


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 9/27/18

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

SUBJECT: **Interim Use Permit 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. Bill Gilmartin 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 the applicant on behalf of the Peninsula Corridor Joint Powers Board (PCJPB) 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.

The CalTrain project that the proposed storage yard would support 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), as well as track stabilization and drainage improvements. The work is to be by the applicant under contract with the PCJPB, which has authority over the track line improvements.

The requested permit duration is for a 1 year period starting on October 5th 2018. Use of the site would be 24 hours a day, seven days a week, as detailed in the project description.

SITE DESCRIPTION: As indicated above, 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 is surfaced with gravel. A temporary, 6-foot, chain-link construction fence has already been placed around the perimeter of the proposed yard.

Although there are remnants of power poles and light standards located on the site, there currently are no water or power supplies to the site.

Photos of the yard taken on September 13th, 2018 are attached for reference.

PROJECT DESCRIPTION: The proposed operations as described by the applicant and compiled by staff from various correspondence are summarized as follows:

Proposed Use Activities The proposed use of the yard would be to stage various rail line construction materials and equipment as well as assembly of work trains and train track segments to be deployed for work along the rail corridor. This would include transport of such materials as water and cement as well on- and off-hauling tunnel liner debris and ballast materials.

Shift Operations: The work would be done in both day and night shifts, 24 hours a day, seven days a week. Each shift would be comprised of up to approximately 40 workers. With two shifts per day, that would result in approximately 160 vehicle trips per day, with a trip being counted as one for each trip in or out of the facility. The applicant also estimates that there would be approximately 10 drop-offs or pick-ups per shift of materials and equipment, by truck, for another 40 vehicle trips per day.

The applicant has indicated that the shift hours and activities on the site would be as follows:

Shift	Hours	Activities	Notes
Weekdays, Monday - Friday	7 am to 5 pm	<ul style="list-style-type: none"> Loading Work Trains with tools and personnel Building Track Panels Off-hauling debris 	Noise generating activities would be intermittent through the shift.
Weeknights, Monday -Friday	7 pm to 6 am	<ul style="list-style-type: none"> Loading work trains with tools and personnel Moving work train out to tracks to perform work 	Noise generating activities would be at the beginning of the shift (7 pm to 8 pm) and the end of the shift (5 am to 6 am.)
Weekend Nights, Friday, Saturday and Sunday nights	7 pm to 7 am (except ending at 6 am Monday morning)	<ul style="list-style-type: none"> Loading work trains with water, cement, tools and personnel Moving work trains out to tracks to perform work 	Noise generating activities would be at the beginning of each shift , for approximately 1 hour (7 to 8 pm).
Weekend Days, Saturday and Sunday	7 am to 7 pm	<ul style="list-style-type: none"> Loading work trains with water, cement, tools and personnel Moving work trains out to tracks to perform work 	Noise generating activities would be at the beginning of each shift , for approximately 1 hour (7 to 8 am).

Work trains would be assembled on site and would consist of 7 to 9 rail flat cars, plus the engine, with equipment, material storage containers and other appurtenances staged atop them. The work trains would be assembled by hoisting the equipment, material storage containers and other appurtenances onto the rail flat cars using either a forklift or crane. The work trains would serve

to transport workers, equipment and materials to and from the work locations along the railroad corridor.

In some locations along the CalTrain corridor, railroad tunnels will need to be enlarged to allow space for installation of the overhead catenary system. As a result, there would be concrete tunnel liner demolition debris and that material would be temporarily staged on site in debris piles.

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

On-site Parking, Storage and Materials Movement: Worker vehicles would be parked at the north end of the yard during their shifts. Other vehicles parked or used on the site would include a work train, wheel loader fork lift and a crawler crane and vehicle deliveries would be by semi-end dump trucks, semi-flatbed trucks and semi-trucks with a cement trailer. The crane would be a 77 Ton Crawler Crane and a photo of it is attached along with other site photos.

Estimated daily movement volumes of materials are as follows:

- Cement = 500 cubic feet
- Tunnel liner debris = 20 cubic yards
- Ballast = 100 cubic yards

Other materials would include the rail tracks and rail-road ties and related hardware, some of which would be assembled on site as 80 foot long “track panels”, or longer individual lengths of track, to be transported from the site for placement where needed along the rail-road line. This work would require generator powered equipment to connect the ties and tracks as well as some welding on site.

A temporary water line would supply a 24,000 gallon water tank to be located on the site. Dry cement product would be stored on site in two, 1,000 cubic foot self-contained storage trailers, or “cement guppies”. The cement guppies would be dropped off on site and the dry material would be transferred, via vacuum, to the self-contained mixing units to be located on the work trains. Once a guppy is emptied, it would be removed and replaced with a fresh one. Water would be pumped to water containers also to be located on the work trains and the cement mixing, or concrete mix batching, would occur at the actual place of work along the rail corridor, where needed. The self-contained units would prevent cement dust from escape onto the site, or becoming airborne.

