



## PLANNING COMMISSION AGENDA REPORT

**Meeting Date:** 12/13/22

**From:** Ken Johnson, Senior Planner

**Subject:** **575 Tunnel Avenue; Interim Use Permit 2022-UP-3;** C-1 Commercial District (Baylands); Interim Use Permit renewal of UP-5-16, to allow continuation of the use of a parking and dispatch facility, for up to 150 car and minibus para-transit fleet vehicles, for transportation of elderly and disabled persons; and finding that this project is categorically exempt from environment review under CEQA Guidelines Section 15301; Sam Khodja, applicant; Oyster Point Properties Inc. (Baylands Development, Inc), applicant/owner.

**REQUEST:** The applicant requests approval of the above referenced Interim Use Permit application on behalf of Transdev to allow for the continued utilization of the subject site as a parking lot and dispatch facility, for up to 150 para-transit shuttle vehicles which are up to 25 feet in length. Transdev provides transportation to elderly and disabled persons in San Francisco under a contract with San Francisco MTA. The request is for a 5-year term.

**RECOMMENDATION:** Conditionally approve Interim Use Permit 2022-UP-3, via adoption of Resolution 2022-UP-3 with Exhibit A containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines. The exceptions to this categorical exemption, referenced in Section 15300.2, do not apply.

**APPLICABLE CODE SECTIONS:** Brisbane Municipal Code Chapter 17.41 establishes procedures and required findings for the approval of interim uses in the Baylands subarea. Required findings are set forth in BMC Section 17.41.060, and mandatory conditions of approval are listed in BMC Sections 17.41.060.F and 17.41.070.

### Background and Project Description

The site was first approved for this use in 2010. It was revised in 2011 and renewed in 2016 via interim use permit UP-5-16.

The site at 575 Tunnel Ave was developed for fleet vehicle parking and a dispatch office on approximately 2.5 acres. Improvements included asphalt paving, site perimeter fencing, site lighting, stormwater drainage swales with landscaping, and placement of an approximately 2,100 square foot modular office with utilities. The site lighting is comprised of downward facing, fixed lighting standards.

Under UP-5-16, the total site area was reduced from 2.5 to approximately 2.3 acres to allow for a driveway to the Avis rental car storage yard to the rear of the site. Under the 2010 and 2016 approvals an approximately 0.3-acre area within the rear area of the site was not included since it was in use as a landfill settlement monitoring station. The property owner indicates that the monitoring station was decommissioned in 2018 and Transdev is now requesting that parking be allowed within this area. That area is shown in grey on the site plan (Attachment C). That would increase the yard area from approximately 2.3 to 2.6 acres, 0.1 acre larger than the yard as originally approved. The area of the former monitoring station is surfaced with gravel and is within the existing fenced area, while the rest of the yard is paved with asphalt. Transdev proposes to maintain the yard in its existing condition.

The permit approvals in 2011 and 2016 were for cars and minibuses up to 25-feet long and that is also the current request. Operations are 24 hours per day, 7 days per week, although the primary hours of operation are between 4 am and 10 pm. The existing dispatch office accommodates approximately 22 employees at the site. Security is provided by on-site Transdev personnel, as the dispatch office is always manned.

The parking limit for the 2016 permit was a maximum of 125 fleet vehicles, with a mix of cars and minibuses up to 25-feet long. As noted above, the current application is to allow storage of up to 150 fleet vehicles, with the same vehicle size range. Transdev estimates that under current post-pandemic conditions approximately 70 vehicles are in active use on a daily basis, with approximately one trip in and one trip out per day for each. While Transdev does not anticipate near-term increases in that number, the proposal allows for future flexibility.

The typical vehicle routing is to and from the north to serve Transdev's San Francisco passengers. However, there is no prohibition on use of the roadways south of the site, nor is such a prohibition proposed. Regional road or traffic conditions and off-site trips for bus maintenance may necessitate such occasional routing.

