

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 10/10/2019

SUBJECT: **Interim Use Permit UP-7-19 (continuation of UP-4-18); East of Icehouse Hill;** C-1 Commercial District (Baylands); Interim Use Permit to allow CalTrain construction staging and assembly on an approximately 3.5 acre vacant site on the Baylands, between Icehouse Hill (east of Bayshore Boulevard) and the CalTrain rail lines. Zach Mayes of Proven Management, Inc., applicant; Universal Paragon Corporation, owner; Assessor's Parcel Numbers 005-162-320 & 330.

REQUEST: An Interim Use Permit is requested by Proven Management, Inc. (PMI) on behalf of the Peninsula Corridor Joint Powers Board (PCJPB) to continue to utilize the vacant yard between Icehouse Hill and the CalTrain Tracks, at CalTrain Mile Post 7.0, as a staging and construction assembly area for CalTrain improvements. This request would be a continuation of the use that was approved on September 27, 2018, via Interim Use Permit UP-4-18. A time extension through December 2020 is requested due to CalTrain delays and additional work scope requested by CalTrain of PMI.

The CalTrain project that the staging yard supports includes various improvements for CalTrain electrification to improve system efficiency and reduce greenhouse gas emissions. These improvements include enlarging tunnel clearances and installation of an overhead catenary system (i.e.: overhead electrical power systems). The work is by PMI under contract with the PCJPB, which has authority over the track line improvements.

Use of the site would be 24 hours a day, seven days a week, as detailed in the applicant's project description.

RECOMMENDATION: Conditionally approve Interim Use Permit UP-7-19, extending UP-4-18, via adoption of Resolution UP-7-19 with Exhibit A containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: This project, a minor temporary use of land having negligible or no permanent effects on the environment, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Sections 15304 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, adopted June 10, 1996, 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.

SITE DESCRIPTION: The site is approximately 3.5 acres and is located immediately east of Icehouse Hill, largely within the former cut area of Icehouse Hill, from when the rail line was established in the early 1900's. The Kinder Morgan Tank Farm (Tank Farm) is located opposite the CalTrain right-of-way from this site, to the east and southeast. Five sets of rail line tracks are located along the CalTrain right-of-way immediately adjacent to the site. An existing rail spur connects directly with the western-most track, to provide access for the proposed project. Roadway access to the site is from a private driveway that runs behind the Brisbane Fire Station and intersects with Bayshore Boulevard to the south of the Fire Station.

The subject area is an existing rail-yard area that has previously been hardened by historical rail-yard activities. It has an existing rail spur and has been surfaced with gravel. Under the previously granted use permit, the gravel surface is being maintained to avoid water ponding and for dust control.

Additionally, temporary facilities were installed following the granting of Interim Use Permit UP-4-18 in 2018, including:

- A temporary construction office trailer with power supplied by a generator.
- Portable toilets are located on site and serviced regularly.
- Portable, generator-powered light standards are provided on site.
- A temporary, 6-foot, chain-link construction fence is in place around the perimeter of the yard.
- Water for construction purposes is supplied by a temporary tie-in from the south end of Industrial Way.

Recent photos of the yard were taken by the applicant and are attached for reference.

PROJECT DESCRIPTION: The proposed operations as described by the applicant are summarized as follows:

Site Activities The proposed use of the yard would continue as previously permitted, for staging and assembly for various rail-line tunnel structural support and overhead catenary components for deployment along the rail corridor. While the previously granted permit included staging of tunnel liner debris, concrete and ballast materials, the applicant has indicated that staging of those materials is no longer needed at the site, but other materials to be stored would include precast concrete stones, metal columns and trusses, metal support devices and spools of wire and cable. Further details are provided in the applicant's project description. These materials would be delivered to the site via flatbed trucks and deployed along the rail line on a "consist" of 4 to 5 rail cars and an engine. The catenary support systems would be partially assembled on the site prior to deployment.