Ballast materials (rock used to support the rail-line tracks) would be transferred through the site, either from the work locations or to the work locations, as needed. Such materials would be rinsed before entering the site to remove the fine particles and thereby keep dust generation down. The applicant has estimated that at any given time there would be up to approximately

500 cubic yards of ballast stored as piles on the site at any given time. The ballast would be transported to and from the site in 20 yard bins that can be transported onto the flat railcars or loaded to trucks. The volume of tunnel liner debris would be up to approximately 100 cubic yards on site at any given time. Both the ballast and the demolition materials would be transported to and from the site in 20 yard bins that can be transported onto the railcars or loaded to trucks.

Small equipment and materials would be stored on site in lockable, rail-car storage containers.

Temporary Facilities No permanent improvements would be installed on the site. All facilities would be temporary, for the project duration only.

For a water supply, following approval by the Dept. of Public Works, an on-grade, water-line would be connected to a fire hydrant at the south end of Industrial Way. That water would supply a 24,000 gallon storage tank and transferred to tanks on the work trains for use in the construction activities along the rail-line. The water connection would be metered and include backflow prevention, as required by the Dept. of Public Works.

An office trailer, with generator-supplied power would be located on site. That office trailer would typically have up to 3 to 4 workers in it, but its use would be intermittent through the day.

Lighting would be provided on-site, via portable, generator mounted lighting standards. That light will be required to be directed downward onto the site, to minimize potential for light glare to be a hazard or nuisance to off-site properties.

Five portable toilet facilities would also be located on site and serviced regularly to provide those necessary facilities for the workers.

Vehicle Access Vehicles would 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. As mentioned above, that driveway runs along the backside of the Fire Station, parallel to the railroad tracks. An aerial photo/map showing the route in and out of the site is attached.

Security Security would be provided with the construction fence, temporary lighting and on-site construction work presence. Also, as indicated above, small tools and equipment would be stored in lockable, rail-car storage containers. Given that shifts will work both day and night, workers will be coming and going 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 is requiring a dust control and monitoring plan and conditions of approval are included that address dust control and monitoring.

Proposed Project Duration The applicant has indicated that the requested use of the site is for a 1 year period, starting on October 5th, 2018.

RECOMMENDATION: Conditionally approve Interim Use Permit UP-4-18 via adoption of Resolution UP-4-18 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(e) 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.

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 early 1900's, when the railroad brought the rail lines and maintenance yard to and through Brisbane. The northern portion of the site, where the worker vehicles would be parked, appears to extend just north of the cut area over the maintenance yard fill area. The proposed use would 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 would be 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 have a temporary connection to City water at the end of Industrial Avenue, subject to conditions imposed by the Dept. of Public Works. Power would 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 include directed outreach to Brisbane residents, to the extent possible. The applicant noted that the labor is to be performed by through union jobs, but the applicant will work with the City and Chamber of Commerce to develop an outreach to Brisbane residents. It's expected that, given the early proposed start date and relatively short project duration, much of that recruitment would most likely extend to future jobs not directly associated with this current scope of work. A condition of approval is recommended that the specifics of such a program be presented for City staff review and approval.

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. The conditions of approval reflect comments received in the course of that review.

ATTACHMENTS:

- A. Vicinity Map
- B. Applicant's Proposed Site Plan
- C. Vehicle Access Routes Map
- D. Site Photographs
- E. Draft Resolution UP-4-18

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ATTACHMENT A

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© Latitude Geographics Group Ltd.

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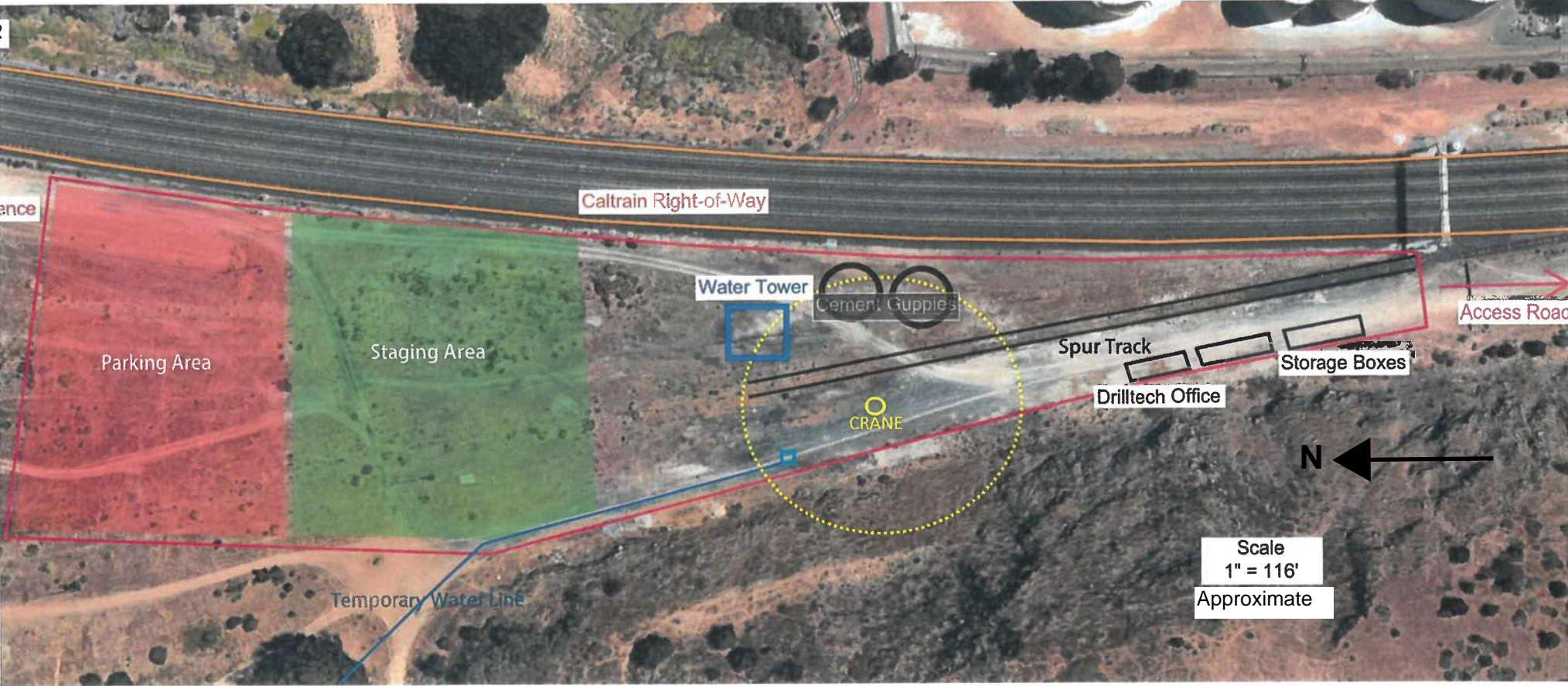
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ATTACHMENT B