With this current application, Transdev also requests approval of their placement of a 40-foot long, truck trailer storage unit on the site. Transdev indicated that they have already placed such a trailer at the rear of the site, on the gravel area, for storage of cleaning supplies in response to the Covid-19 pandemic. This was to accommodate intensification of their cleaning of the fleet vehicle interiors. Note that vehicle maintenance activities, such as washing of the exteriors of the vehicles and mechanical repairs would still be required to be done off site.

In addition to the storage trailer, Transdev has indicated that they plan to utilize the approximately 0.3-acre gravel area at the rear of the site for parking of their lesser used inventory of vehicles.

See the applicant's project description provided in Attachment D for further operational details.

## Analysis

The required findings under BMC Sections 17.41.060.A-F and project analysis are provided below. The project, including the suggested conditions of approval, with site modifications, would meet the findings.

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 site is in an area that is industrial in character and the site has already been developed as a para-transit parking and dispatch facility.

Adjacent and nearby uses include Recology's solid waste transfer facilities and Avis' rental car staging yard. The intensity and operational characteristics of the proposed shuttle vehicle storage yard are consistent with the surrounding area and will not adversely impact nearby businesses.

The total trips are anticipated to continue as currently operating, to be less than 300 per day. Since the facility serves San Francisco, shuttle vehicle trips primarily utilize Tunnel Avenue and Beatty Road to access Highway 101.

Since no significant changes in the applicant's current operations are proposed, the operations are not anticipated to impact local roadways beyond current conditions.

This use is seen as having a positive impact on public health, safety and welfare in general terms, in that it serves to provide mobility to elderly and disabled persons and at the same time serves to reduce the number of personal vehicles on the area roadways, reducing vehicle miles travelled (VMT) for the region.

Note that, as required with the previous approval of this use, the City Engineer may require a traffic study and mitigations, if unanticipated impacts are noticed, with funding of those items by the applicant (see condition 7). A condition of approval has also been added for dust control on the area at the back of the site (see condition 8).

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

The proposal **complies** with this finding.

The ongoing operation of the facility has been determined to be categorically exempt, per the CEQA Guidelines, as indicated in the environmental determination. The use of the site would be a continuation of the existing use, with a minor expansion of the use area as described above and potentially a modest increase in the number of fleet vehicles over time, but no new improvements proposed. Additionally, as noted above, the use serves to reduce vehicle miles

travelled (VMT) for the region by reducing the number of single occupancy vehicle trips that might otherwise occur, thereby reducing greenhouse gas emissions.

The site was designed and developed with stormwater controls, including a stormwater collection swale at the site frontage, and operates under an industrial stormwater permit through the Regional Water Quality Control Board.

There are no vehicle maintenance activities proposed at the site, except for cleaning of fleet vehicle interiors, and no storage of hazardous materials would be allowed.

c) the interim use will not obstruct redevelopment;

The proposal **complies** with this finding.

In considering approval of the Interim Use Permit, the Planning Commission must find that the use "...will not obstruct, interfere with, or delay the intended redevelopment of the property..." Based on the following considerations, the proposal complies with this finding.

The site has already been developed for the bus yard use and those existing improvements would not obstruct, interfere or delay future redevelopment being contemplated by the City with the Baylands EIR. The previously completed modifications to the site are reversible. The existing site development includes a prefabricated structure which is portable in nature and can be relocated upon cessation of the use.

The site lies in proximity to the extension of Geneva Avenue associated with the Baylands Specific Plan. Portions of the site could be impacted by the future roadway alignment and/or associated grading, subject to Baylands EIR certification, approval of associated planning applications, engineering and funding. There is no established schedule for roadway construction, but it would be anticipated to be a few years or more from now.

To ensure that the project would not interfere with redevelopment, in the event the road extension or other redevelopment improvements are to proceed during the term of the interim use permit, condition 12 is provided which commits the applicant to removing improvements identified as an obstacle to redevelopment.