The work would continue to be 24 hours a day, seven days a week, as previously permitted. Work crews range from 2 to 20 people. Up to approximately 40 people may be on the site at a time when there are overlapping shifts, as would occur in the mornings and evenings Saturdays and Sundays. The starting and ending of shifts are generally between 6am to 7am and 5pm to 7pm, depending on the day of the week. The majority of the on-site work occurs within an hour either side of the start or end of a shift, in the early morning and evening hours, to mobilize or de-mobile work crews to work on the rail line segments.

In 2018, the estimated vehicle trips were 200 trips per day. The estimated number of trips going forward would be reduced to approximately 100 trips per day.

As indicted above, the scope of on-site activities has shifted to deployment of precast concrete stones, metal columns and trusses and metal catenary support devices. Trusses and support devices will be used as tunnel support structures and are approximate 30 feet in height by 40 feet in width and 8 feet in diameter. The catenary supports would be partially assembled on site for deployment for installation along the tracks.

While water is no longer needed for concrete mixing, the temporary water line would be maintained for dust control.

Minor maintenance of equipment may also performed on site for maintenance of the vehicles to be used at the yard only. The applicant is required to follow California Construction Stormwater General Permit Best Management Practices, as indicated in the conditions of approval.

Vehicle Access Vehicles access the site from Bayshore Boulevard, via the right-hand in and right-hand out driveway located between the Fire Station and the intersection of Tunnel Avenue. The driveway to the site runs along the backside of the Fire Station, parallel to the railroad tracks.

Security Security is provided with the construction fence, temporary lighting and on-site construction work presence. Small tools and equipment are stored in lockable, rail-car storage containers. Given that shifts will work both day and night, workers come and go from the site at various times thereby providing a measure of security by personnel presence. The gate at the south entrance may also be locked when necessary.

Dust Control The City Engineer has required a dust control and monitoring plan, which is being implemented by the applicant.

Proposed Project Duration The applicant has indicated that the requested extended use of the site is for approximately 15 months, through December 2020.

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 site is largely within the railroad cut from the original eastern side of Icehouse Hill, from the early 1900's, when the railroad brought the rail lines and maintenance yard to and through Brisbane. The northern portion of the site appears to extend just north of the cut area over the maintenance yard fill area. The proposed use would continue to utilize an existing rail spur that remains on the site and connects to the adjacent western-most railroad track. This area is already industrial in nature and the closest adjacent use is the CalTrain railroad corridor, immediately to the east. Other nearby uses are the Machinery & Equipment Co. building to the south, the fuel farm on the east side of the CalTrain right-of-way, and the vacant Baylands areas to the north. Icehouse Hill is used to some degree for grazing of livestock that are stabled at the south end of Industrial Way. The use would not be detrimental to any of these nearby uses and it would not be detrimental to improvements in the area.

Given the site's location, the closest residential uses at the Northeast Ridge are shielded from views and noise by the remaining portion of Icehouse Hill. A small portion of the easternmost residential area of Central Brisbane, in the area of the east end of San Francisco Avenue, Santa Clara Street and Tulare Ave., has views along the train corridor, but these are approximately 2,000 feet away or more. Given these distances and the operational conditions of approval, the use is not anticipated to have any detrimental effects on the residential areas either.

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

The proposal **complies** with this finding.

The site overlies the railroad cut area and has historically been used for rail-line purposes, with rail spurs tied to the former maintenance yard to the north. The site has previously been hardened with gravel and is enclosed by a 6 foot chain-link construction fence. The use is temporary in nature and all of the materials, equipment and facilities would be removed upon expiration of the interim use permit and the use would have negligible or no permanent effects on the environment. As such it is categorically exempt from the provisions of CEQA.

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..." (BMC Section 17.41.060.C). Given the short duration of the proposed use and that fact that it will not include any permanent structures, there would be no obstruction to redevelopment plans.

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

This finding **complies** with this finding.

