

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of October 28, 2021

SUBJECT: **3435 Bayshore Boulevard;** C-1 Commercial Mixed-Use District (Baylands) Use Permit 2021-UP-5, Interim Use Permit to establish a non-commercial tree nursery on approximately 3.5 vacant acres, north of Mission Blue Nursery; Eric Aronsohn/Tuntex USA Inc. (Baylands Development Inc.), applicant/owner.

REQUEST: Proposed Interim Use Permit to establish a non-commercial native tree nursery on approximately 3.5 vacant acres, on the same site and north of the existing Mission Blue Nursery.

RECOMMENDATION: Conditionally approve Use Permit 2021-UP-5, via adoption of Resolution 2021-UP-5 containing the findings and conditions of approval (Attachment C).

ENVIRONMENTAL DETERMINATION: Categorically exempt per State CEQA Guidelines Sections 15304—Minor public or private alterations in the condition of land, water and vegetation. 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.

DESCRIPTION/BACKGROUND:

The site is located within the southwestern portion of the Baylands Subarea of the General Plan, north of the Brisbane Fire Station and east of Bayshore Boulevard. It is accessed from a paved driveway from Bayshore Boulevard that runs behind the Fire Station.

The site would occupy approximately 3.5 vacant acres, with up to 4,900 trees, immediately to the north of Mission Blue Nursery. Mission Blue Nursery has been in operation since 2005 and on October 14th, 2021, it received Planning Commission approval to continue operations for another 5 years. The applicant/land owner has indicated that the proposed native tree nursery would operate from 9 am to 5 pm, with occasional weekend work, the same as Mission Blue Nursery. The facility will utilize automatic irrigation, tied into the existing supply serving Mission Blue Nursery. Maintenance staff would range from 1 to 3 people, with oversight by a certified arborist as needed.

No permanent structures are proposed with the tree nursery. The nursery area will be grubbed for weed clearance and then landscape fabric would be placed across the area to suppress weed growth. This would be done in phases, from south to north. Ultimately, approximately 4,900 trees would

be grown from seedling size in above- ground containers or in grow bags. Once the trees have reached adequate size, the applicant has indicated their intent to use the trees on the Baylands site.

Existing vegetation along the site edges would be left in place for screening views of the site, with routine weed management and trimming of dead growth to be performed as needed.

The applicant has indicated that four storage containers are located at the south end of the site, which have been in use by Mission Blue Nursery. These will be shared between Mission Blue Nursery and the proposed tree nursery. Additionally, a Bobcat® tractor or similar tractor may be stored and used on site for movement of trees, tree trimmings, weeds, etc. A condition of approval is recommended to limit the storage to only that associated with nursery use. Also, organic debris is to be routinely removed and not stored on the site.

A portable toilet and trash service provided at the existing nursery site will be shared with this temporary facility and may be increased, if needed to meet additional demand.

Neither lighting nor new fencing is planned. However, if security becomes a concern, the applicant has indicated that they would request that portable lighting be permitted. It would be limited to the area in the immediate area of the storage containers at the south end of the site. Likewise, new fencing is not planned for this fairly isolated area, but the applicant may request that fencing be permitted at a future date. See the lighting and fencing conditions of approval.

No outside sales (retail or wholesale) are proposed for the use.

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 facility is a native tree nursery located in a self-contained, isolated area with minimal public exposure and/or impact. The low intensity of the proposed operation ensure that impacts on surrounding properties will be negligible. The nursery use is also compatible with the existing Mission Blue Nursery already in operation adjacent to the site.

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

The proposal **complies** with this finding. The project represents a minor alteration to private land and is akin to extension of the adjacent Mission Blue Nursery to a larger area of this same site and will not result in any significant adverse environmental impacts.

