of approval. No other issues were raised. The proposed conditions of approval are provided with the attached resolution.

## **ATTACHMENTS:**

- A. Site and Vicinity Map/Aerial Photograph
- B. Staff's Site Photographs 10/8/21
- C. Applicant's Submittal
  - i. Project Description 2021 & 2019
  - ii. Applicant's Trip Routing
  - iii. Daily Schedule

- iv. Yard Surface Photograph
  - v. KingSolarman letter
- D. Draft Resolution 2021-UP-3

*Ken Johnson*

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Ken Johnson, Senior Planner

*John Swiecki*

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John Swiecki, Community Development Director





**ATTACHMENT B.1**  
**Google Site North Entrance**  
**10/8/21**





**ATTACHMENT B.2**  
**Google Site North Interior**  
**10/8/21**





**ATTACHMENT B.3**  
**Google Site Interior View**  
**10/8/21**





**ATTACHMENT B.4**  
**Google Site Light Standard**  
**10/8/21**





**ATTACHMENT B.5**  
**Google Site Light Standard Close Up**  
**10/8/21**





**ATTACHMENT C.1  
Applicant's Project  
Description from 2019**

RECEIVED  
JUN -3 2019

Project Description - Google Shuttle Bus Parking

May 31, 2019

Comm. Dev. Dept. Brisbane

Sunquest Properties in partnership with Google is requesting a new 5-year Interim Use for 3-acres (130,680 sf of land) ("Site") intended as a bus parking location so Google can consolidate three separate parking locations in San Francisco and South San Francisco.

The purposed tenant, Google (GOOG), is a leading global technology company with tens of thousands of employees based locally. Google is headquartered in Mountain View, CA with offices in San Francisco, San Bruno, and Sunnyvale. With employees and offices spread across the region, the Google Bus operation has become a major component of the company's strategy for managing their workforce's transportation needs. The Google Bus operation also supports the Companies efforts to reduce congestion and emissions caused by single-occupant cars, especially during peak commuting times.

The Google Bus, also known as "GBus", program has expanded its operation year after year with 2018 being a record year in terms of ridership. In 2018, GBuses provided more than 4 million rides – picking up at 262 shuttle stops across nine Bay Area Counties. In aggregate, the shuttle program saved more than 40 thousand metric tons of CO2 and has helped Google employees avoid over 100 million vehicle miles on the year.

The Location is ideal for the use given its central location and convenient and direct access to 101 and other regional highways. GBuses will be able to come and go with the least amount of impact on local commuters due to the near-by on and off ramps which puts buses on the highway, in route to their shuttle stops in 2-5 minutes.

#### USE AND LOCATION

Google is pursuing the ability to use this site on a temporary basis, while they continue to pursue a permanent location in the region. Google has toured the site and based on the professional opinions of those interviewed, the tenant is confident they can make the site work economically, physically, and ecologically with minimal improvements. The project site will be graded, and gravel will be placed on the site to the City's standards, to allow for up to 90 buses to be temporarily parked and returned/retrieved with minimal dust in the air and dirt on the road. Lighting and security equipment will be powered by self-contained PV and storage systems which will power the necessary equipment for running the site safely and securely. Access will be provided through two gates along Tunnel Ave which will help streamline the flow of buses into and out of the property. Reducing idling time and minimizing traffic impacts on the public right of ways are of paramount importance.

#### FACILITY OPERATION AND VEHICLE ROUTING

##### Monday-Friday

- Up to 90 buses may be parked at any given time. The peak parking demand time is overnight from 10:00pm to 5:00am.
- Normal Operations:
  - Buses leave the site starting at 4:00am and return around 7:00pm
  - Buses are parked from around 7:00pm to 4:00am.
  - Up to 90 buses will be parked overnight until the shift begins at 4am the following day.
  - ~~In rare instances, light maintenance may need to occur and this would include battery jump starts, emergency tire repair, topping off fluids, etc.~~
  - Up to 90 personal vehicles to be parked when buses are in service. Personal vehicles would belong to bus drivers and other support staff

##### Saturday-Sunday and holidays:

- Up to 90 buses may be parked at any given time

Days and hours of operation:

- Monday - Friday: 4am-11pm, no activity between 10am-7pm as all buses will be out in service.
- Buses park midday in Mountain View, CA

#### ON-SITE PERSONNEL

There shall be no permanent on-site personnel. Google will utilize a contracted security officer, who monitors and patrols the Companies assets in South San Francisco and San Bruno.

