



## PLANNING COMMISSION AGENDA REPORT

**Meeting Date:** May 8, 2025

**From:** Ken Johnson, Senior Planner

**Subject:** 60 Industrial Way; 2025-UP-1; M-1 district; Use Permit for automobile repair facility in the approximately 10,200 square foot, northern portion of the single-story building; and finding that this project is categorically exempt from environmental review under CEQA Guidelines Section 15301; Michael Kelley, applicant; Sierra Hotel Management Corp, owner.

**REQUEST:** The applicant requests approval of a use permit for 60 Industrial Way, to allow for an automobile repair facility, primarily to service fleet taxis. That is within the approximately 10,200 square foot northern portion of the building at 60-130 Industrial Way.

**RECOMMENDATION:** Approve Permit application 2025-UP-1 via adoption of Resolution 2025-UP-1, containing the findings and conditions of approval (See Attachment A).

**ENVIRONMENTAL DETERMINATION:** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 - this project falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 of the CEQA Guidelines do not apply.

**APPLICABLE CODE SECTIONS:** Brisbane Municipal Code (BMC) Section 17.20.020.D allows for automotive repair shops, including for repair of vehicle fleets. BMC Chapter 17.40, provides procedures, required findings and conditions for the approval of use permit applications.

**BACKGROUND:** Historically, auto repair facilities have been permitted in the M-1 zoning district, which are those sites along Industrial Way. In 2015, the permitted and conditional uses were updated for this district. At that time, heavy equipment repair and automobile repair, including fleet vehicles, were made conditional uses in the district. In so doing, existing vehicle repair facilities became legal nonconforming, which meant that they could continue to operate. However, any new automobile repair facilities were required to apply for a conditional use permit.

The subject suite within this building previously operated as an auto repair facility in the early 2000's. However, the auto repair facility ceased operations and the facility was used as a warehouse for an event equipment contractor. Since the auto repair operation ceased, there are no legal nonconforming rights for this suite.

Earlier this year, the applicant submitted for a business license and a conditional use permit for a three bay (or lift) auto repair facility, plus an area for autobody repair. In the course of processing the permit, it was found that the business had already begun operations at the site, so this application would be to allow the use to continue.

**DESCRIPTION OF THE SITE AND PROPOSED USE:** The site has an approximately 40,000 sq ft single-story, metal warehouse building, that is divided into several suites, from 60 to 130 Industrial Way. Two automobile repair facilities are located on the south end of the building, operating as legal nonconforming uses. Immediately adjacent, at 80 Industrial Way, is a warehouse/office for Flywheel, a taxi business. The proposed use at 60 Industrial Way would be within the approximately 10,200 square foot suite at the north end of the building. The sites bordering the subject site on the north side include a contractor's office/storage yard and a Bayshore Sanitary District pump station. Industrial Way borders the eastern edge of the site, with the closest uses across the street being an outdoor vehicle storage yard, office/warehouses for roofing and flooring contractors and an autobody shop. Bayshore Boulevard borders the site on its western side and is screened behind trees and shrubs.

Beyond these uses are more industrial uses to the north and south along Industrial Way, and the largely vacant lands of the Baylands farther to the north, east and south. Across Bayshore Boulevard are vacant lands and the PG&E Martin substation. Beyond those properties are the nearest residential uses of Viewpoint and the Ridge on the Brisbane side, to the southwest and the Bayshore Heights neighborhood of Daly City beyond the PG&E station to the west. The residential uses are approximately a quarter mile or more from the site. A site vicinity map is provided with Attachment B.

The site is accessed from Industrial Way by a loop driveway along its north, west and south sides. A loading ramp is located along the eastern edge of the building between Industrial Way and the building's edge. There's a signalized intersection at Industrial Way and Bayshore Boulevard.

The applicant has indicated that the proposed use is intended to primarily serve the adjacent Flywheel taxi business, but would provide automotive repair services to other clients as well. The building would include three lifts for mechanical service and one area or bay for body work. Initially the applicant plans to have painting work done off site, but has requested that a paint booth also be allowed, if needed in the future, subject to obtaining the required air permit through the Bay Area Air Quality Management District (BAAQMD).

