

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission

For the Meeting of 04/14/2022

SUBJECT: **Modification of Interim Use Permit 2021-UP-3; 600 Tunnel Avenue;** C-1 Commercial District (Baylands); allowing for continued staging of up to 90 Google Commuter buses on an approximately 3-acre vacant site on the Baylands; Eric Aronsohn, applicant; Oyster Point Properties Inc, applicant/owner. Alternatively, consider revocation of Interim Use.

REQUEST: Modification of Interim Use Permit 2021-UP-3 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 site for up to 90 Google buses for transporting Google employee commuters. The requested modification is to the scheduling of bus trips.

During its March 10, 2022 meeting, the Planning Commission indicated that it would consider modifying the interim use permit, if the applicant submitted an application for modification. Alternatively, the Commission would consider revoking the interim use permit. Both options are before the Planning Commission at tonight's hearing.

RECOMMENDATION: Conditionally approve modification of Interim Use Permit 2021-UP-3, via adoption of Resolution 2021-UP-3-M 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 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. Interim use permit revocation procedures are provided in BMC Section 17.41.100.

BACKGROUND:

Interim Use Permit 2021-UP-3 was approved on November 16th, 2021 and was a renewal of Interim Use Permit UP-4-19, at the end of its 2-year term. The approved interim use permit allows for parking of 90 Google commuter buses, to serve Google employees. During the public hearing in November 2021, concerns were raised about certain of Google's operations and whether those operations complied with the permit. Two operational concerns were raised. One was whether bus movements were in compliance with the schedule provided by Google and the second was whether some of the buses were using the roadway south of the site, instead of all

buses coming and going along the northbound route. A condition of approval was included, both in the original approval in 2019 and in the 2021 renewal, which prohibits bus trips south of the site and so all trips are required to be to and from the north.

At the time of approval of the renewal on November 16, 2021, the Commission added a condition of approval that Google was to monitor bus movements and provide a report to staff, for presentation to the Commission after another 90-days of operation. The report was presented to the Planning Commission on March 10, 2022. An additional report of bus movements has since been provided by Google for the month of February. These four months of reports, from November 2021 through February 2022, are provided in Attachment D.

The reporting for the four months showed that out of a total of 8,270 trips, 14 of them were on the southern route. The most recent, February 2022 report showed that out of a total of 2,066 trips, only two trips were on the southern route. These were attributed to training issues with new bus drivers.

Additionally, the original use permit application included information outlining the expected hours of operation. However, operational hour limitations were not established as project conditions of approval. Nevertheless, the bus trip data provided by the applicant showed that a number of buses were running during midday hours, outside the operational hours stated in the application materials. Google attributed this to changes in its employees' needs following the onset of the COVID-19 pandemic in early 2020 and that its requested schedule to include midday hours was not accurately updated for the 2021 renewal application to capture those actual needs. During the March 10th meeting, in response to the Commission's questions, Google's representative indicated that practically it would not be able to comply with the schedule provided at the time of the original application but requested flexibility in the operational times.

During the meeting of March 10th, the Planning Commission directed staff to schedule a hearing on revocation of the permit. At the same time, the Commission indicated that it would consider a request by the applicant to modify the permit, to fit its actual operations.

On March 25th, the applicant submitted an application for modification of the Interim Use Permit.

REQUESTED MODIFICATION

Time of Day for Scheduling Bus Trips

The applicant has provided an updated project description, including a revised estimated schedule of bus trips, which is included as Attachment B. The revised schedule does not increase the number of vehicle trips per day, but it spreads the trips over a longer period by utilizing mid-day hours. In essence, the concentration of trips to the early morning and evening hours would be reduced. Also, the bus count is noted as currently being 58, for approximately 116 trips (one out and one in each day). That is projected to eventually increase to the previously approved maximum count of 90 buses, for a total of 180 bus trips per day, as in-office usage by Google employees increases over time. The applicant has noted that these trip numbers, by time of day, are intended as average estimates and requests flexibility as Google's needs may vary somewhat over time,

within the general operational parameters being between 4 am to 10 pm, with most trips occurring after 5 am and before 9 pm.