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

This proposal **complies** with this finding.

The use complies with this finding. The site was redeveloped following the previous approval and all required public utilities and infrastructure has already been provided to the site.

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

The proposal **complies** with this finding.

The para-transit shuttle operation proposed for the site provides a public benefit by increasing the mobility of elderly and disabled persons and reducing regional vehicle miles travelled and greenhouse gas emissions.

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

The proposal **complies** with this finding.

The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do, inasmuch as a condition of approval is included for Transdev to provide a current copy of their local recruitment program, for Planning Director approval (condition 2).

Note that the above outlined operations, describe the use of the facility. The operational parameters of Transdev's proposed operations in terms of hours and routing are the same as what was previously approved for their ongoing operations and the inclusion of the 0.3 acre area at the rear of the site and increase on the fleet vehicle limit from 125 to 150 is not seen as significant. At the time of this writing, staff has not received complaints on their operations.


Finally, note that this application was routed to the City Engineer/Public Works Director, Fire Dept., Building Dept., Police Dept., San Mateo County Environmental Health, and Regional Water Quality Control Board for review and comment. The City Engineer noted the need for dust and soil tracking control on the area at the rear of the site, which is addressed through the condition of approval, as noted above.

**ATTACHMENTS:**

- A. Draft Resolution 2022-UP-3
- B. Vicinity and Routing Map
- C. Proposed Site Plan
- D. Applicant's Project Description
- E. Photo of Transdev Minibus



Ken Johnson, Senior Planner



John Swiecki, Community Development Director

## ATTACHMENT A

Draft  
RESOLUTION 2022-UP-3  
A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING INTERIM USE PERMIT 2022-UP-3  
TO ALLOW CONTINUED OPERATION OF A PARA-TRANSIT SHUTTLE VEHICLE SITE FOR PARKING  
AND DISPATCH FOR MINI-BUSES  
AT 575 TUNNEL AVE

WHEREAS, Sam Khodja, the applicant, applied to the City of Brisbane for an Interim Use Permit 2022-UP-3 at 575 Tunnel Ave, to continue use of an existing facility for parking and dispatch of up to 150 paratransit fleet vehicles, minibuses and smaller vehicles (25 feet or less in length), with approximately 22 on-site employees, on an approximately 2.6-acre site; and

WHEREAS the site was previously developed, following City approval of interim use permit UP-13-11 and the subsequent building permits, as a minibus parking yard with an approximately 2,100 square foot dispatch office; and

WHEREAS the project will require no new buildings or other structures, except that a portable storage trailer will be permitted to remain on the site; and

WHEREAS, on December 13, 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

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 December 13, 2022 did resolve as follows:

Interim Use Permit 2022-UP-3 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this thirteenth day of December, 2022, by the following vote:

AYES:

NOES:

ABSENT:

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Sandip Patel  
Chairperson

ATTEST:

## EXHIBIT A

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

### FINDINGS:

- A. The proposed interim use and the conditions under which it would be operated will not be detrimental to the public health, safety or welfare, or injurious to properties or improvements in the vicinity, as described in the staff memorandum and given the conditions approval;
- 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 the improvements are reversible and would not hinder future site redevelopment.
- D. Utilities exist at the site to serve the interim use in a safe, sanitary, and lawful manner.
- E. The ongoing operation of the facility, as proposed by the applicant, would provide a public benefit by the provision of needed transportation services to the elderly and disabled.
- F. The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do.

### CONDITIONS OF APPROVAL:

#### Operations

1. Approval of this application is to allow for the project as detailed in the Project Description contained in the Planning Commission staff report dated December 13<sup>th</sup>, 2022, except where project parameters are modified expressly by this Resolution. This includes parking of operable shuttle vehicles and operation of a vehicle dispatch office, as further described in the Project Description.
2. The operator shall provide a current copy of their employment recruitment program targeted toward Brisbane residents within one (1) month of the effective date of this permit, subject to the review and approval of the Community Development Director.