The proposed interim use is categorically exempt from environmental review pursuant to Section 15304(b) of the California Environmental Quality Act (CEQA) Guidelines, as new gardening or landscaping, with native, climate adapted trees. None of the exceptions to the exemptions per Section 15300.2 of the State CEQA Guidelines apply. These exceptions are outlined as follows: (a) this is not a sensitive location as defined in the exceptions, (b) there are no cumulative impacts from successive projects, (c) there are no unusual circumstances related to this use that would constitute a significant impact, (d) this

project is not on or associated with a scenic highway, (e) the site is not a listed hazardous waste site, and (f) there are no historical resources on the site.

No new structures would be built on the site and the existing storage containers would be shared between Mission Blue Nursery and the proposed tree nursery. Outside the containers, equipment storage would be limited to a Bobcat or tractor, so visual impacts would be minimal.

Lighting and new fencing is not planned. If requested at a future date, conditions of approval are provided to ensure these would not impact neighbors and would be compliance with the zoning ordinance.

c) the interim use will not obstruct redevelopment;

The proposal **complies** with this finding. The project is limited to a small, remote corner of the larger Baylands subarea, and the presence of this tree nursery would not hinder future development the specific plan area.

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

The proposal **complies** with this finding. The necessary water connection and site access was provided with the establishment of the Mission Blue facility in 2005. No other infrastructure is required.

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

The proposal **complies** with this finding. The trees will provide a direct environmental benefit in that they sequester greenhouse gases. Additionally, locally sourcing trees can reduce greenhouse gases emissions that could otherwise result from shipping of large plants from outside the area for future landscaping/planting work.

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

Given the conditions of approval, the proposal will **comply** with this finding. Although the site would employ a small work crew, the applicant has expressed the desire to employ local residents. A condition of approval is included, requiring the applicant to file an employment recruitment program with the City.

Finally, note that this application was provided to the City of Brisbane Public Works, Fire, Building and Police Departments and to the San Mateo County Environmental Health Services Division and no concerns were raised.

ATTACHMENTS:

- A. Vicinity Map
- B. Applicant's Site Photo and Plans
- C. Draft Resolution 2021-UP-5