The applicant's project description indicates that they would employ three (3) people. Operational hours are proposed to be from 7 AM to 5 PM, Monday through Saturday. However, based on the industrial nature of the area and significant distance to nearby residences or other potentially sensitive uses, staff is suggesting that the permit allow for open ended days of operation and hours of operation. This would be to allow for occasional work that might need to extend beyond their planned hours of operation, subject to clean, quiet and safe operations, per the conditions of approval. Note that there is no requirement in the BMC for a night operations permit in this district. The total customers per day are estimated by the applicant to be approximately fifteen (15). Based on the employee and customer count, the total trips per day is estimated at approximately 50 or fewer.

Hazardous materials to be stored inside the facility would include approximately 55 gallons of new oil, 110 gallons of waste oil, 30 used tires and 15 batteries.

As noted above, the facility would have three vehicle lifts, plus a bay for body work. The floor plan/site plan is provided with Attachment C. The plan also shows 4 spaces inside the building for parking/staging of vehicles. Outside the building, the parking lot is proposed to be striped for 14 spaces, while leaving a two-way drive aisle. This would meet the off-street parking standard of 11 spaces, based on the project description, which requires 2 spaces for each working bay plus 1 space for each employee on the largest shift, as provided in the BMC for service station uses.

All uses would be contained within the building, except for parking and incidental deliveries.

**ANALYSIS AND FINDINGS:** Use Permit findings provided in BMC Section 17.40.060 indicate that in granting a use permit, the Planning Commission:

- shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question. And
- shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

The application would meet the required findings.

First, the zoning ordinance implements the general plan and allows for establishment of automotive repair shops, including fleet vehicles, in this district. There is no specific plan for this area of the City. The adjacent and nearby business include a number of other uses that are

industrial in nature and include other automotive repair facilities, both within this building and across the street. The site and the district as a whole are largely isolated and screened from other non-industrial uses, with the nearest residential uses being approximately a quarter mile away or more. In short, the use would be consistent with the character of the neighborhood.

On the second finding, the use would not be detrimental to the health, safety, comfort or general welfare of persons residing or working in the neighborhood, nor would it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City. This finding goes hand-in-hand with the first finding regarding the nature of adjacent uses.

The use would be conducted inside the building and any hazardous materials related to automobile repair would be temporarily stored in small quantities pending recycling to the satisfaction of the North County Fire Authority, per the conditions of approval. If painting is to be done at the facility, a paint booth will be required via building permit and BAAQMD permit.

Traffic for this use is expected to be fairly low, given the anticipated number of vehicles to be serviced each day. Parking would be required to be striped under a building permit to meet at least the minimum standards for this facility, based on the number of employees and bays, to the satisfaction of the Community Development Director. The applicant's proposed site plan shows space to meet the requirements for the facility.

Finally, this application was provided to the North County Fire Authority, Dept of Public Works, Police Dept, and Building Dept for review and comment. None of the departments raised objections to the proposed use.

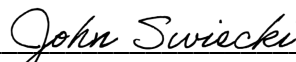
**ATTACHMENTS:**

- A. Draft Resolution 2025-UP-1
- B. Site vicinity Map
- C. Site Plan/Floor Plan
- D. Applicant's Project Description



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Ken Johnson, Senior Planner



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John Swiecki, Community Development Director

## ATTACHMENT A

Draft

### RESOLUTION 2024-UP-1

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING USE PERMIT FOR  
AN AUTOMOTIVE REPAIR FACILITY, PERMIT 2025-UP-1  
AT 60 INDUSTRIAL WAY

WHEREAS, Michael Kelley, the applicant, applied to the City of Brisbane for Conditional Use Permit 2025-UP-1 for an automobile repair facility, serving fleet and individual customer vehicles, within the approximately 10,200 square foot northern suite of the building at 60-130 Industrial Way; and

WHEREAS, Brisbane Municipal Code (BMC) Section 17.20.020.D allows for Planning Commission approval of a conditional use permit for automotive repair shops (both automobile light repair and automobile heavy repair), and including vehicle fleets; and

WHEREAS, on May 8, 2025, the Planning Commission conducted a public hearing on the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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 applicant's plans and supporting materials, and 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

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 8, 2025, did resolve as follows:

Use Permit 2025-UP-1 is approved, per the findings and conditions of approval contained in Exhibit A to this resolution.