3. Hazardous materials storage is not permitted on this site.
4. Vehicle maintenance is not permitted on this site, except routine cleaning of fleet vehicle interiors.
5. The total number of fleet vehicles shall not exceed 150. Any proposed modifications to the striping or driveways depicted in the site plan, provided with this application, shall require Planning Director review and approval.
6. Storage of non-operable vehicles is not permitted on the site.
7. If operations result in unanticipated traffic impacts, the City Engineer may require the applicant to fund traffic impact study(s) and fund any identified mitigation measures deemed appropriate by the City Engineer.
8. The unpaved, approximately 0.3-acre area at the rear of the site shall be maintained and monitored by the property owner and Transdev such that it does not result in fugitive dust or tracking of dirt off the site. The City Engineer may require the area to be treated with a calcium chloride binder (or other chemical soil stabilization agent approved by the City Engineer) or to be paved, if he or she determines that the condition is not being met to the satisfaction of the City. If the area is to be paved such that a new impervious surface is created, it shall also be subject to applicable stormwater collection and treatment requirements under the Water Board's Municipal Regional Permit C.3 provisions.
9. Drive aisles shall be maintained open for Fire Dept. apparatus access.
10. Site/Landscape Maintenance:
  - a. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
  - b. The site and site frontage shall be maintained in a trash-, debris- and weed-free condition.
  - c. Stormwater swales, including the swale outside the fence at the front of the site, shall be maintained free of invasive species and the design plantings shall be maintained in good health. Any modification to the previously approved plant species or planting density within the stormwater swales shall be subject to approval by the Planning Director.
  - d. Note that new and replacement irrigated landscapes may be subject to the Water Conservation in Landscaping Ordinance BMC Chapter 15.70, or the then effective state requirements, whichever is the most water conserving.

- e. On-site storm drain inlets shall be maintained with clear markings with the words “No Dumping! Flows to Bay,” or equivalent, using methods approved by the City’s NPDES Coordinator.

### **Hold Harmless Requirements**

11. 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.

### **Mandatory Conditions for Interim Use Permits, per BMC Section 17.41.070**

12. The permit shall require both the owner and the operator to 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. Each 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.