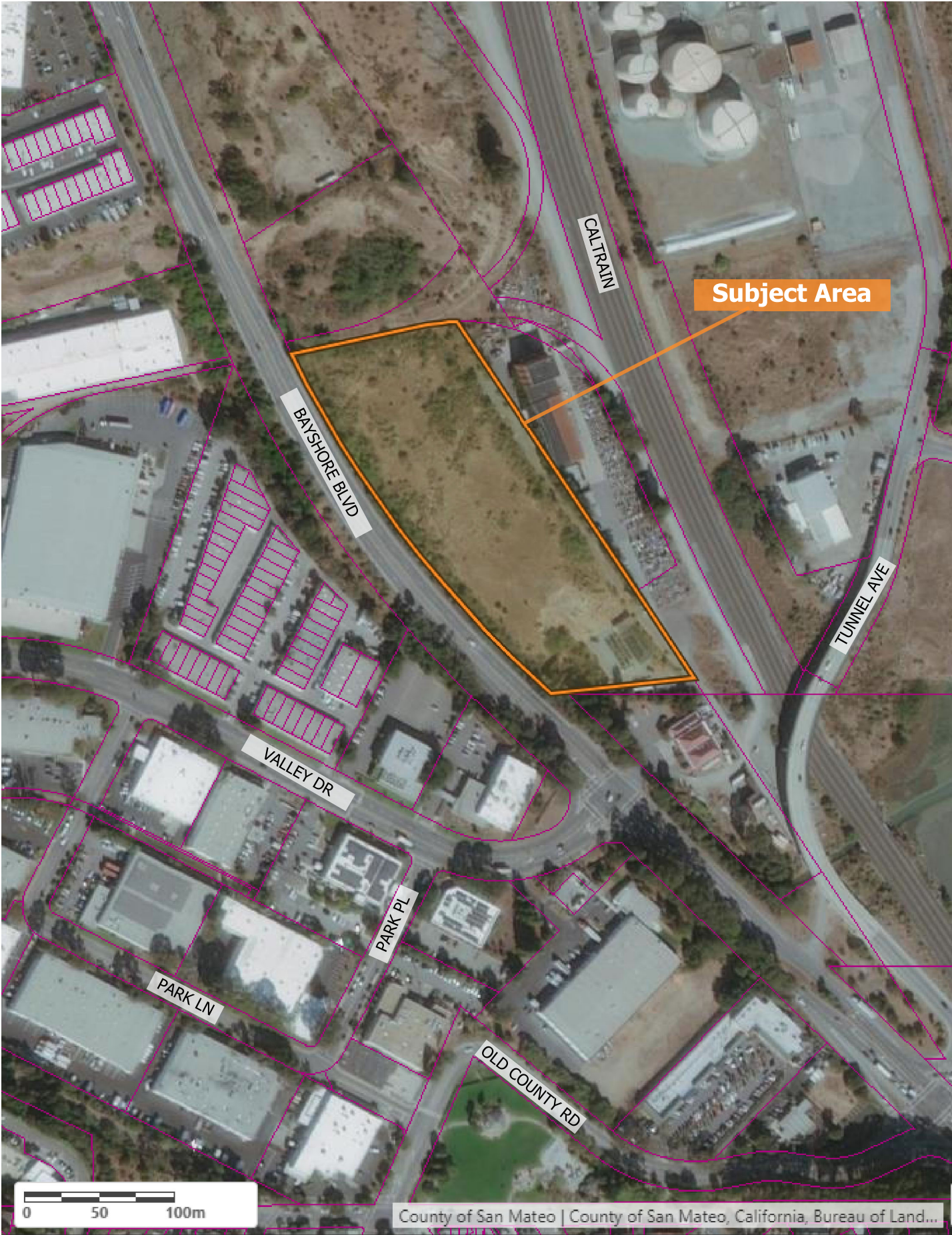
Ken Johnson

Ken Johnson, Senior Planner

John Swiecki

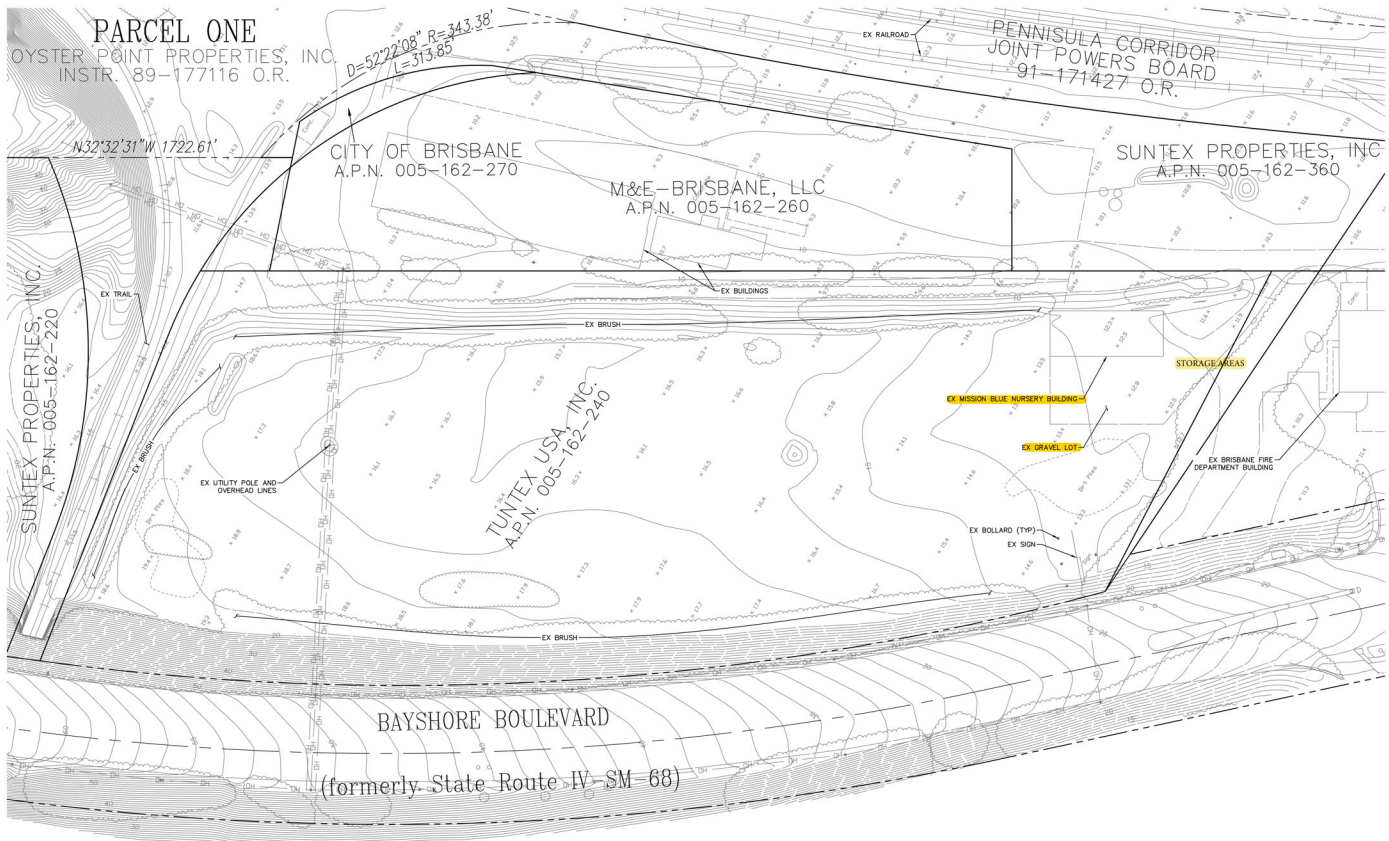
John Swiecki, Community Development Director

ATTACHMENT A
3435 Bayshore Blvd
Site Vicinity Map





Drone picture taken by Eric Aronsohn 7/1/2021. Looking west from 90 feet above grade with established nursery on the left



DRAWING NAME: \\P01\GIS\GIS\2017\1616_1618_1619_1620_1621_1622_1623_1624_1625_1626_1627_1628_1629_1630_1631_1632_1633_1634_1635_1636_1637_1638_1639_1640_1641_1642_1643_1644_1645_1646_1647_1648_1649_1650_1651_1652_1653_1654_1655_1656_1657_1658_1659_1660_1661_1662_1663_1664_1665_1666_1667_1668_1669_1670_1671_1672_1673_1674_1675_1676_1677_1678_1679_1680_1681_1682_1683_1684_1685_1686_1687_1688_1689_1690_1691_1692_1693_1694_1695_1696_1697_1698_1699_1700_1701_1702_1703_1704_1705_1706_1707_1708_1709_1710_1711_1712_1713_1714_1715_1716_1717_1718_1719_1720_1721_1722_1723_1724_1725_1726_1727_1728_1729_1730_1731_1732_1733_1734_1735_1736_1737_1738_1739_1740_1741_1742_1743_1744_1745_1746_1747_1748_1749_1750_1751_1752_1753_1754_1755_1756_1757_1758_1759_1760_1761_1762_1763_1764_1765_1766_1767_1768_1769_1770_1771_1772_1773_1774_1775_1776_1777_1778_1779_1780_1781_1782_1783_1784_1785_1786_1787_1788_1789_1790_1791_1792_1793_1794_1795_1796_1797_1798_1799_1800
 PLOT DATE: 09/13/17
 PLOTTER: BKH

