

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of October 14, 2021

SUBJECT: **3435 Bayshore Boulevard;** Use Permit 2021-UP-2, Interim Use Permit for continued operation of a native plants nursery (Mission Blue Nursery); Eric Aronsohn/Tuntex USA Inc. (Baylands Development Inc.), applicant/owner; APN 005-162-240 (southern portion).

REQUEST: An Interim Use Permit is requested for the continued operation of Mission Blue Nursery, an approximately 4,000 square foot native plants nursery, at 3435 Bayshore Boulevard. The nursery has been in operation since 2005 and the request is to allow for the nursery to continue for 5 more years.

RECOMMENDATION: Conditionally approve Use Permit 2021-UP-2, via adoption of Resolution 2021-UP-2 containing the findings and conditions of approval (Attachment C).

ENVIRONMENTAL DETERMINATION: Continued operation of an existing facility is 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: 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.

As indicated above, the nursery has been in operation since 2005, under use permits UP-11-05 and UP-3-16, and no modifications to the facility or operations are proposed for the continuation of the use. The nursery facility consists of a 40'x 100' wood-framed greenhouse, approximately 16 feet in height, set back approximately 200 feet from Bayshore Boulevard. It is roofed with fiberglass panels and shade cloth and open on the sides. Three storage containers are also located on site for storage of tools and planting materials. The facility is screened from public view by heavy vegetation along Bayshore Boulevard.

As described in the applicant's project description (Attachment B), Mission Blue Nursery is operated by the Friends of San Bruno Mountain, a 501(c)(3) non-profit corporation. The facility

specializes in native plants, utilizing seed stock and cuttings from San Bruno Mountain as a plant source for use in habitat restoration projects. Primary clients are habitat restoration contractors, although the facility is licensed for retail sales.

The nursery is operated by volunteers, and access to the facility is by appointment only, with the exception of occasional special event plant sales. On-site activity is limited, as the facility maintains automatic irrigation. Typically one volunteer is present on-site several hours per week. Occasionally a larger number of volunteers may be present for work days and/or special projects.

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 plants greenhouse located in a self-contained, isolated area with minimal public exposure and/or impact. The small size and low intensity of the proposed operation ensure that impacts on surrounding properties and improvements will continue to be negligible.

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

The proposal **complies** with this finding. As noted previously, the project represents the on-going operation of the native plants nursery, which was constructed and began operation following approval of the first use permit for this facility in 2005. As indicated under the Environmental Determination section, the ongoing use of the facility is categorically exempt from CEQA pursuant to Section 15301 of the State CEQA guidelines.

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 facility would not hinder future development within the remainder of the larger specific plan area. In the event of redevelopment the use may be discontinued and the relatively small, wood-framed structure and could easily be removed.

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

The proposal **complies** with this finding. All necessary utilities and site access was provided with the establishment of the facility in 2005.

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

The proposal **complies** with this finding. The proposed facility plays a valuable role in maintaining and enhancing the biological integrity of San Bruno Mountain by propagating native flora for use in restoration projects. This is consistent with a number of General Plan policies pertaining to the conservation and restoration of open space and biological resources.

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

This finding **is not applicable** to the proposal. As noted in the applicant's project description, the facility is operated by the Friends of San Bruno Mountain, a 501(c) (3) non-profit corporation, and is fully staffed by volunteers.

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 Project Description with Site Photos and Site Plan
- C. Draft Resolution 2021-UP-2