The project will continue to have a temporary connection to City water at the end of Industrial Avenue. Power would continue to be supplied by generators on an as-needed basis. Roadway access would be to and from Bayshore Boulevard, via the private driveway to the south of the site. The location of the spur would utilize the westernmost rail line along the CalTrain corridor to transport the crews, equipment and materials along to the various work locations along the corridor. No other infrastructure is required.

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

The proposal **complies** with this finding.

The use would benefit the public in that the storage yard would support the CalTrain electrification improvements, which are aimed at improving the system's operational efficiencies and reducing 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 applicant indicates that their employment recruitment program will continue to include directed outreach to Brisbane residents, to the extent possible. Although the applicant has indicated that the labor is to be performed through union jobs, the applicant reached out to the City and Chamber of Commerce in 2018 to advertise available work through the union and has indicated they will do that again in 2019.

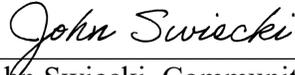
Finally, note that this application was routed to the City Engineer/Public Works Director, Fire Dept., Police Dept., San Mateo County Environmental Health, Regional Water Quality Control Board and CalTrain JPB for review and comment. There were no objections to the continuation of the use. The Fire Department has added a suggested condition of approval that a temporary address be assigned for this site and that address be posted on Bayshore Boulevard and on the fence at the site entry.

ATTACHMENTS:

- A. Vicinity Map
- B. Applicant's Project Description
- C. Site Plan & Photographs
- D. Draft Resolution UP-7-19



Ken Johnson, Senior Planner



John Swiecki, Community Development Director

ATTACHMENT A

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Aerial Vicinity Map CalTrain Construction Staging - East of Ice House Hill



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ATTACHMENT B

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CA Lic. 749370

September 13, 2019

City of Brisbane Planning Division
Attn: Ken Johnson – Senior Planner
kjohnson@brisbaneca.org

Re: Extension of Interim Use Permit UP-4-18 (ie: UP-7-19)

Dear Mr. Johnson,

REQUEST:

PrōVen Management, Inc. (“PMI”) is requesting an extension to its City of Brisbane Use Permit No. UP-4-18. The extension is being sought as a result of the Peninsula Corridor Joint Powers Board (“JPB”) aka “Caltrain” issuing a Change Order to PMI to perform additional Work on JPB property. Additionally, a portion of the original scope work remains unfinished as a result of project delays. A detailed description of the planned activities is included below.

SITE DESCRIPTION:

The site was established under Permit UP-4-18. A temporary, 6-foot high construction fence currently encloses the site. A temporary office trailer has been set-up on site as well, and all utilities servicing the trailer and the site are temporary facilities (i.e., water & power). Pictures taken on the site on 9/12/19 are included below to indicate the current status of the property.

PROJECT DESCRIPTION:

The proposed use of the site is for temporary staging and storage of construction materials and equipment, including on rail equipment. Materials will be delivered by rubber tire vehicles (flatbed trailers) to the site, and then the materials will be loaded on to rail trains for transportation and installation on the Caltrain Right of Way. Materials delivered to site include precast concrete stones, metal columns and trusses, metal support devices and spools of wire and cable.

SHIFT OPERATIONS:

The work is required to take place both day and night. At times, work will be continuous for 24hrs a day as detailed below. Shift crew size varies depending on the planned work, but the maximum crew size will be approximately 40 people. Accounting for two shifts per day, approximately 160 vehicle trips (a trip is one way, in or out) per day will occur. Large vehicle traffic (dump trucks & tractor trailers) and deliveries will be sporadic and the maximum trips per day for large vehicles is approximately 3. Additional trips in and out of the yard during the work activities will be made as needed to support the work.