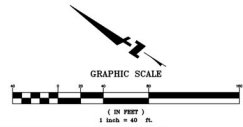


CALIFORNIA

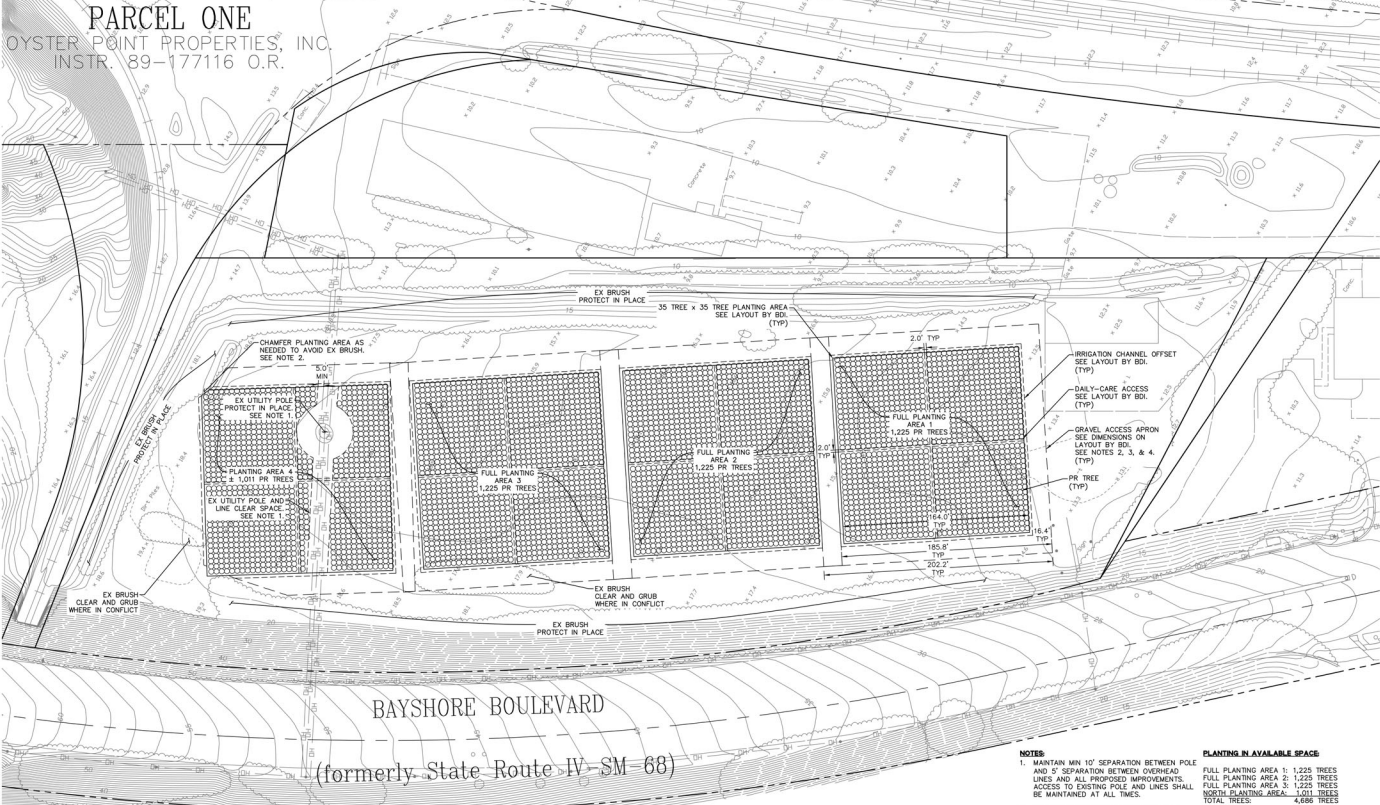
MISSION BLUE NURSERY
 PLANNING APPLICATION
 EXISTING CONDITIONS
 SAN MATEO COUNTY