### **Interim Use Permit Cessation, Revocation Procedures and Term Limit**

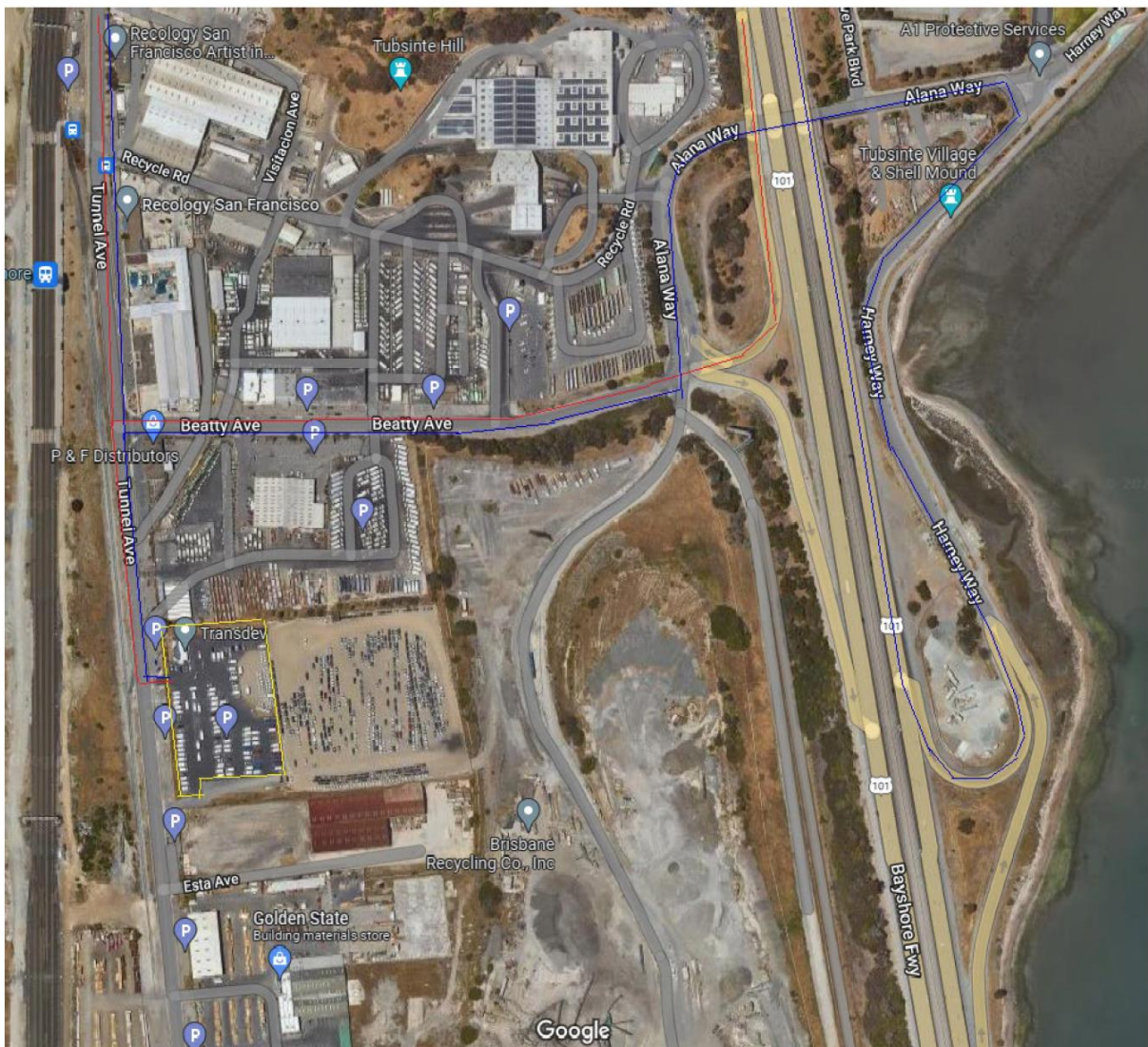
14. In the event that the continuation of the use approved with this interim use permit would obstruct, interfere with, or delay the intended redevelopment of the property in accordance with the uses anticipated in the general plan or any adopted specific plan applicable to the site, the operator shall vacate the site and remove improvements as required by the City or property owner, within 90 days written notice by the City or property owner.
15. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.