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Applicant's Site Plan
Interim Use Permit Application UP-4-18
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ATTACHMENT C

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Not To Scale

VEHICLE ACCESS ROUTES
Interim Use Permit Application UP-4-18

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ATTACHMENT D

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**DRIVEWAY APPROACH
FACING SOUTH**

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NORTHERN YARD AREA

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TYPICAL WORK TRAIN

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**CRANE
WITH RAIL-LINES AND FUEL FARM BEHIND**

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SMALL EQUIPMENT STORAGE

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ATTACHMENT E

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RESOLUTION UP-4-18

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
 CONDITIONALLY APPROVING USE PERMIT UP-4-18
 FOR AN INTERIM USE PERMIT TO ESTABLISH A STAGING YARD
 FOR STORAGE OF EQUIPMENT AND MATERIALS AND ASSEMBLY
 OF WORK TRAINS AND TRACK SEGMENTS FOR USE
 ALONG THE CALTRAIN CORRIDOR

WHEREAS, William Gilmartin III applied to the City of Brisbane for an Interim Use Permit, UP-4-18, to establish a temporary yard for outdoor staging of construction materials and assembly of work trains and track segments on an approximately 3.5 acres previously occupied by industrial uses on the Baylands, East of Bayshore Boulevard, between Icehouse Hill and the CalTrain lines; and

WHEREAS, on September 27, 2018, 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 Interim Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of September 27, 2018 did resolve as follows:

Interim Use Permit UP-4-18 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-seventh day of September, 2018, by the following vote:

AYES:
 NOES:
 ABSENT:

 Coleen Mackin
 Chairperson

ATTEST:

EXHIBIT A

ACTION TAKEN: Conditionally approved Interim Use Permit UP-4-18 per the staff memorandum with attachments, via adoption of Resolution UP-4-18.

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:**Project Initiation:**

- A. Prior to occupying the site, the prospective operator shall obtain a business license through the City's Finance Dept.
- B. Prior to occupying the site, the operator shall provide the Planning Department with an employment recruitment program targeted toward Brisbane residents, subject to the review and approval of the Planning Director.
- C. The temporary water line connection between the City's potable water system and the on-site water tower shall require a Dept. of Public Works approved air-gap at the tank or a certified

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reduced-pressure backflow device at the hydrant. A Public Works inspection of that system shall be required prior to making the connection to the City's water supply.

- D. Portable security lighting shall be directed downwards onto the site and not up or outwards, such that it would present a hazard or significant glare to off-site properties.
- E. The applicant shall obtain a building permit prior to placement of the construction trailer and shall have the installation of the trailer inspected, to the satisfaction of the Building Dept.. Note that while a building permit is required for placement and occupancy of the proposed trailer, the timing of the placement is as needed by the applicant.
- F. The operator shall obtain written approval of the Dust Management Plan by the City Engineer prior to commencing operations.

Operational Conditions:

- G. The project shall comply with stormwater NPDES requirements, including Best Management Practices, to the satisfaction of the City Engineer.
- H. 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.
- I. 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.
- J. Following approval of the Dust Management Plan by the City Engineer, the operator shall abide by it 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.
- K. 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.
- L. 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.
- M. 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:

- N. Since the use is being operated by a person other than the owner of the property, 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.
- O. 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:

- P. All materials, equipment and facilities shall be removed from the site by the close of the interim use permit period.
- Q. This Interim Use Permit shall expire one (1) year from its effective date (at the end of the appeal period).