Directional Routing

The applicant has not requested a change in the standard of routing buses to and from the north. They noted in the attached project description, *“Travel south on Tunnel Ave is prohibited. Signage is posted to this effect, however, as travel data shows there are rare instances of buses traveling south which is attributed to inadvertent and unintended human error, primarily due to new or substitute driver activity. We are requesting a small degree of flexibility to account for these errors which will be reported out as part of our regular data submissions to the City.”*

ANALYSIS AND FINDINGS: There are two sets of findings for the Commission to consider. The first set is the standard interim use permit findings under BMC Sections 17.41.060.A-F, as were made on November 16, 2021; these findings would support the modification requested. Alternatively, the Commission may deny the modified application and instead make the required finding to revoke Interim Use Permit 2021-UP-3. Staff is recommending the Commission approve the requested modification and adopt Resolution 2021-UP-3-M that reflects staff’s recommendation (Attachment A)

Staff consulted with the City Engineer and the Police Department to determine whether either had concerns with continuation of the use with the proposed modification to the schedule and both responded that they did not. The City Engineer noted that the use of buses is needed to keep single occupant vehicles off the roads. He also indicated that the occasional errant buses traveling south of the site are not concerning. However, he indicated that knowing how to distinguish between these occasional trips and problematic use of the southern portion of Tunnel Ave may be difficult. Based on anecdotal accounts during the Planning Commission’s previous meetings and Google’s own accounts, it appears that the events have been the rare exception, at less than one-tenth of one percent for the four-month period and even less for the last two months. This appears to reflect Google’s commitment to better communicate with new drivers to prevent the southern trips.

Although not recommended by staff, should the Planning Commission choose to adopt a zero-tolerance position on southern bus trips, that would be the basis for revocation, versus time-of-day trips, since prohibiting trips south was a condition of approval. This is reflected in the alternative draft Resolution 2021-UP-3-R (Attachment B).

Regarding time-of-day operations, with the original application, staff had requested the time-of-day scheduling/trip counts to characterize the use and that was provided by Google for presentation to the Commission with both the 2019 and 2021 applications. However, the time of day for bus trips was not intended to reflect an outright prohibition on any trips outside Google’s submitted schedule, but rather to characterize typical operations. Google’s requested changes in operations aside for a moment, it would be difficult if not impossible for Google to comply with a fixed schedule of when buses would be operating, given the uncertainty of traffic conditions on the roads. Thus, there was not a condition of approval outright prohibiting certain time-of-day operations. Conversely, one would expect an applicant to generally comply with its provided schedule, or request modifications in advance. In essence, operations that are significantly outside the proposed schedule should be the exception and not the norm.

Google, during the March 10th meeting, indicated that it was unable to comply with the schedule that it provided last Fall and has now provided a revised schedule for the Commission's consideration. As they noted, in the description, Google intends that the trips be considered an average and have requested some flexibility there as well. It should be noted that the proposed revised schedule allows for the vehicle trips to be spread through the daytime hours. This should be less impactful on local traffic by spreading the bus trips over a longer period each day.

Adding to the City Engineer's comment about keeping single occupant vehicles off the road, Google has indicated that each bus has a rider capacity of 68 people. Assuming these riders would otherwise be in single occupant vehicles, at the maximum capacity of 90 buses, this could theoretically remove over 6,000 single occupant vehicles from the roadways on a given day. While one would not anticipate this maximum capacity on a daily basis, the public benefits for this use are substantial.

The project, including the conditions of approval, would meet the findings required to grant the requested modification.