Shift	Hours	Crew Size	Activities	Notes
Weekdays, Monday – Friday	7am to 5pm	2-15	<ul style="list-style-type: none"> Pre-assemble material components Load materials on to trains Receive and offhaul materials 	<ul style="list-style-type: none"> Dust suppressed with sprayed water Noise generating activities will be intermittent throughout the shift
Weeknights, Monday-Friday	7pm to 6am	4-20	<ul style="list-style-type: none"> Conduct safety briefing Move trains loaded with materials to Caltrain property 	<ul style="list-style-type: none"> Dust suppressed with sprayed water Noise generating activities will be at the beginning and end of shift (7pm to 8pm and then 5am to 6am)
Weekends, Friday-Monday	7pm to 6am	20-40	<ul style="list-style-type: none"> Conduct safety briefings Move trains loaded with materials to Caltrain property 	<ul style="list-style-type: none"> Dust suppressed with sprayed water Noise generating activities will be at the beginning and end of shift, and at shift change

Note: Work hours may vary from what is indicated above as access to the Caltrain ROW is beyond the control of PMI. The most significant deviation from the work hours above are likely to be on weeknights; some shifts may start as late as 11pm, as directed by Caltrain.

ON-SITE PARKING, STORAGE AND MATERIALS MOVEMENT:

Worker vehicles will be parked at the northwest end of the yard during their shifts. Other vehicles and equipment needed for construction activities will be parked in an orderly fashion when not in use. The crane to be used is shown in the attached pictures and will be used to load material on to rail cars with material.

Material to be stored on site at various times throughout the duration of the Work:

- (40) 3’x3’ precast concrete blocks
- (16) 30’ steel columns
- (8) 40’ steel trusses
- (700) 5’ steel tubes
- (12) reels of cable
- (25) bundles of contact rail
- (8) Conex boxes for storage of small tools and supplies

TEMPORARY FACILITIES:

Water - A temporary water line has established a water supply to the site. Water is pumped into a holding tank and then dispersed from the tank when needed.

Power - A portable generator supplies power to the office trailer located on site. Lighting is provided by portable light plants which direct the light downward to minimize glare and disturbance to the surrounding community.

Restrooms - Portable restrooms provide sanitation facilities on site and are cleaned twice a week.

VEHICLE ACCESS:

Vehicles access the site from the northbound lanes Bayshore Boulevard by way of a service road approximately 300' North of the Tunnel Avenue intersection. This service road is located between the Brisbane Firehouse on Bayshore Blvd. and the Caltrain tracks. Please see attached aerial photograph of the site and access to it.

SECURITY:

The site will be secured with temporary 6' chain link fence panels, temporary lighting, and presence of construction workers. Small tools and materials will be stored in lockable shipping containers (Conex boxes).

DUST CONTROL:

No dust generating activities are anticipated. Dust from vehicle traffic will be controlled with the application of sprayed water from a water truck or water wagon.

PROPOSED PROJECT DURATION:

At this time, work is planned to be substantially completed by May 2020, but may push as late as December 2020 due to design changes.

Should you have any questions or concerns, I may be reached at 415.312.7600 or zmayer@provenmanagement.com.

Sincerely,



Zach Mayes
PröVen Management, Inc.

Attachments:

City of Brisbane Planning Application – 2 total pages

City of Brisbane Use Permit Application and supporting statements – 7 total pages

Pictures of site – 11 total pages

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ATTACHMENT C

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Use Permit ~~UP-4-18~~

Site layout

UP-7-19

Legend

Exhibit A
Approximately
150,000 +/- SF

6' chain link fence panels

RR Tracks

Equipment and
Material Storage

Vehicle Parking
(typ.)