PROJECT NUMBER	1616-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800
DATE	09/13/17
DRAWN BY	KL
CHECKED BY	CL
DESIGNED BY	KL
APPROVED BY	CL
DATE OF SITE PLAN	09/13/17
SCALE	AS SHOWN
PROJECT NAME	MISSION BLUE NURSERY PLANNING APPLICATION EXISTING CONDITIONS
CITY/TOWN/COUNTY	BRISBANE, SAN MATEO COUNTY
PLANNING NUMBER	C2.0
EXISTING CONDITIONS	6



PRELIMINARY - NOT FOR CONSTRUCTION



PARCEL ONE
 OYSTER POINT PROPERTIES, INC.
 INSTR. 89-177116 O.R.

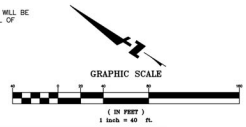
BAYSHORE BOULEVARD
 (formerly State Route IV SM 68)

NOTES

1. MAINTAIN MIN 10' SEPARATION BETWEEN POLE AND 5' SEPARATION BETWEEN OVERHEAD LINES AND ALL PROPOSED IMPROVEMENTS. ACCESS TO EXISTING POLE AND LINES SHALL BE MAINTAINED AT ALL TIMES.
2. EXCEPT IN THE CASE OF THE NORTHERN PLANTING AREA, ALL PLANTING AREAS AND ACCESS PATHWAYS SHALL MAINTAIN 10 FEET CLEAR FROM EXISTING BRUSH ON WEST AND EAST EDGES OF LOT. CLEAR AND GRUB BRUSH AND PLANTS SHOWN WITHIN FOOTPRINT OF THE GRAVEL ACCESS APRON.
3. ACCESS APRON SHALL BE COMPOSED OF 2" GRAVEL AND BE CLEARED OF ALL EXISTING VEGETATION.
4. PER BDL EACH FULL PLANTING AREA WILL BE 35 TREES BY 35 TREES FOR A TOTAL OF 1,225 TREES PER AREA.

PLANTING IN AVAILABLE SPACE

FULL PLANTING AREA 1	1,225 TREES
FULL PLANTING AREA 2	1,225 TREES
FULL PLANTING AREA 3	1,225 TREES
NORTH PLANTING AREA	1,011 TREES
TOTAL TREES	4,686 TREES



DRAWING NUMBER: 20-12-21
 DATE: 09/13/21
 PROJECT: MISSION BLUE NURSERY SITE PLAN (REV. 09/13/21)
 PROJECT LOCATION: 10000 W. 100TH STREET, SAN RAFAEL, CA 94901
 CLIENT: OYSTER POINT PROPERTIES, INC.
 DESIGNER: BKF ENGINEERS
 SCALE: AS SHOWN
 SHEET NUMBER: 4 OF 6

CALIFORNIA

MISSION BLUE NURSERY
 PLANNING APPLICATION
 PRELIMINARY SITE PLAN
 SAN MATEO COUNTY



Project Name	Mission Blue Nursery
Project No.	20-12-21
Sheet No.	4
Date	09/13/21
Scale	AS SHOWN
Author	JLB
Checker	JLB
Approver	JLB
Project Manager	JLB
Scale	AS SHOWN
Sheet Number	4
Project Number	20-12-21
Project Name	Mission Blue Nursery

PRELIMINARY - NOT FOR CONSTRUCTION

Draft - RESOLUTION 2021-UP-5
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING INTERIM USE PERMIT 2021-UP-5
FOR A NATIVE TREE NURSERY AT
3435 BAYSHORE BOULEVARD

WHEREAS, Eric Aronsohn, the applicant, applied to the City of Brisbane for Interim Use Permit approval of the continued operation of a native tree nursery at 3435 Bayshore Boulevard, such application being identified as 2021-UP-5; and

WHEREAS, the proposed use is to allow the establishment of a native tree nursery immediately to the north and on the same site as the established Mission Blue Nursery, with the latest interim use permit 2021-UP-2, as a shared use of the land for separate nursery uses; 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 plans, 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 15304 of the State CEQA Guidelines and none of the exceptions to the exemptions per Section 15300.2 of the State CEQA Guidelines 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-5 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:

DOUGLAS GOODING
Chairperson

ATTEST:

JOHN A. SWIECKI
Community Development Director

EXHIBIT A

Action Taken: Conditionally approved Interim Use Permit 2021-UP-5 per the staff memorandum with attachments, via adoption of Resolution 2021-UP-5.