Interim Use Permit Findings

- a) The interim use will not be detrimental to the public health, safety or welfare, or injurious to nearby properties or improvements;
- b) the interim use will not create any significant environmental impacts;
- c) the interim use will not obstruct redevelopment;
- d) all required public utilities and other infrastructure are or will be available;
- e) the use will benefit the property and/or the public;
- f) encourage the employment of Brisbane residents to the extent it is reasonably possible to do so.

The revocation provisions for interim use permits are established in BMC Section 17.41.100, which states that, "*An interim use permit may be revoked upon a determination by the authority granting the original permit (either the planning commission or the city council) that the holder of such permit has failed to comply with any of the conditions thereof or has violated any applicable provision of this title.*" In this case, that authority is the Planning Commission.

If the Commission decides that the findings for a modified Interim Use Permit that are outlined above cannot be made, the Commission may instead choose to revoke Interim Use Permit 2021-UP-3. This would be based on the determination (or finding) that Google failed to comply with Condition 4, which states, "*Routing of Google buses shall be to and from the north along Tunnel Ave and Beatty Ave to connect to U.S. 101. Buses shall not use Tunnel Avenue south of the site.*"

While the Planning Commission has previously indicated concerns over non-compliance with the time-of-day routing, given that this was not a stated condition of approval, a finding for revocation

should be focused specifically on the prohibition on using Tunnel Ave south of the site, should the requested modification be denied.

If the Commission approves the proposed modification, the findings and conditions of approval are provided with the attached resolution and remain largely unchanged from the previous approval. Note that the condition regarding reporting bus movements to the Commission after the first 90 days has been removed. Google will still be required to provide monthly reports on bus movements to staff.

Finally, per the conditions of approval, as carried forward from interim use permit 2021-UP-3 in 2021, the permit is set to expire in 8 months, on November 23rd, 2022, unless that expiration date is also modified by the Commission. A decision of the Planning Commission to either approve the requested modification to the Interim Use Permit or deny the modification and revoke the permit may be appealed to City Council.

ATTACHMENTS:

- A. Draft Resolution 2021-UP-3-M
- B. Draft Resolution 2021-UP-3-R
- C. Google's revised project description
- D. Route Map
- E. Googles bus routing reports (November 2021 – February 2022)
- F. November 16, 2021 Agenda Report
- G. Adopted Resolution 2021-UP-3

Ken Johnson

Ken Johnson, Senior Planner

John Swiecki

John Swiecki, Community Development Director

Draft - RESOLUTION 2021-UP-3-M

**A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING MODIFICATION OF 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, Interim Use Permit 2021-UP-3 (PERMIT), to allow continued outdoor staging of up to 90 Google buses on an approximately 3-acre vacant site on the Baylands, at 600 Tunnel Avenue, between Tunnel Avenue and the CalTrain rail lines, was approved by the Planning Commission on November 16, 2021; and

WHEREAS, a report was provided to the Planning Commission on March 10, 2022 in which Google's bus movement data was detailed for the period of November 2021 through January 2022; and

WHEREAS, following receipt of the report of bus movements, the Planning Commission directed that the PERMIT should be placed on a future agenda for a revocation hearing and/or to consider modification of the PERMIT; and

WHEREAS, Eric Aronsohn, on behalf of Google, applied to the City of Brisbane for Modification to Interim Use Permit 2021-UP-3 to allow continued outdoor staging of Google buses with a revised schedule for bus trips, with operations generally 4 am to 10 pm, versus the previous schedule of 3 to 7 am and 3 to 9 pm; and

WHEREAS, on April 14th, 2022, 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 15301 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 April 14, 2022 did resolve as follows:

Modification of Interim Use Permit 2021-UP-3 is approved per the conditions of approval attached herein as Exhibit A. The effective date for this decision is April 22nd, 2022, unless an appeal is filed to City Council by close-of-business on April 21st, 2022, per BMC Section 17.40.060.C.

