

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of November 13, 2014

FROM: Ken Johnson, Senior Planner, via John Swiecki, Community Development Director

SUBJECT: **5 Beatty Ave., Baylands Soil Processing Site; Use Permit UP-3-14;** Temporary Use Permit to allow for the use of the Baylands Soil Processing site to demonstrate Peterson Cat earth moving equipment; Peterson Cat, applicant; Universal Paragon Corp., owner; APN's 005-340-050, 005-350-080, 005-350-020 & 005-162-300.

Request: This request is to allow for the temporary use of the property at 5 Beatty Avenue, the Baylands Soil Processing site, for Peterson Cat to demonstrate earth moving equipment. The event would be for 5 days, from December 1st through December 5th, 2014.

Project Description: The applicant's project description is attached, which provides the proposed project details.

As shown in the schedule provided in the applicant's project description, the main part of the event would be on Thursday and Friday, December 4th and 5th, from 10 am to 3 pm, with the preceding days being for set-up. The event would be staffed by approximately 40 representatives from the Peterson and SITECH/Trimble companies and Peterson estimates that approximately 150 customers would be in attendance during each day on December 4th and 5th. Machines would be operated by professional operators that would dig and move materials around the site to show real-life application of the various machines. The demonstration machines are listed in the applicant's project description. The north end of the site, near the entrance from Beatty Ave., would be used for parking personal vehicles. The demonstration activity area would be at the southern end of the site, as shown on the plan. A shuttle service would be available between the parking and demonstration areas. A total of 11 tents have been proposed to be set up in the demonstration area.

The applicant has estimated that approximately 100 cubic yards of soil would be moved on site during the demonstration. The earth movement would comply with the terms of the Memorandum of Agreement between Sunquest Properties (aka: Universal Paragon Corp.) and the City for operations at the Soil Processing Site, dated May 5th, 2014. Additional proposed conditions of approval are included with this agenda report.

Recommendation: Conditionally approve Use Permit UP-3-14 via adoption of Resolution UP-3-13 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: The proposal represents a minor temporary use of land having negligible or no permanent effects on the environment and is categorically exempt from environmental review per State CEQA Guidelines Section 15304(e). The exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

Applicable Code Sections: Brisbane Municipal Code (BMC) Section 17.32.020.B.4 provides for establishment of temporary uses of not more than 45 days duration in all districts by conditional use permit. Required findings are set forth in BMC Section 17.40.060.

Analysis and Findings: The required findings under BMC Section 17.40.060 and project analysis are as follows:

- a) In considering an application, 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.

The use would meet the required finding.

The primary area of the proposed use is at the southern portion of the Baylands, between the Baylands Central Drainage Channel, Lagoon Road, Tunnel Avenue and U.S. Freeway 101. The site has already been approved and has active soil processing activities and this use would fit within that previous approval in terms of earth movement on site. A condition of approval is also included, that the applicant shall obtain approval from the Regional Water Quality Control Board prior to the event.

The northern part of the site, immediately south of the Beatty Ave. entrance, would be used for parking private vehicles for the event. This is the same area that has been previously graded and used for parking, for 49ers overflow, via use permit.

The closest uses are commercial uses of the tank farm at the south end and Recology and the lumber yards at the north end parking area. The demonstration area would be interior to the site, as shown on the site plan, and would be approximately 200 to 400 ft. from the surrounding roadways of Tunnel Ave., Lagoon Way and U.S. 101, so no significant impacts on neighboring properties are anticipated. The MOA between the owner and the City establishes conditions under which soil movement can occur on the site and there is a condition of approval that the proposed use is to operate in accordance with the MOA. This includes dust control and the height of piles. The MOA also has a limit on the hours, being not after 10 pm. A stricter condition of approval is recommended to formally limit the operation between dawn and dusk, so that on-site lighting will not be necessary, which would fit with the hours proposed of 10 am to 3 pm. Extending the allowable time beyond the applicant's schedule of 10 am to 3 pm would allow for set-up and removal time.

The site has almost direct access to and from U.S. 101 at the Beatty on- and off-ramps immediately north of the site, so there would not be significant traffic impacts.

- b) The Planning Commission 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 use would meet this required finding.

The location of the use is generally interior to the site and it would be far from the nearest residence, and therefore should have no impact on residential neighborhoods. As indicated under finding "a", the proposed use is interior to the site, in a commercial area and so there are no anticipated detrimental effects.

Attachments: Draft Resolution UP-3-14
Vicinity/Site Map (Aerial Photo)
Owner/Applicant's Project Description

Draft
RESOLUTION UP-3-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-3-14
FOR TEMPORARY USE OF THE
BAYLANDS SOIL PROCESSING SITE FOR
DEMONSTRATION OF PETERSON/CAT EARTH MOVING EQUIPMENT

WHEREAS, Peterson Cat applied to the City of Brisbane for a Conditional Use Permit approval to establish a temporary use (5 days) of the Baylands Soil Processing Site at 5 Beatty Avenue, such application being identified as UP-3-14; and

WHEREAS, the project is a temporary use and will have negligible or no permanent effects on the environment; and

WHEREAS, on November 13, 2014, 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(e) 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 Conditional Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of November 6th, 2014 did resolve as follows:

Conditional Use Permit UP-3-14 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this thirteenth day of November 2014, by the following vote:

AYES:
NOES:
ABSENT:

Karen Cunningham
Chairperson

ATTEST:

EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-3-14 per the staff memorandum with attachments, via adoption of Resolution UP-3-14.