ADOPTED this eighth day of May, 2025, by the following vote:

AYES:

NOES:

ABSENT:

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PAMALA SAYASANE  
Chairperson

ATTEST:

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JOHN A SWIECKI, Community Development Director

**Draft**  
**EXHIBIT A**

**Action Taken:** Conditionally approve 2025-UP-1 per the staff memorandum with attachments, via adoption of Resolution 2025-UP-1.

**Findings:**

1. Per Brisbane Municipal Code (BMC) Section 17.40.060.A, the Planning Commission has considered and given due regard to the nature and condition of all adjacent uses and structures; and
2. The use is consistent with the City's General Plan, which is expressed through the M-1 district zoning provided in BMC Chapter 17.20 allowing for automobile repair facilities by conditional use permit, and there is no specific plan for this area of Brisbane.
3. Per BMC Section 17.40.060.B, the establishment, maintenance and operation of the use applied for will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, nor will it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.
4. The proposed interim use is CEQA categorically exempt, as detailed in the agenda report and resolution, and the use will not create any significant unmitigated adverse environmental impacts.

**CONDITIONS OF APPROVAL:**

**Other Required Permits and Business License**

- A. The applicant, or applicant's agent, shall obtain building permit(s) that at a minimum shall address the following items:
  - I. Parking lot striping to the satisfaction of the Community Development Director, Building Dept and North County Fire Authority (NCFA). At a minimum, this is to include the number of spaces required for the use, consistent with BMC Chapter 17.34, fire apparatus access and the California Building Code for accessibility. The plans shall include details on how the parking spaces for this suite are to be identified in the field as separate from other suites, to the satisfaction of the City. The building permit application shall be submitted within 30 days of the effective date of this permit and the applicant shall diligently pursue the application to completion.

- II. For a paint booth, prior to installation, a building permit shall be required if the facility will be used for painting vehicles.
  - III. Any other interior or exterior tenant improvements, as may be applicable.
- B. Prior to installation of advertising signage, a sign review permit and, if applicable, a building permit shall be required.
  - C. A business license shall be obtained through the Finance Dept and maintained in good standing on an ongoing basis.
  - D. The business shall provide documentation to the City of other agency approvals, as applicable, including but not limited to Bureau of Automotive Repair License, Bay Area Air Quality Management District and EPA for materials handling.
  - E. The business shall provide documentation demonstrating compliance with Proposition 65 (1986) warnings regarding potential exposure to harmful chemicals.

### **Operational Conditions**

- B. The business shall operate in a safe, clean and quiet manner and comply with all licensing and storage requirements applicable to the operation of an automotive repair facility.
- C. Hours of operation are permitted to be all hours and daily. Such hours may be required to be reduced upon written notice by the Community Development Director, if the extended hours are deemed by the Director to result in unusual noise disturbance to the nearby properties or is deemed to not be safe for the neighborhood.
- D. The site shall be maintained free of trash and debris.
- E. Hazardous materials to be stored inside the facility may include up to 55 gallons of new oil, 110 gallons of waste oil, 30 used tires and 15 batteries. Request for approval of storage over these quantities may be requested in writing to the Community Development Director. All materials shall be properly stored inside the building and may be subject to City and other agency inspection without prior notice.
- F. Noise shall be confined to the building suite.
- G. Parking shall be maintained on the site for use by this business and vehicles may not be parked within the required driveway access, or parking spaces for other suites.

### **Other Conditions**



- H. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
- I. The use permit shall be effective on the seventh (7<sup>th</sup>) day after Planning Commission approval, unless the action is appealed to City Council, in which case the permit shall not be effective until a final decision on the appeal has been made by the City Council.
- J. Material violation of any of the Conditions, including material deviations from the approved project description, may be cause for revocation of this permit and termination of all rights granted there under.
- K. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48 - Revocation of Use Permit or Variance.