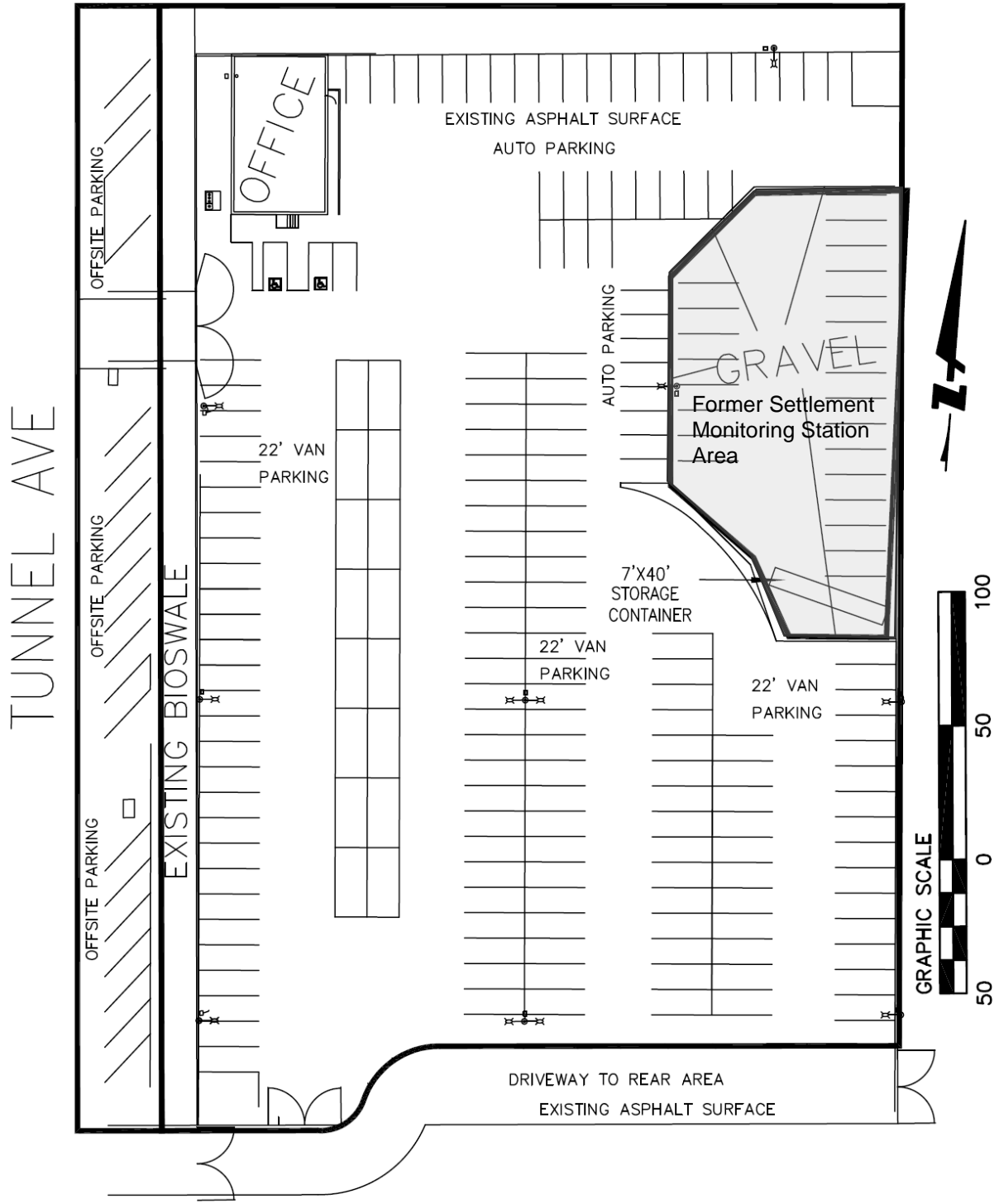
16. Material violation of any of the Conditions, including material deviations from the approved project description, may be cause for revocation of this permit and termination of all rights granted there under.
17. This Interim Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.41.100 - Revocation of Interim Use Permit.
18. This Use Permit shall expire 5 years from its effective date, on December 20, 2027.

## Transdev Shuttle Parking: Existing Route Mapping

**Red** represents inbound shuttle

**Blue** represents outbound shuttle





SITE PLAN



Veolia Transportation has changed its name to Transdev

## **Project Description – Transdev Bus Operations, Storage and Maintenance**

December 05, 2022

Transdev Services, Inc. (Brisbane operations) is interested in continuing offices and parking facilities for the provision of services to persons with disabilities and elderly in the company's operation of ADA paratransit services for the City and County of San Francisco.

Transdev Services, Inc. was incorporated on December 5, 1986, and initiated operations in Brisbane on September 1, 2014. They took over a contract previously held by MV Transportation with the San Francisco Municipal Transportation Authority, providing public paratransit services for the agency.