#### VEHICLE MAINTENANCE

There will be absolutely no vehicle maintenance performed on this site. Bathrooms will be pumped out at an offsite facility.

#### 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. Two ingress/egress gates servicing the site from Tunnel Avenue with adequate clearance to accommodate the vehicle and bus operations will also be provided as shown on the site plan.

#### GRADING

The existing topography of the site will remain essentially as-is while grading will serve to level out soil piles and clear brush and debris. A crushed rock overlayer will sit above any exposed dirt to mitigate the potential of airborne dust resulting from the operations at the site.



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## ATTACHMENT C.2 Applicant's Project Description 2021

[Home](#) > [Electronic Planning Application](#) > [Webform results](#) > Submission #52

### Submission information

Form: [Electronic Planning Application](#) [1]  
Submitted by Visitor (not verified)  
Wed, 09/08/2021 - 5:30pm  
69.181.231.35

### Application Type:

Use Permit

### Use Permit Type:

Interim Uses on the Baylands

**Does the project location have a street address?** Yes

**Project Address:** 600 Tunnel Ave. Brisbane

**Assessor's Parcel Number (APN):** 005340040

**Do you have another APN?** Yes

**Assessor's Parcel Number (APN):** 005350080

**Assessor's Parcel Number (APN):**

**Assessor's Parcel Number (APN):**

**Zoning District:** C-1

**Habitat Conservation Plan:** No

**Flood Zone:** No

**Slope:** Under 20%

**Project Description:** Applying for a 5-years interim use permit renewal UP-4-19 for google bus operation at 600 Tunnel Ave. On March 12, 2020 we had a plan to add more improvement to the site by installing a virgin base rock or asphalt grinding to control the dust issue as a long term solution, however, once the pandemic hit, google bus operation was shut down and buses moved out of the site , until last July, 01, 2021 when google decided to resume their operation, we had a water truck in there 3 days per week to dampen down the base and dirt materials, this could be a potential longer-term solution since we noticed a huge difference. Over time it will compact the surface. Finally, on September 2, 2021 we decided to install an asphalt grinding material over the entire site as a permanent and a long term solution to the dust issue. See Pictures attached showing the current site conditions on September 07, 2021. Additionally, "KingSolarman", the contractor for the "Solar Lighting Towers" did make an adjustment to the lighting per the city of Brisbane request by placing them downwards onto the site, this can mitigate the light pollution, furthermore they have programmed all the lighting towers on a timer so it will turn-on only Monday through Friday between the hours of: (8:00pm-11:00pm & 4:00am-6:00am) and turn-off on Saturday & Sunday. This hours can be adjusted any time upon request. See attached a letter From KingSolarman dated September 07, 2021.

\*We also regularly sweeping Tunnel Ave at least once a week.