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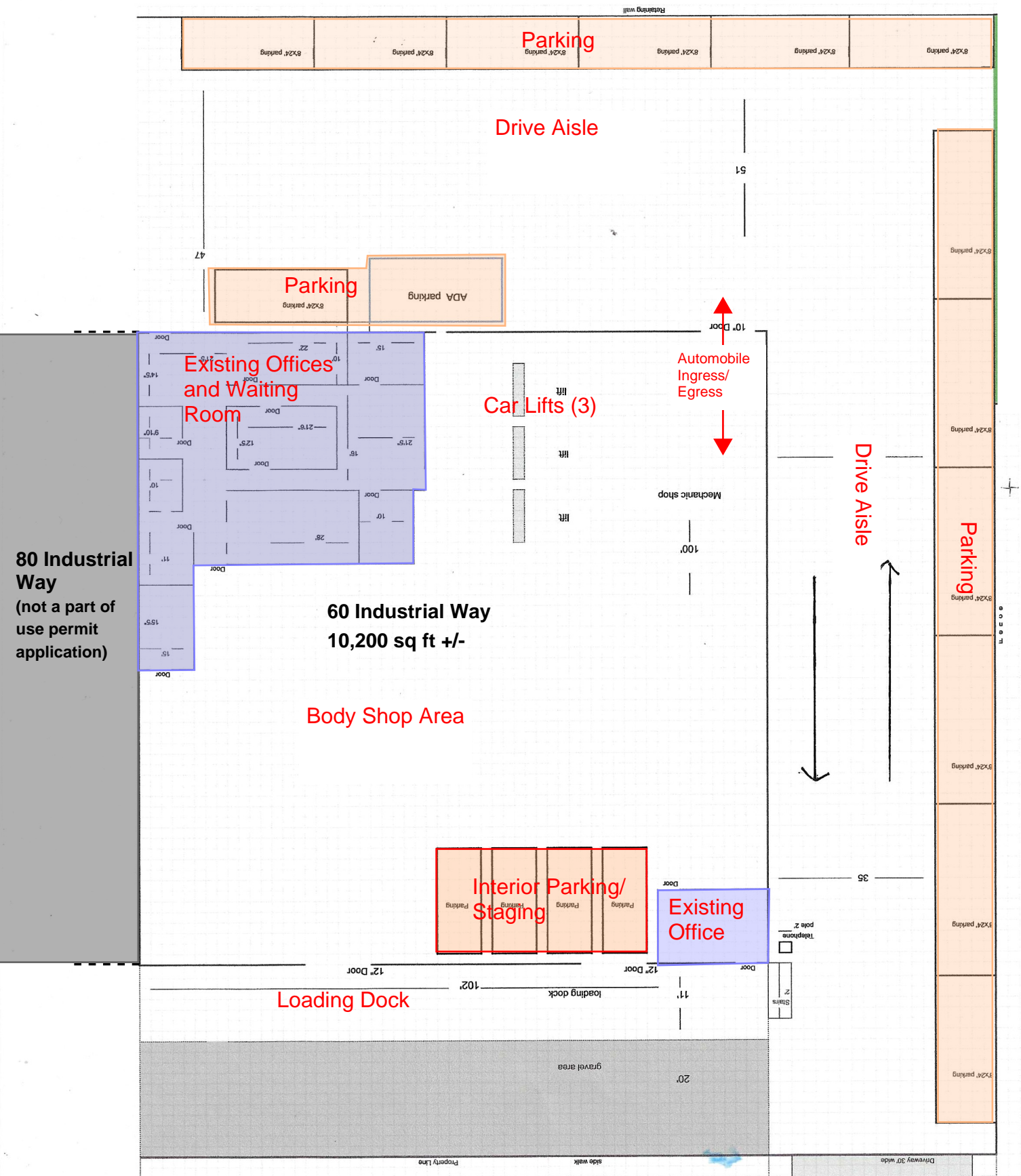


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



# ATTACHMENT C SITE PLAN/FLOOR PLAN



INDUSTRIAL WAY



10'-0" Scale (approx.)

Flywheel Auto Repair Center  
60 Industrial Way

Flywheel Auto Repair Center will specialize in drive for hire vehicles, Taxi, Uber, Lyft etc. Most of our customers will probably wait while repairs are done. We anticipate around 5 customers at a time. We will have 3 employees.

We are considering adding a paint booth at a later date, if we decide to we will get all necessary permits at that time.

Michael Kelley