ADOPTED this fourteenth day of April, 2022, by the following vote:

AYES:
NOES:
ABSENT:

Chairperson

ATTEST:

JOHN A. SWIECKI
Community Development Director

EXHIBIT A

ACTION TAKEN: Conditionally approved Modification to Interim Use Permit 2021-UP-3 per the staff memorandum with attachments, via adoption of Resolution 2021-UP-3-M.

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:

- 1. Lighting shall be programmed to turn on no earlier than 4 am and to turn off no later than 9 pm.
- 2. The yard's ground surface shall be maintained to prevent airborne dust generation.
- 3. Routing of Google buses shall be to and from the north along Tunnel Ave and Beatty Ave to connect to U.S. 101. Buses shall not use Tunnel Avenue south of the site. Google shall

provide reliable, daily bus movement data to the Planning Director. Data shall be provided in a form and frequency to the satisfaction of the Planning Director.

4. No storage is permitted on site other than the Google bus parking and parking of the drivers' vehicles used to retrieve buses.
5. 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.
6. 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.
7. 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.
8. Maintenance of vehicles is not permitted on the site.
9. 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.
10. 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.
11. The operator shall maintain a business license through the City's Finance Dept.

Mandatory Conditions, per BMC Section 17.41.070:

12. 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.

13. 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:

14. 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.

15. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48.

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

17. This Interim Use Permit shall expire **one year** from the effective date of the interim use permit. **That expiration date is November 23rd, 2022.**

Draft - RESOLUTION 2021-UP-3-R
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
REVOKING INTERIM USE PERMIT 2021-UP-3

WHEREAS, Interim Use Permit 2021-UP-3 (PERMIT), to allow continued outdoor staging of up to 90 Google buses on an approximately 3-acre vacant site on the Baylands, at 600 Tunnel Avenue, between Tunnel Avenue and the CalTrain rail lines, was approved by the Planning Commission on November 16, 2021; and

WHEREAS, a report was provided to the Planning Commission on March 10, 2022 in which Google's bus movement data was detailed for the period of November 2021 through January 2022; and

WHEREAS, following receipt of the report of bus movements, the Planning Commission directed that the PERMIT should be placed on a future agenda for a revocation hearing and/or to consider modification of the PERMIT; and

WHEREAS, on April 14th, 2022, the Planning Commission conducted a duly noticed public hearing in accordance with Brisbane Municipal Code (BMC) Section 17.41.100 and 17.41.050(B), 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 revocation, the written and oral evidence presented to the Planning Commission in support of and in opposition; and

WHEREAS, the Planning Commission of the City of Brisbane hereby finds that Google has violated condition of approval #4 which states, "Routing of Google buses shall be to and from the north along Tunnel Ave and Beatty Ave to connect to U.S. 101. Buses shall not use Tunnel Avenue south of the site."

NOW THEREFORE, based upon this finding, the Planning Commission of the City of Brisbane, at its meeting of April 14, 2022 did resolve as follows:

Interim Use Permit 2021-UP-3 is revoked. The effective date for this decision is April 30st, 2022, unless an appeal is filed to City Council by close-of-business on April 29th, 2022 in accordance with the procedures provided in BMC Section 17.52.020.

ADOPTED this fourteenth day of April, 2022, by the following vote:

AYES:

NOES:

ABSENT:

Chairperson

ATTEST: _

JOHN A. SWIECKI
Community Development Director

Project Description - Google Shuttle Bus Parking

March 25, 2022

Sunquest Properties in partnership with Google is requesting a modification to its Interim Use for 3-acres (130,680 sf of land) ("Site") currently operating as a bus parking location for Google.

The tenant, Google, 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 and in 2018, provided more than 4 million rides – picking up at 262 shuttle stops across nine Bay Area Counties. In aggregate, the shuttle program has helped Google employees avoid over 100 million vehicle miles per year.

The Brisbane 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.