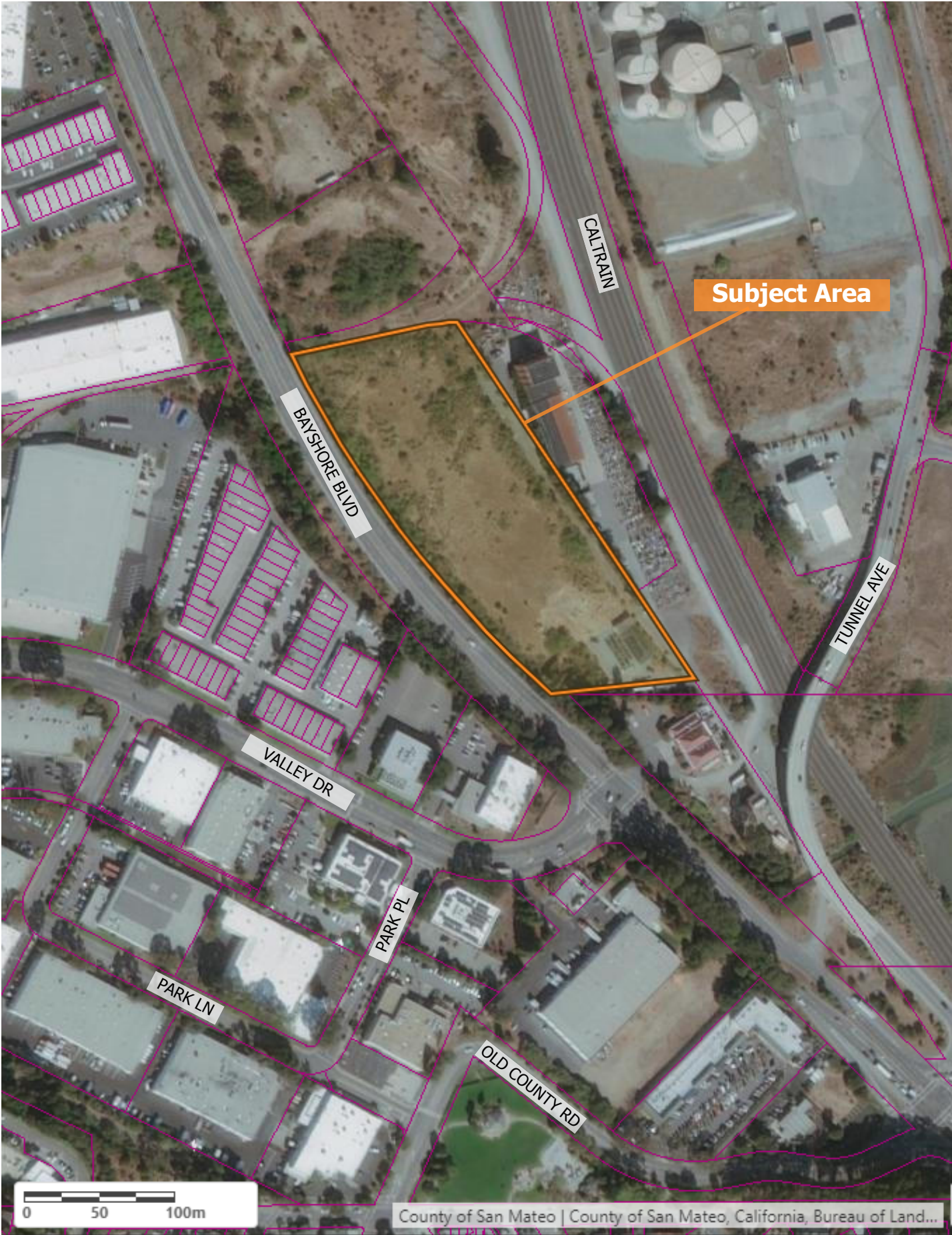
Ken Johnson

Ken Johnson, Senior Planner

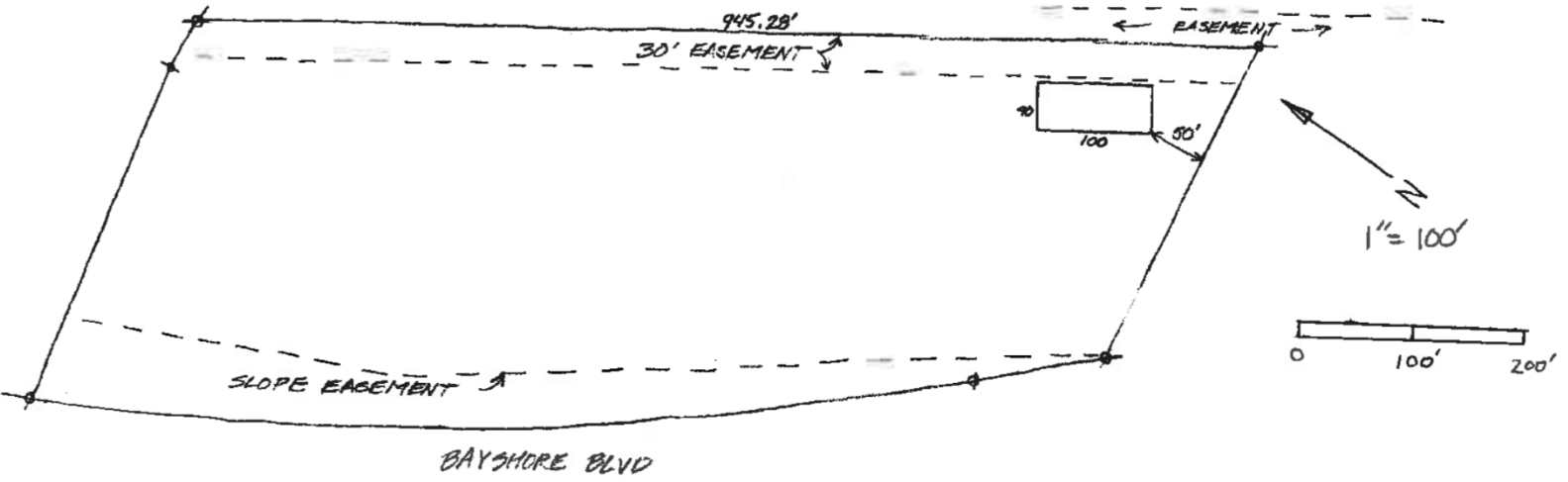
John Swiecki

John Swiecki, Community Development Director

ATTACHMENT A
3435 Bayshore Blvd
Site Vicinity Map

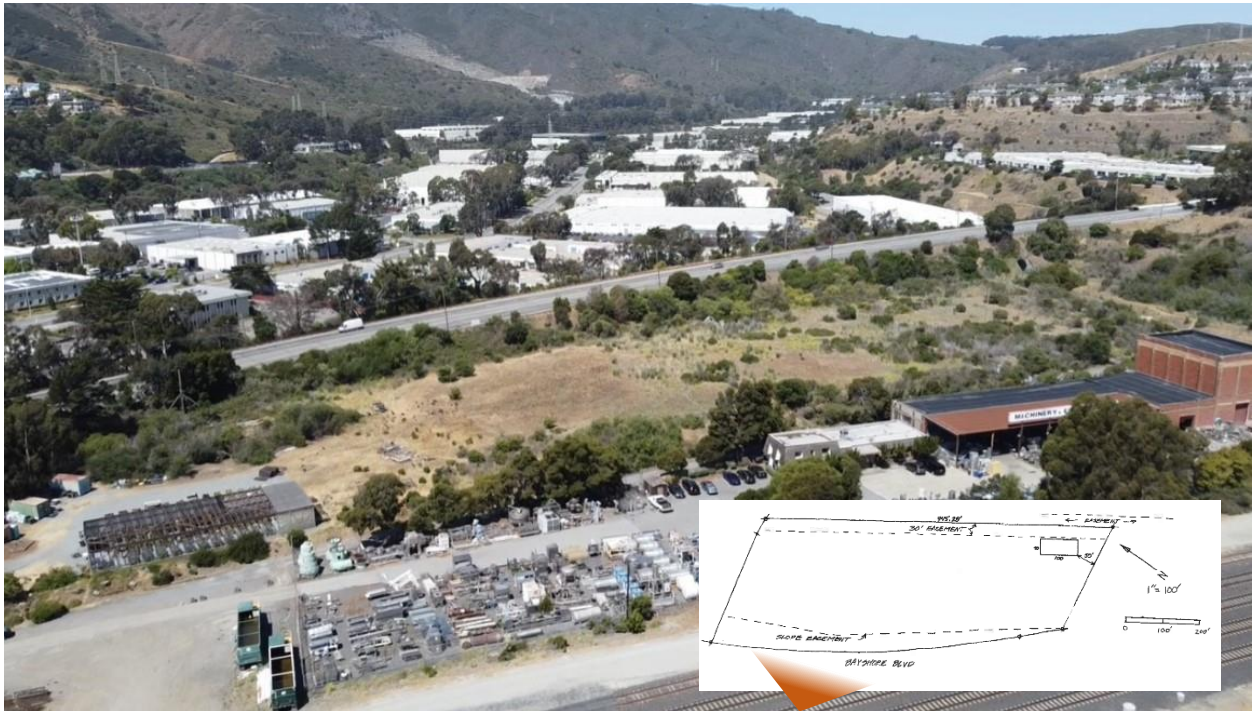


SITE PLAN:



3435 Bayshore Blvd APN 005-162-240

PICTURES:



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

ATTACHMENT B.3 APPLICANT'S DESCRIPTION

Description of the proposed use:

The Mission Blue Nursery, located in Brisbane since 2009, grows native plants exclusively from seeds and cuttings collected by permit on San Bruno Mountain and provides these for ecosystem restoration projects on the mountain and throughout the San Francisco peninsula.

Through plant sales and private contracts, the nursery also supplies plants for landscaping projects in local cities including school gardens, backyards, and sustainable streetscapes.

The nursery helps raise awareness about the mountain and its extraordinary and unique flora, promotes drought tolerant and locally adapted landscaping, and contributes extensively to the restoration of habitat for the mountain's rare and endangered species.

Days and Hours of Operation:

The Mission Blue Nursery will continue to operate Monday through Saturday from 9am to 5pm with an occasional Sunday.