Temporary water
holding tank

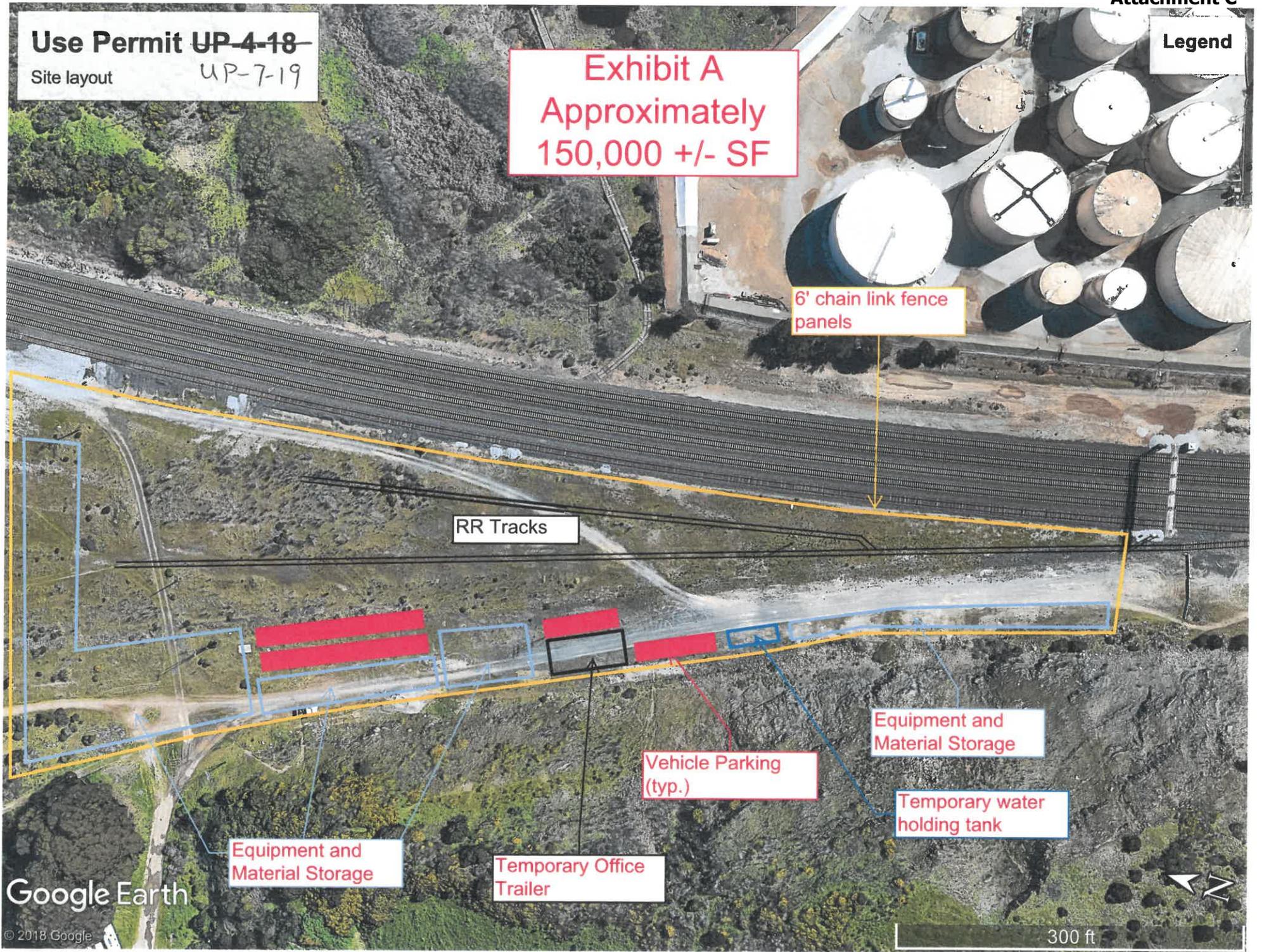
Equipment and
Material Storage

Temporary Office
Trailer

Google Earth

© 2018 Google

300 ft



Standing at Trailer
Looking South



Temporary Office Trailer



Material and Equipment
Storage
Standing at North end of yard
Looking South



ATTACHMENT D

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RESOLUTION UP-7-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING INTERIM USE PERMIT UP-7-19
TO ALLOW CONTINUATION OF THE USE OF A
CONSTRUCTION STAGING AND ASSEMBLY YARD
FOR RAIL LINE CONSTRUCTION COMPONENTS
FOR USE ALONG THE CALTRAIN CORRIDOR

