

# *City of Brisbane*

## *Agenda Report*

**TO:** City Council via the City Manager

**FROM:** Community Development Director

**SUBJECT:** San Francisco 49ers Request to allow Public Parking on the Brisbane Baylands

**DATE:** Meeting of October 3, 2011

**City Council Goals:**

To provide for effective and efficient delivery of City services (Goal#1).

**Purpose:**

To consider the San Francisco 49ers request (see attached letter) to allow for the temporary use of a portion of the Baylands for overflow public parking for the San Francisco 49ers for the remainder of the 2011-12 season.

**Recommendation:**

For the City Council to provide direction to staff regarding the above-referenced request.

**Background:**

The San Francisco 49ers have requested permission to use a portion of the Brisbane Baylands for overflow public parking for the remainder of the 2011-2012 season. Last year a similar request was made. As was presented to the City Council last year, there are inconsistencies in the Zoning Code regarding how such a use can be treated. While Brisbane Municipal Code (BMC) Section 17.41.030.E expressly prohibits commercial parking lots as an interim use at the Baylands, the temporary use provisions of the Zoning Code (Section 17.32.020.B.4.) allow for the processing of a conditional use permit (CUP) application in any zone to permit temporary uses not exceeding 45 days in duration. On September 13, 2010 the City Council authorized the property owner to process a conditional use permit to allow game day parking as a temporary use for the 2010-11 season. The applicant subsequently filed and received Planning Commission approval of a conditional use permit which expired upon the end of the 2010-11 season.

**Discussion:**

During the City Council's deliberations on last year's request, there were discussions as to how parking might be permitted in the short term while the 49ers remain in San Francisco. The approach identified was for the applicant or property owner to process a Zoning Text amendment modifying the Baylands interim use provisions to eliminate the existing prohibition on public parking, thereby allowing such parking to be eligible for approval via the established interim use permit process. It was anticipated that policy issues raised by the City Council such as potential City revenue implications and security issues would be evaluated as part of the zoning code amendment process. However, no zoning code amendment was subsequently filed following last year's City Council action.

Under the existing provisions of the Zoning Code, the City Council could again authorize the applicant to **submit** a CUP application. The application would be subject to the normal CUP review process including a hearing before the Planning Commission. This process could result in either approval or denial of the CUP; the ability to file an application does not guarantee a specific outcome. As a matter of information, the next available Planning Commission hearing date is October 27, 2011.

**Fiscal Impact:**

Any permitting processing costs associated with the Council's determination on this matter would be borne by the applicant.


**Measures of Success:**

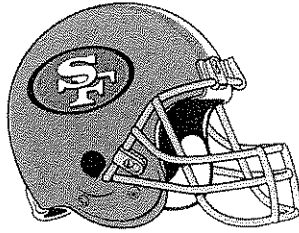
To provide the applicant with direction on how to proceed with their request.

**Attachments:**

49ers Letter

  
Community Development Director

  
City Manager



September 26, 2011

**SAN FRANCISCO 49ERS**

Candlestick Park  
490 Jamestown Ave.  
San Francisco, CA 94124

**STADIUM OPERATIONS**  
415-656-4949 (Phone)  
415-467-3222 (Fax)

**TICKET OFFICE**  
415-60-49ERS (Phone)  
415-467-9259 (Fax)

**49ERS.COM**

Mayor Cyril Bologoff  
City Council Members  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Mayor & City Council Members:

I am writing to you this afternoon to request your consideration and consequently your approval to use the property owned and/or operated by Universal Paragon located at the landfill on Beatty Ave for parking for the remainder of our 2011 season. As you may know, there has been a significant amount of development around Candlestick Park which has diminished the amount of available parking for fans attending our games.

Just recently, at our game against the Dallas Cowboys, despite our best efforts to communicate to fans about carpooling and public transit opportunities, we literally ran out of parking. As a result, it caused what we believe to be unsafe traffic conditions both on surrounding city streets as well as on Highway 101. I apologize for having to make this request and for the late hour in which it's being presented, but we would greatly appreciate your consideration.

My recent understanding is that you had once approved the temporary use of this particular property last season. The expectation was that the normal planning process would be followed to ensure a more long term solution; one that would be appropriate for the remainder of the time the 49ers play at Candlestick Park.