# Google Bus Parking: Proposed Route Mapping

**Red** represents inbound buses  
**Blue** represents outbound buses

\*Cars belonging to drivers will be instructed to use this routing as well



**ATTACHMENT C.4  
Vehicle Trip Schedule  
Private Vehicles and Buses**

**Google Buses - Interim Use Application**

Buses <b>Inbound to</b> and <b>Outbound from</b> Brisbane (Average)							
Cars <b>Inbound to</b> and <b>Outbound from</b> Brisbane (Average)							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100							
0100-0200							
0200-0300							
0300-0400	30	30	30	30	30		
0400-0500	30/30	30/30	30/30	30/30	30/30		
0500-0600	30/30	30/30	30/30	30/30	30/30		
0600-0700	30	30	30	30	30		
0700-0800							
0800-0900							
1000-1100							
1100-1200							
1200-1300							
1300-1400							
1400-1500							
1500-1600	10	10	10	10	10		
1600-1700	10/10	10/10	10/10	10/10	10/10		
1700-1800	20/10	20/10	20/10	20/10	20/10		
1800-1900	20/20	20/20	20/20	20/20	20/20		
1900-2000	30/20	30/20	30/20	30/20	30/20		
2000-2100	30	30	30	30	30		
2100-2200							
2200-2300							
2300-2400							



**ATTACHMENT C.5  
Applicant's Photo of  
Surface Material**

Page 1 of 1  
Attachment C.5  
Applicant's Photo of  
Surface Material



**ATTACHMENT C.6  
Solar Consultant Letter**



To the officials in the City of Brisbane,

We have been supplying Solar Lighting Towers and Solar Security Camera Trailers for Google's bus parking lot in the City of Brisbane Since they moved in.

**On March 12<sup>th</sup>, 2020**, we adjusted all the portable security lighting by placing it downwards onto the site per google and landlord request.

Our LED lighting were adjusted can be adjustable and move higher or lower, per customer's request, 360' degree. This can mitigate the light pollution complains.

**On July 1<sup>st</sup>, 2021**, right before Google resume their operation after the pandemic shutdown , we received a second request to adjust the lighting, then we went ahead and adjusted it even more onto the site and maintained downwards, so it would not create any hazard or significant glare to off-site properties, furthermore we have programmed all the lights on a timer, so it will be on and off at the following schedule:

Monday-Friday: Turn-on only between the hours of ( **4:00am-6:00am**) & (**8:00pm-11:00pm**) and Turn-off on Saturday & Sunday

If you have any question, please do not hesitate to contact us.

Thank you,

Michael Cung

A handwritten signature in black ink, appearing to read "Michael Cung", written over a horizontal line.

CEO

King Solarman Inc  
560 Coleman Ave. San Jose CA 95110  
408 373 8800

[Mike@King-Solarman.com](mailto:Mike@King-Solarman.com)  
[www.SolarLightingTower.com](http://www.SolarLightingTower.com)  
[www.SolarCamera.com](http://www.SolarCamera.com)

# ATTACHMENT D

-Draft-

## RESOLUTION 2021-UP-3

### A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE CONDITIONALLY APPROVING INTERIM USE PERMIT 2021-UP-3 TO ALLOW THE USE OF A VACANT SITE ON THE BAYLANDS TO BE USED FOR A GOOGLE BUS STAGING YARD

WHEREAS, Sam Khodja applied to the City of Brisbane for an Interim Use Permit 2021-UP-3 to allow continued outdoor staging of Google buses on an approximately 3 acre vacant site on the Baylands, at 600 Tunnel Avenue, between Tunnel Avenue and the CalTrain rail lines; and

WHEREAS, on October 28, 2021, 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 of the State CEQA Guidelines and the exceptions to this categorical exemption, referenced in Section 15300.2, do not apply; 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 October 28, 2021 did resolve as follows:

Interim Use Permit 2021-UP-3 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty eighth day of October, 2021, by the following vote:

AYES:  
NOES:  
ABSENT:

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Douglas Gooding  
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;
- 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 there are no permanent structures proposed.
- D. There are no required public utilities since the use is for bus staging only. The infrastructure of Tunnel Avenue provide for roadway access and lavatories and recycling are contained on the buses, so that the interim use will operate in a safe, sanitary, and lawful manner.
- E. The use will benefit the property and/or the public in that it would be used to facilitate bus ridership for Google employees thereby reducing greenhouse gas emissions that will benefit the public throughout the region.
- F. The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do, inasmuch as Google utilizes vendor partners for bus driver services and has indicated that they will encourage those vendors to post job openings in the City's Chamber of Commerce publication, the Luminary

### CONDITIONS OF APPROVAL: (Redlined conditions are added from 2019)

1. To prevent dust generation from the use, the applicant shall pave the parking area to the satisfaction of the Planning Director and the City Engineer and onsite stormwater collection and treatment shall be provided for the new paved surface in compliance with the State Water Board Municipal Regional Permit NPDES C.3 requirements.
  - Engineered plans for a Building/Grading Permit for paving and stormwater collection and treatment shall be submitted to the City within 30 days of the effective date of this interim use permit, this shall be subject to City's consultant review of C.3 engineered plans and related documentation at the applicant's expense.