Number of Employees on Site:

Mission Blue Nursery: Generally, there will be one or two employees on site at any one time. Nursery employees host individual and small groups of volunteers approximately three days per week. These community volunteers assist employees with the production and maintenance of the nursery.

Company Vehicles and Equipment on Site:

Mission Blue Nursery does not store any vehicles or major equipment other than four existing shipping containers on site.

List the types and quantities of hazardous, toxic, flammable or explosive materials or wastes are involved with the use:

The Mission Blue Nursery stores 220 fluid ounces or less of a fuel and oil mix, inside of a metal cabinet, for powering landscaping equipment such as weed eaters.

The nursery also has four 20 pound propane tanks that are used to power grills for the annual pancake breakfast fundraiser and for heat-treatment of potting soil.

Five gallons or less of isopropyl alcohol are also stored and used for sanitizing and disinfecting surfaces like nursery tables and tools.

162 fluid ounces or less of bleach are also stored and used for sanitizing and disinfecting surfaces.

328 fluid ounces or less of PHYSAN 20, a disinfectant solution, are stored and used for disinfecting plant containers.

List any materials and equipment which will be stored outside and explain how they will be screened from public view:

The site currently houses four storage/shipping containers that are screened from viewing on Bayshore Boulevard by a swath of trees including willows, toyon berry, and eucalyptus.

Will the use generate air emissions, odors, smoke or dust? If so, how will these be controlled?

The use will continue to generate limited air emissions when gas-powered equipment such as weed eaters are used. However, such equipment is used approximately 7 days each year, in advance of the property's fire abatement deadline.

Will the use generate noise or vibration? If so, how will these be controlled.

Gas-powered equipment such as weed eaters generate noise however such equipment is used approximately 7 days each year, in advance of the property's fire abatement deadline.

Will the use generate glare, heat or other impacts? If so, how will these be controlled?

The use will not generate glare, heat or other impacts.

Will the use generate waste materials? If so, how will these be disposed?

The use will continue to generate a minimal amount of plant, trash, and recycling waste. This waste is disposed of using the appropriate bins serviced weekly by the South San Francisco Scavenger Company.