FACILITY OPERATION AND VEHICLE ROUTING

Since initial approval of the use permit in 2019, the Covid-19 Pandemic has dramatically changed the office work day. As the entire business community adjusts to the "hybrid" work environment, we also require flexibility in the use of the lot to accommodate this new and evolving environment.

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:
 - On average, buses leave the site starting at 5:00am and return before 10:00pm
 - On average buses are parked from around 10:00 pm to 5:00am.
 - Up to 90 buses will be parked overnight until the shift begins at 5am the following day.
 - In rare instances, light maintenance may need to occur and this would include battery jump starts, emergency tire repair, 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
- A minimal number of trips may happen on weekends, holidays, and overnight for unanticipated maintenance and operational needs.

Routing:

- Routing to/from the lot will continue to be via north on Tunnel Ave and Beatty Ave.
- Travel south on Tunnel Ave is prohibited. Signage is posted to this effect, however, as travel data shows there are rare instances of busses travelling south which is attributed to inadvertent and unintended human error, primarily due to new or substitute driver activity. We are requesting a small degree of flexibility to account for these errors which will be reported out as part of our regular data submissions to the City.

For additional clarity, below illustrates current activity and a projection for future activity starting from when Google has announced their return to office starting in early April with a notable decline in midday trips. As noted earlier, flexibility of the distribution of trips is subject to change based on hybrid and evolving work schedules. Changes will be communicated through required monthly trip data reporting.

	Current (~58 buses)		Max Capacity (90 buses)	
Time Periods	Percent of Trips	Avg Trips Per Day	Percent of Trips	Avg Trips Per Day
12:00am - 03:59am	0%	0	0%	0
04:00am - 05:59am	2%	2	10%	18
06:00am - 08:59am	28%	33	35%	63
09:00am - 11:59am	21%	24	5%	9
12:00pm - 02:59pm	12%	14	5%	9
03:00pm - 05:59pm	22%	25	10%	18
06:00pm - 08:59pm	14%	16	32%	58
09:00pm - 09:59pm	2%	2	3%	5
10:00pm - 11:59pm	0%	0	0%	0
		116		180

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, other than emergency needs, performed on this site. Bathrooms will be pumped out at an offsite facility.

FENCING, SECURITY, AND SITE LAYOUT

Perimeter fencing as shown in the site plan has been installed and requires little maintenance. A manually operated security gate is located at both the entrance and the exit which is locked by the last driver nightly. Lighting and security cameras are located on the site for additional security. Lighting is on timers which are adjusted regularly to limit their light pollution impacts, only being in use when drivers are on site. Gates servicing the site from Tunnel Avenue are setback to allow busses to fully pull off the road without causing traffic.

GRADING

Grading work is complete and is being maintained on a regular basis to ensure safe and minimally impactful operations.