Findings:

- A. The above recitals are incorporated by this reference as if set forth in full;
- B. 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;
- C. The proposed interim use is categorically exempt from environmental review pursuant to Section 15304 of the California Environmental Quality Act (CEQA) Guidelines and will not result in any significant adverse environmental impacts and none of the exceptions to the exemptions per Section 15300.2 of the State CEQA Guidelines apply;
- D. 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;
- E. The public utilities and other infrastructure improvements required in order for the interim use to be conducted in a safe, sanitary, and lawful manner are available at the site;
- F. The use will provide a benefit to the public inasmuch as the trees will provide a direct environmental benefit in that they sequester greenhouse gases. Additionally, locally sourcing trees can reduce greenhouse gases emissions that could otherwise result from shipping of large plants from outside the area for future landscaping/planting work.
- G. The operator will provide a program to encourage employment of Brisbane residents, to the extent it is possible to do so.

Conditions of Approval:

Prior to Nursery Operation:

- 1. Prior to preparation of the site for plants, the applicant shall file a written program with, and for approval by, the Planning Director for recruitment of local residents to encourage employment during construction and operation of the nursery.

2. The applicant shall submit a building permit application to tie the proposed irrigation system into the existing water supply.
3. Prior to start of nursery operations, the applicant shall provide the City with a watering schedule, with watering spread out over the week, not to exceed 8 hours per day, which shall be subject to City Engineer approval.
4. Grubbing of the plant growing area shall be limited to the root zone, it shall not result in removal of soil and shall be limited to the area defined in the plans provided with this agenda report. Soil moisture shall be maintained during grubbing so as to prevent airborne dust generation. Note that grubbing may occur in phases, but that area to be grubbed shall be immediately dressed by condition #5.
5. Following grubbing and prior to start of nursery operations, landscape fabric and erosion control measures shall be placed and secured on the ground, per the plans provided in the agenda report. Grubbing and grow areas may be phased in, within the limits shown in the applicant's plans.

Operational Conditions:

6. The plants are to be grown above-ground, with roots within containers or grow bags.
7. The site shall be kept free of trash and debris. Organic debris is to be routinely removed and not stored on the site.
8. Storage shall be limited to that which is incidental to the on-site nursery operations and is limited to the existing storage area in the southern area of the site.
9. The site shall be maintained such that airborne dust is not generated that would be a nuisance to neighbors.
10. Onsite portable toilet facilities shall be maintained for use by nursery staff.
11. If lighting is to be added for site security, it will be limited to the immediate area of the existing container storage, in the southern area of the site. Any addition of lighting shall be subject to approval by the Planning Director, following the applicant's written request, which shall include a lighting plan and light standard details showing how the lighting would be directed downward and shielded from direct off-site views from Brisbane's residential zoning districts and the nearby transportation corridors, such as Bayshore Boulevard, Tunnel Road and CalTrain.
12. Any fencing shall comply with the provisions of Brisbane Municipal Code Section 17.32.050. Prior to installation of fencing, the applicant shall submit plans to the Planning Director for compliance verification.

Standard Baylands Interim Use Conditions:

13. 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 upon the expiration or revocation of the interim use permit.
14. 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 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.
15. Minor modifications to this interim use permit shall be subject to approval by the Planning Director. The Planning Director may also refer a requested modification to the Planning Commission.
16. This Use Permit shall expire five years from its effective date (at the end of the 6-day appeal period). That expiration date is November 5, 2026.