How will waste materials from the use be prevented from polluting storm water runoff?

Waste materials are non-polluting and will not impact storm water runoff.

What utilities and other infrastructure are required for your use? Are these existing on the site? If not, how will they be provided?

The site is connected to water, but no other utility. A portable toilet on site is serviced regularly by United Site Services.

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

The Mission Blue Nursery is the only native plant nursery in the State of California that exclusively grows plants native to San Bruno Mountain for use in restoration of the Mountain's native habitats. Additionally, it is the only source of these plants for the Brisbane community to use in creating drought tolerant and wildlife-friendly landscapes with plants that won't negatively impact San Bruno Mountain. Furthermore, the Mission Blue Nursery's demonstration garden has successfully created a vibrant and educational landscape featuring the mountain's native plants on a public-facing portion of the property that was previously covered with bare dirt and weeds.

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, goods or services, (d) other:

The Mission Blue Nursery has benefitted the public good and would continue to do so. For more than a decade it has:

- Provided the people of San Mateo and San Francisco Counties with access to a unique native plant nursery with locally-adapted and locally-grown plants.
- Supplied over 50,000 plants for a variety of habitat restoration projects on San Bruno Mountain, contributing to the restoration of landscapes that support rare and endangered plants and animals.

- Contributed thousands of plants for sustainable landscaping and green infrastructure projects similar to those envisioned for the Baylands, such as bioswales, residential and commercial landscapes, and gardens.
- Connected people to the unique natural history of San Bruno Mountain by nurturing an appreciation for the mountain's tremendous botanical resources and the web of life supported by this native flora.
- Served hundreds of local students from surrounding school districts through service-learning nursery field trips where youth participate in native plant propagation and botanical activities.
- Generated more than a third of San Bruno Mountain Watch's operating revenue, supporting its programs that engage the public such as community-based ecological restoration and youth education efforts.
- Hosted cherished gatherings—from weekly volunteer programs, to quarterly public plant sales featuring educational speakers, and the annual Pancake Breakfast.
- Provided a fruitful work environment and growth opportunities for employees such as nursery managers, technicians, and interns.

Will you establish a program to encourage employment of Brisbane residents in the construction and operation of the use? Explain:

Brisbane residents were employed in the initial construction of the Mission Blue Nursery, and residents continue to volunteer with its operation.

Draft - RESOLUTION 2021-UP-2
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING INTERIM USE PERMIT 2021-UP-26
FOR A NATIVE PLANTS 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 plants nursery at 3435 Bayshore Boulevard, such application being identified as 2021-UP-2; and

WHEREAS, the proposed use is to allow the continued operation of the native plants nursery which was originally approved in 2005 via use permit UP-11-05 and again in 2016 via UP-3-16; and

WHEREAS, on October 14, 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 15301 of the State CEQA Guidelines; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of October 14, 2021 did resolve as follows:

Interim Use Permit 2021-UP-2 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this fourteenth 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-2 per the staff memorandum with attachments, via adoption of Resolution 2021-UP-2.

Findings:

1. Approval of the use permit is consistent with the General Plan by allowing an interim land use within the Baylands General Plan subarea in accordance with all required findings and conditions;
2. 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;
3. 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;
4. 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, in that the project is located in a remote corner of the larger Baylands subarea and would not hinder future development within the remainder of the larger specific plan area;
5. All 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;
6. The use will provide a benefit to the public inasmuch as it assists in the maintenance and enhancement of the biological integrity of San Bruno Mountain through the propagation of native flora for use in restoration projects and opportunities for educational programs in concert with Brisbane School District.

Conditions of Approval:

- A. The Interim Use Permit is approved for continued operation of a native plants nursery to be operated in a manner consistent with the project description provided by the applicant and attached to the October 14, 2021 staff memorandum.
- B. 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.
- C. 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.

- E. 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.
- F. 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.
- G. This Use Permit shall expire **five years** from its effective date (at the end of the 6-day appeal period). **That expiration date is October 20, 2026.**