The company has identified the location at 575 Tunnel Road to be an optimal location from where to house its operations. Its central location will maximize response time and keep costs contained.

The primary benefit of Paratransit services is to increase mobility persons with disabilities and the elderly, as well as to reduce personal vehicle trips associated with caretakers, family members, and others visiting or assisting persons with disabilities and elderly. Since the number of people requiring Paratransit is not increased due to this project, no additional trips will be generated from current baseline levels.

### Use and Location

Transdev is pursuing the continuation of bus storage, dispatch, maintenance and operations facility on approximately 2.3 acres or 100,000 SF of land owned by BDI. The proposed site, 575 Tunnel Rd. The project site is graded and paved to City of Brisbane standards and implement the latest storm water BMPs necessary to accommodate the storage of approximately 150 vehicles with a mix of mini-vans and mini-buses (25 feet or less in length). There is a security fence surrounding the entire site. The proposed use covers less than 1/3 of the seven-acre site occupied by the former manufacturing/building materials facility.

Transdev also requests approval of a small expansion of the use into an approximately 0.3 acre gravel-surfaced area located within the rear Transdev yard area. Which was formerly occupied by a geotechnical settlement monitoring station. This would be for parking of lessor used fleet vehicles and allows space for portable storage container that was placed on site to store cleaning supplies during the Covid-19 pandemic.

## **Project Description – Transdev Bus Operations, Storage and Maintenance, 575 Tunnel Avenue**

### Facility Operation & Bus Routing

Buses gain access to the freeway system via Tunnel Avenue to Beatty Road and then Alana Way to obtain north or southbound access to Highway 101. The buses will primarily be off-site during weekdays/peak hours providing service to the customers. The Transdev SF Paratransit program operates 24 hours a day. The primary hours of operation will be between 4 AM and 10 PM. Between midnight and 4 AM a maximum of two buses are expected to operate. Bus routes will travel to and from San Francisco exclusively on Tunnel Avenue, either directly on Tunnel Avenue or Tunnel Avenue combined with Beatty Avenue.

Security is provided by Transdev personnel on duty, as the dispatch area is manned 24/7/365. The site perimeter is enclosed with a security fence.

Not all buses will be in use at all times; some will be back-up buses, while others are transported to another location to be cleaned or to undergo preventive maintenance, checking and replacing fluids, etc. Parking for employees is provided in bus stalls once the bus is moved to begin its service day.

### Paratransit Bus Usage

The peak pull-out time is between 6 and 8 am, with approximately 135 trips in and out of the property per day. These buses are fueled off site.

### On-site Personnel

Transdev operates with approximately 100 drivers(as demand increases post-Covid) reporting for service and departing in a revenue vehicle, removing it from the location until the end of its service day. The facility is manned by approximately twenty-two (22) dispatch and administrative employees during the course of a 24 hour day.

## **Project Description – Transdev Bus Operations, Storage and Maintenance**

### Dispatch Office

The ADA accessible office will continue to accommodate support staff that will perform administrative, dispatch, security, and management responsibilities.

### Fencing, Security and Site Layout

The site is paved and fenced with ingress and one egress gates serving the site from Tunnel Avenue with adequate clearance to accommodate bus operations. Security lighting is installed on the site via electrical service from Tunnel Avenue with overhead service to a minimum of four lights poles mounted on each end and the center of the parking area. These poles are

serviced with overhead wires and double mounted halogen floodlighting aimed towards the ground. The site is drained of surface water with adequate SWPPP protections on the edge to avoid erosion.

Surface Conditions:

The paved site is graded to drain to the perimeter of the site. Storm drainage is collected in an infiltration swale and directed to the City storm drain in Tunnel Avenue. The area of the former settlement monitoring station at the rear of the site is surfaced with gravel and will be maintained to prevent airborne dust and tracking of soils.



**ATTACHMENT E**  
Photograph of Transdev Minibus  
By Staff on 10/1/22