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 E

February 2022																					
Trip Data																					
	2/1/22	2/2/22	2/3/22	2/4/22	2/7/22	2/8/22	2/9/22	2/10/22	2/11/22	2/14/22	2/15/22	2/16/22	2/17/22	2/18/22	2/21/22	2/22/22	2/23/22	2/24/22	2/25/22	2/28/22	Total
5:00	1	1	1	1	2	2	2	2	2	2	2	1	2	2		2	1	1	2	1	30
6:00	13	9	10	11	10	11	11	9	10	13	11	12	10	9		9	12	11	10	11	202
7:00	13	15	18	20	17	16	19	20	16	16	16	16	18	19		16	16	19	16	16	322
8:00	6	6	3	4	4	3	3	4	4	4	5	6	3	6		7	4	4	4	4	84
9:00	11	15	13	12	12	10	13	8	12	17	9	7	12	12		8	11	9	12	13	216
10:00	3	7	6	4	4	5	6	9	8	3	7	9	6	5		8	6	12	7	5	120
11:00	3	4	3	4	1	2	4	3	2	4	5	4	3	3		5	2	6	1	5	64
12:00	1			1		4	2	3	3	2	1	1	2	1	1		1		3	1	27
13:00	3	3	3	1	2	4	3	3	1	2	5	4	4	5	1	6	4	5	1	4	64
14:00	12	12	12	10	9	9	11	10	13	10	10	9	10	11	1	14	11	9	10	7	200
15:00	6	7	7	6	10	7	8	7	6	8	5	5	6	5		5	7	5	6	6	122
16:00	3	8	3	6	6	6	6	7	7	6	8	5	4	5	1	5	4	5	5	6	106
17:00	13	10	13	15	15	13	11	13	16	11	10	15	9	16		14	15	13	11	15	248
18:00	11	10	11	8	10	11	12	10	8	14	11	9	15	5		10	10	8	11	9	193
19:00	3	3	3	1	1	2	3	3	2	1	2	4	3	3	1	2	2	4	3	2	48
20:00	1	1	1	1	1	1	1	1	1	1	2	1	1	1		1	1	1	1	1	20
Total	103	111	107	105	104	106	115	112	111	114	109	108	108	108	5	112	107	112	103	106	
Routing Violations																					
Date/Time	Bus ID	Location				Description															
2022-02-21 17:39:04	397	Tunnel Ave and Lagoon Rd - South				Non-Brisbane based driver covering run															
2022-02-28 11:33:18	217	Tunnel Ave and Lagoon Rd - South				Non-Brisbane based driver covering run															

January 2022

Trip Data

	1/3/22	1/4/22	1/5/22	1/6/22	1/7/22	1/10/22	1/11/22	1/12/22	1/13/22	1/14/22	1/18/22	1/19/22	1/20/22	1/21/22	1/24/22	1/25/22	1/26/22	1/27/22	1/28/22	1/31/22	Total	
5:00		1	1	2	3	3		1	4	2	3	3	4	4	1	3	4	4	4	4	2	49
6:00		21	21	19	17	16	9	8	14	20	21	21	21	18	19	19	17	18	19	16	16	334
7:00		18	15	18	17	19	21	23	16	17	11	13	15	13	13	14	16	16	19	13	13	307
8:00		7	8	8	5	6	4	5	7	7	7	6	6	9	8	6	6	4	4	11	11	124
9:00		9	9	6	6	9	8	9	7	8	6	7	3	4	7	8	9	6	8	3	3	132
10:00	3	1	3	1	3		4	4	1	3	2	6	9	7	3	5	2	5	8	7	7	77
11:00	1	1	2	1	1	1	3	1	5	1	3		1	1	2	2	1			1	1	28
12:00				1	1			2	1				2	1								8
13:00			1		1	2	2	1		1		1		1	1		2	1	3			17
14:00		3	2	3	2	2	14	13	3	2	3	5	2	4	2	4	2	1	4	5	5	76
15:00		5	8	6	6	6	5	8	6	8	7	7	8	8	8	9	8	7	6	8	8	134
16:00		12	11	11	13	8	9	6	6	6	6	6	4	6	8	6	5	5	7	7	7	142
17:00		14	14	10	12	15	13	15	9	12	14	8	13	11	15	12	9	10	10	12	12	228
18:00		11	9	14	12	13	8	6	18	16	10	14	10	15	9	16	18	19	13	12	12	243
19:00		3	7	6	3	6	2	4	8	6	9	8	12	9	6	9	8	10	8	9	9	133
20:00		1	1	1	1	1	1	1	1	2	1	2	1	2	1	1	1	2	1	1	1	23
Total	4	107	112	107	103	107	103	107	106	111	103	107	111	113	103	114	108	108	114	107		

2055
1970
2181 0.19%

Routing Violations

Date/Time	Bus ID	Location	Description
2022-01-03 9:48:05	458	Tunnel Ave and Lagoon Rd - South	Non-Brisbane based driver covering run