- The applicant shall obtain the building and grading permits and complete the work within 90 days of the effective date of this interim use permit.
- Pending paving completion, the applicant shall provide water trucks as appropriate for dust suppression during movements of buses on the site.
- The paving and stormwater treatment units shall be maintained in good repair and in compliance with the C.3 requirements.

The time period of 90 days may be extended only upon written request to, and approval by the Planning Director and on the condition that the utilization of the site for bus staging has been ceased pending completion of the work.

2. The applicant shall provide the Planning Director with details showing how the lights are shielded and directed downward to eliminate direct visibility from Brisbane's residential neighborhoods and/or from nearby street views. The applicant shall further provide photometric data demonstrating that that light spillage beyond the site is not occurring. This shall be provided to the Planning Director within 21 days of the effective date of this use permit and lighting modifications shall be made within 45 days of the effective date of this permit. The time period may be extended beyond 45 days only upon written request to, and approval by the Planning Director and on the condition that the on site operations have ceased or lighting is no longer operational pending completion of the work.

### **Operational Conditions**

3. Lighting shall be programmed to turn on no earlier than 4 am and to turn off no later than 9 pm.
4. Routing of Google buses shall be to and from the north along Tunnel Ave and Beatty Ave to connect to U.S. 101. A monthly report of the Google bus movements, based on GIS tracking data, shall be provided to the Planning Director, within 30 days of the end of each calendar month. The report shall highlight any violations of this condition, indicating the reason and any corrective action taken.
5. No storage is permitted on site other than the Google bus parking and parking of the drivers' vehicles used to retrieve buses.
6. The site shall be maintained free of trash and debris. Trash and recycling shall be contained on the buses for disposal at an authorized off site location.
7. Per the City Engineer, all vehicles utilizing the yard shall be in compliance with vehicle weight requirements specified in California Vehicle Code Sections 35550-35558. Storage of any vehicles over these weight requirements shall be subject to approval by the City Engineer, who may impose additional conditions.
8. The site and surrounding area shall be maintained for the duration of the use in compliance with North County Fire Authority requirements. This includes, flammable vegetation must be kept a minimum of 30 feet away from the property line, around the

exterior of the lot being used, to provide a fuel break from the Baylands vegetation, except that vegetation within the nearby wetlands areas shall not be removed without approval by the project biologist.

9. Maintenance of vehicles is not permitted on the site.
10. Per the Bayshore Sanitary District requirements:
  - No onsite wastewater facilities, other than those on the buses are permitted.
  - No SFPUC water connection is permitted without prior approval.
  - No wastes from the buses into the District's wastewater collection system shall be permitted.
11. If the City determines that the interim use would interfere or obstruct planned public improvements, within a 90-day written notice by the City the permittee shall abandon the interim use and remove improvements at its own expense.
12. The operator shall maintain a business license through the City's Finance Dept.

**Mandatory Conditions, per BMC Section 17.41.070:**

13. Since the use is being operated by a person other than the owner of the property, the owner and the operator are 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.
14. The 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.

**Other Conditions and Project Close Out:**

15. Vehicles, fencing and lighting shall be removed from the site by the close of the interim use permit period or upon other vacation of the use.
16. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48.

17. Minor modifications to this use permit may be approved by the Planning Director upon written request.

**18. This Interim Use Permit shall expire two years from the effective date of the interim use permit. That expiration date is November 5<sup>th</sup>, 2023.**