Findings:

1. The proposed temporary use and the conditions under which it would be operated will not be detrimental to the public health, safety or welfare, nor will it be injurious to properties or improvements in the vicinity, as described in the staff memorandum, and there is no adopted specific plan for this area;
2. The use applied for, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort and general welfare of those working in the neighborhood of such proposed use, nor will it be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. There are no persons residing in the neighborhood for which the use is proposed.

Conditions of Approval:

- A. The Conditional Use Permit is approved as a temporary use for no more than 5 days.
- B. The use shall comply with the Memorandum of Agreement between the City and Sunquest Properties, Inc. (aka: Universal Paragon Corporation, Inc.), dated May 5th 2014, which addresses dust control, soil pile heights, etc..
- C. All event activities shall occur in the daylight hours between dawn and dusk and so no lighting shall be necessary.
- D. The amount of materials to be moved during the equipment demonstration is to be approximately 100 cubic yards from the existing soil piles. The demonstration shall not penetrate the trash cap.
- E. The applicant shall obtain written approval from the Regional Water Quality Control Board (RWQCB) for this event, which shall be provided to the Planning Director prior to the event.
- F. The applicant shall provide shuttle service between the parking area and the event area.
- G. Trash receptacles shall be provided on site at locations and size to adequately accommodate litter. The applicant shall ensure that all trash is picked up and properly disposed from the site.
- H. Tents shall be properly staked to the satisfaction of the Building Official. If wind conditions pose a significant risk on the event days, the tents shall be removed.

- I. 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.

- J. This Conditional Use Permit shall be effective after the end of the 15 day appeal period and is only for a single event. If the event needs to be rescheduled by the applicant, the applicant shall provide a proposed revised schedule for advance written approval by the Planning Director. All other conditions shall remain in full force.



DEMONSTRATION AREA

F.1.7.

Project Description / Supporting Statement – Baylands Peterson Cat Demo Days

Scope of Event

Peterson Cat, in conjunction with Baylands Soil Processing and Universal Paragon, would like hold a Demo Days event at the Baylands. As the official Cat equipment dealer for the San Francisco Bay Area Peterson Cat often holds events to demonstrate our products so customers can see and test our equipment. We believe that the Baylands location would be ideal for our December event.

This event will consist of demonstrating Caterpillar construction equipment over the course of 3 days, and require access to the facilities December 1st through the 5th. Machines will be operated by professional operators that will dig and move materials around the site showing real application of the machines. There will be multiple locations with tents and chairs where guests can view how to operate various types of equipment listed in the Machine Detail section.

Event Details

Proposed Event: San Francisco Demo Days Organizers: Peterson Cat and SITECH NorCal

Date/Time: December 4th and 5th

Venue: The Baylands

5 Beatty Ave, Brisbane, CA 94005

Staffing and Attendants

30 Peterson Representatives and 10 SITECH/Trimble Representatives will be running the event. Peterson estimates that 300 customers will attend in total, approximately 150 attendants each day.

Event Schedule by Date

Dec. 2 Event “Dry Run” and Internal Participation

Attendants: Peterson Event Personnel, SITECH Reps, Peterson Cat Reps and Cresco Reps

Dec. 3 Event Fine Tune and Internal Participation Attendants: Peterson Event Personnel

Dec. 4 & 5 Customer Participation and Demonstrations Attendants: Event Personnel, all Reps and Customers

10:00-11:00am

Registration, Meet and Greet, Door Prizes, Raffle Registration

11:00-11:30am

Preview Presentation: Johan Larson, SITECH General Manager

12:00-1:00pm

Lunch BBQ

1:00-3:00pm

Product/Equipment Demos, Meet with Company Reps; Rotate Different Stations

Machine Details

Below is a list of 11 machines for the event. There are Demonstration units and smaller Display units.

Demonstration Units

140M Motor grader with Trimble GCS900

D8T with Cat Grade Control

CAT 336 Excavator with Trimble GCS900

CAT 950 Loader with Loadrite system CAT1055 Paver with Trimble PCS900

CAT CB54 Roller with PCS900 Intelligent Compaction system

Display Units

Skid steer loader Mini excavator

Plus 2 more small static machines

Water truck or Water Pull to keep dust down at the event

Tents and Equipment

11 Total – 4 branded tents and 6 additional tents for Peterson and Cresco Reps 2 large Screens, A/V Equipment, Microphones for Presentations. All activities with the exception of parking will be held in the Demonstration Area. The tents and equipment demonstrations will be located in the Demonstration Area as shown on the site plan.

Food Plan and Contingency Plan for Rain

Dec. 2 food will be catered for 40 people

Dec. 4 & 5 there will be a BBQ with a Peterson Grill

Rain or shine larger tents will be rented to cover demo stations and food areas

Parking

Parking with shuttle service to the Demonstration Area will be available in the entrance area adjacent to the site office.