WHEREAS, Zach Mayes applied to the City of Brisbane for an Interim Use Permit, UP-7-19, to extend the previous approved use, (via Interim Use Permit UP-4-18), of a temporary outdoor staging and assembly yard, for construction work along the CalTrain rail lines on an approximately 3.5 acre site, previously occupied by industrial uses on the Baylands, East of Bayshore Boulevard, between Icehouse Hill and the CalTrain lines; and

WHEREAS, on October 10, 2019, 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

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 10, 2019 did resolve as follows:

Interim Use Permit UP-7-19 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this tenth day of October, 2019, by the following vote:

AYES:
NOES:
ABSENT:

Pamala Sayasane
Chairperson

ATTEST:

EXHIBIT A

ACTION TAKEN: Conditionally approved Interim Use Permit UP-7-19 per the staff memorandum with attachments, via adoption of Resolution UP-7-19.

FINDINGS:

1. 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;
2. The proposed interim use is categorically exempt from environmental review pursuant to Section 15304(e) of the California Environmental Quality Act (CEQA) Guidelines and will not result in any significant adverse environmental impacts;
3. 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 site improvements proposed.
4. There are no required permanent public utilities since the use is for a temporary construction project and the infrastructure of Bayshore Boulevard will provide for roadway access to the private driveway and temporary water will be supplied from Industrial Way, so that the interim use will operate in a safe, sanitary, and lawful manner.
5. The use will benefit the property and/or the public in that it would be used to facilitate improvements along the CalTrain corridor that will benefit the public throughout the region.
6. The use would encourage the employment of Brisbane residents to the extent it is reasonably possible to do so.

CONDITIONS OF APPROVAL:

- A. The prospective operator shall maintain a business license through the City's Finance Dept.
- B. Within one week of the effective date of this permit, the applicant shall apply to the City of Brisbane to assign an address for the site. Upon approval of the address by the City, the applicant shall post an address sign at the driveway entrance on Bayshore Boulevard and at the entry gate to the site, to the satisfaction of the City Engineer and Fire Department.
- C. Portable security lighting shall be maintained downwards onto the site and not up or outwards, such that it would present a hazard or significant glare to off-site properties.
- D. The project shall comply with stormwater NPDES requirements, including Best Management Practices, to the satisfaction of the City Engineer.

- E. The site shall be maintained in a weed-free condition and any flammable materials shall be stored in compliance with North County Fire Authority requirements.
- F. The gravel site surface shall be maintained to prevent water from ponding on the site and to provide for dust control to the satisfaction of the City Engineer.
- G. The operator shall abide by the City approved Dust Management Plan and retain it on-site. This shall including educating employees and contractors of its requirements. Dust control and monitoring shall be done on an ongoing basis to the satisfaction of the City Engineer. The City Engineer may require that continuous monitoring be conducted at the site.
- H. The operational parameters of the work shifts shall be consistent with that outlined in the body of the staff report. Any proposed alteration shall be subject to Planning Director review, for determination of substantial conformance. Non-conformance would be referred to the Planning Commission.
- I. This site shall not be paved with an impervious surface. Any such proposal would be subject to further review and approval by the Planning Director and City Engineer and review under the Water Board C.3 provisions.
- J. Minor modifications to this use permit may be approved by the Planning Director upon written request.
- K. This Use Permit is subject to the revocation procedures established in Brisbane Municipal Code Chapter 17.48.

Mandatory Conditions, per BMC Section 17.41.070:

- L. 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.
- M. 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.

Project Close Out:

- N. All materials, equipment and facilities shall be removed from the site by the close of the interim use permit period.
- O. This Interim Use Permit shall expire on December 31, 2020, except that time extension may be granted by the Planning Director based upon written request by the applicant and a finding of substantial conformance with the other terms of this interim use permit. No extension shall be allowed beyond a term of 5 years from the effective date of the granting of this interim use permit UP-7-19 without Planning Commission approval, via separate application.