Unfortunately it seems that the proper protocols were not followed. That is certainly to no fault of the City of Brisbane, but as a result, we find ourselves and more importantly our fans, in a very difficult and frustrating situation that we hope (with your assistance) can be corrected for the foreseeable future.

**SUPER BOWL  
CHAMPIONS  
XVI, XIX, XXIII,  
XXIV, XXIX**

Rest assured, with our involvement moving forward, we pledge our commitment to take the necessary steps to ensure that proper protocols will be in place immediately following the season (sooner if appropriate) to ensure a longer, more appropriate solution, compared to the one we are asking you to approve as early as your next Council meeting on October 3, 2011.

S A N F R A N C I S C O 4 9 E R S

Thank you in advance for your consideration of this request. We have long valued our relationship with the City of Brisbane and its citizens. I can make myself available to address any concerns at your next meeting on October 3 if that is deemed appropriate. I look forward to hearing from you. I have attached a 2011 49ers home schedule for your review and convenience.

Once again, thank you.

Sincerely,

  
JIM MERCURIO  
VP, Stadium Operations & Security

cc:

Steven Waldo, Mayor Pr Tem  
Clifford Lentz, Councilmember  
A Sepi Richardson, Councilmember  
W. Clark Conway, Councilmember  
Clay Holstine, City Manager  
Lisa Macias, Chief of Police  
Jonathan Scharfman, Universal Paragon  
Nick Leonoudakis, CityPark



## 2011 49ERS SCHEDULE

### PRESEASON

Date	Opponent	Local Time	(Pacific)	Network
Friday, August 12	@ New Orleans	7:00 p.m.	5:00 p.m.	CBS-5
<b>Saturday, August 20</b>	<b>Oakland</b>	<b>5:00 p.m.</b>		<b>CBS-5</b>
<b>Saturday, August 27</b>	<b>Houston</b>	<b>5:00 p.m.</b>		<b>CBS-5</b>
Thursday, September 1	@ San Diego	7:00 p.m.	7:00 p.m.	CBS-5

### REGULAR SEASON

Date	Opponent	Local Time	(Pacific)	Network
<b>Sunday, September 11</b>	<b>Seattle</b>	<b>1:15 p.m.</b>		<b>FOX</b>
<b>Sunday, September 18</b>	<b>Dallas</b>	<b>1:05 p.m.</b>		<b>FOX</b>
Sunday, September 25	@ Cincinnati	1:00 p.m.	10:00 a.m.	FOX
Sunday, October 2	@ Philadelphia	1:00 p.m.	10:00 a.m.	FOX
<b>Sunday, October 9</b>	<b>Tampa Bay</b>	<b>1:05 p.m.</b>		<b>FOX</b>
Sunday, October 16	@ Detroit	1:00 p.m.	10:00 a.m.	FOX
Sunday, October 23	BYE			
<b>Sunday, October 30</b>	<b>Cleveland</b>	<b>1:15 p.m.</b>		<b>CBS</b>
Sunday, November 6	@ Washington	1:00 p.m.	10:00 a.m.	FOX
<b>*Sunday, November 13</b>	<b>New York Giants</b>	<b>1:15 p.m.</b>		<b>FOX</b>
<b>*Sunday, November 20</b>	<b>Arizona</b>	<b>1:05 p.m.</b>		<b>FOX</b>
Thursday, November 24	@ Baltimore	8:20 p.m.	5:20 p.m.	NFL Network
<b>*Sunday, December 4</b>	<b>St. Louis</b>	<b>1:15 p.m.</b>		<b>FOX</b>
*Sunday, December 11	@ Arizona	1:05 p.m.		FOX
<b>Monday, December 19</b>	<b>Pittsburgh</b>	<b>5:30 p.m.</b>		<b>ESPN</b>
*Saturday, December 24	@ Seattle	1:15 p.m.		FOX
*Sunday, January 1	@ St. Louis	12:00 p.m.	10:00 a.m.	FOX

\*Please be aware that as part of the National Football League's agreement with NBC to televise Sunday Night Football, the NFL has implemented a flexible schedule for Sunday start times for the final eight weeks of the season.

This will allow the NFL to bring more attractive match-ups to a national audience late in the season. If any of the 49ers games are moved from the original start time, fans will be notified 12 days prior to the date of the game with the exception of a Week 17 game, where the notification will be six days to ensure a Sunday Night game with playoff implications. Starting time changes will be publicized on 49ers.com and through the local print, electronic and internet media.