December 2021																					
Trip Data																					
	12/1/2021	12/2/2021	12/3/2021	12/6/22	12/7/22	12/8/22	12/9/22	12/10/22	12/13/22	12/14/22	12/15/22	12/16/22	12/17/22	12/20/22	12/21/22	12/22/22	12/23/22	12/28/22	12/29/22	12/30/22	Total
5:00	4	2	2	3	3	4	4	3	4	2	4	2							1		38
6:00	21	20	20	17	21	18	17	14	14	21	17	20		8	10	8	9	9	7	10	281
7:00	13	17	17	17	16	15	17	19	16	18	17	18		14	13	16	16	17	17	16	309
8:00	7	7	7	5	6	7	4	3	7	7	9	9	3	6	4	5	8	4	8	6	122
9:00	11	9	8	6	7	7	6	8	7	8	5	6		10	12	8	8	7	9	6	148
10:00	4	5	3	6	6	4	5	2	1	4	9	4	1	3	8	7	5	2	3	5	87
11:00	2		1	0		1		1	5			4	1	1	2	3		1		7	29
12:00	1	1		2				0	1	2		1			2		2		1	1	14
13:00	1		1		1	2	1			1	2	1			1	2	3	3	5	2	26
14:00	3	4	2	3	5	2	1	2	3	3	5	2	1	13	9	9	9	8	6	7	97
15:00	7	6	8	6	7	9	7	5	6	7	5	3		3	4	6	5	4	5	5	108
16:00	8	5	6	8	6	5	5	7	6	8	5	10		7	7	11	12	9	9	9	143
17:00	15	8	12	12	8	9	10	10	9	11	11	6	1	12	11	10	13	12	11	10	201
18:00	10	15	16	16	16	19	19	15	18	18	16	19		9	7	5	5	5	4	5	237
19:00	12	11	6	7	8	8	10	6	8	5	10	7			2	1		1	2	1	105
20:00	1	2	2	0	2	1	2	2	1	1	2	2		1	1	1	1	1	1	1	25
Total	120	112	111	108	112	111	108	97	106	116	117	114	7	87	93	92	96	83	89	91	
Routing Violations																					
Date/Time	Bus ID	Location					Description														
2021-12-06 10:31:25	268	Tunnel Ave and Lagoon Rd - South					Non-Brisbane based driver covering run														
2021-12-10 20:11:00	322	Tunnel Ave and Lagoon Rd - South					Non-Brisbane based driver covering run														
2021-12-13 10:56:08	309	Tunnel Ave and Lagoon Rd - South					Non-Brisbane based driver covering run														
2021-12-15 9:58:43	367	Tunnel Ave and Lagoon Rd - South					Non-Brisbane based driver covering run														
2021-12-28 14:42:40	319	Tunnel Ave and Lagoon Rd - South					Non-Brisbane based driver covering run														

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 and November 16, 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 November 16, 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 sixteenth day of November, 2021, by the following vote:

AYES: Funke, Gomez, Gooding, Patel, and Sayasane
NOES: NA
ABSENT: NA

Douglas Gooding
Chairperson

ATTEST:

JOHN A. SWIECKI
Community Development Director

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 as added or modified by the Planning Commission on November 16, 2021.)

- 1. 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

2. Lighting shall be programmed to turn on no earlier than 4 am and to turn off no later than 9 pm.
3. The yard's ground surface shall be maintained to prevent airborne dust generation.
4. Routing of Google buses shall be to and from the north along Tunnel Ave and Beatty Ave to connect to U.S. 101. Buses shall not use Tunnel Avenue south of the site.
 - Google shall provide reliable, daily bus movement data to the Planning Director. Data shall be provided in a form and frequency to the satisfaction of the Planning Director beginning no later than one month from the effective date of this permit; and
 - A report of movement data shall be provided by staff to the Planning Commission after 90 days following the effective date of this permit.
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 **one year** from the effective date of the interim use permit. **That expiration date is November 23rd, 2022.**