

City of Brisbane Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: San Francisco 49ers Request to allow Temporary Public Parking on the Brisbane Baylands; Temporary Conditional Use Permit UP-5-12, Beatty Ave., APN 005-340-050

DATE: Meeting of August 27, 2012

City Council Goals:

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

Purpose:

To consider the San Francisco 49ers' request (via UPC's application for a temporary conditional use permit UP-5-12) to allow for the use of a 3 +/- acre portion of the Baylands for overflow public parking for the San Francisco 49ers for the 2012 and 2013 seasons.

Recommendation:

For the City Council to approve application UP-5-12, via the attached Resolution containing the findings and conditions of approval.

Background:

The San Francisco 49ers have requested permission to use approximately 3 acres of the Brisbane Baylands for overflow public parking for the next two seasons. Similar requests were made and granted for the previous two seasons and based on records from last season the parking request is for up to approximately 600 vehicles per event.

Previous Council actions on this matter have permitted the use under the temporary use provisions of the Zoning Code (Section 17.32.020.B.4) which allow for the processing of a conditional use permit (CUP) application in any zone to permit temporary uses not exceeding 45 days in duration.

In previous years there were also discussions that the Zoning Code text should be amended to reconcile the temporary use provisions with the provisions of Zoning Code Section 17.41.030.E which prohibits commercial parking lots as an interim use at the Baylands. In December 2011, the applicant filed for such a zoning text amendment. However, in early 2012 the 49ers proposed move to Santa Clara was approved, rendering the issue moot beyond the 49ers move to Santa Clara, which is anticipated to occur for the 2014 season (groundbreaking took place in Santa Clara on April 19, 2012). Staff no longer views a zoning text amendment as the appropriate tool to address this use, given its short term nature and limited duration.

Discussion:

A brief discussion of the findings for a temporary use permit is provided as Attachment A. Project conditions of approval established in the approved CUP from 2010 have been carried forward as recommended conditions with this application and are included as Attachment B. The Public Works, Police, and Fire Departments have all evaluated the facility operations over the past two seasons and the recommended conditions of approval adequately address their concerns.

Finally, when the City Council approved the request last year, City Park, the parking company, agreed to make donations to the City in the amount of 25 percent of the gross receipts. The operator has voluntarily agreed to make a similar donation over the term of this use permit (see the August 15, 2012 letter).

Fiscal Impact:


None to the City. As noted under Condition E the applicant and /or operator are responsible for reimbursing the City for any additional Police Department expenditures associated with this use.

Attachments:

- A. Discussion of Findings
- B. Draft Resolution 2012-22
- C. UPC's Letter – August 15, 2012
- D. 49ers' Letter – September 26, 2011
- E. 2012 Season Schedule
- F. Aerial Photo (vicinity map) and Site Photos



John Swiecki, Community Development Director



Clay Holstine, City Manager

Attachment A

Findings

Temporary conditional uses are allowed in all districts, per Brisbane Municipal Code section 17.32.020.B.4. In addition to the standard findings required for a use permit under BMC Section 17.40.060, which are provided below, the following additional factors are to be considered to determine that the use will not be unreasonably incompatible with the uses in the surrounding areas:

1. “Damage or nuisance from noise, smoke, odor, dust or vibration.
2. Hazard from explosion, contamination or fire
3. Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles
4. Danger to public safety”

In consideration of these factors, the proposed temporary use will not be unreasonably incompatible with the uses in the surrounding areas. The area is already impacted from U.S. 101 noise and traffic in the area from those exiting or entering U.S. 101 for the 49ers games and this use will not result in any additional traffic for the area. The site itself has been surfaced with asphalt grindings which serve to prevent airborne dust. There is no anticipated hazard from odor, vibration, explosion, contamination or fire. While a large number of people will be using the site for parking (600 +/- vehicles) this is not a congregation area. On site traffic control and security are included as conditions of approval to address traffic, safety and security. There is no danger to public safety anticipated with this use.

The standard findings required for the granting of a use permit, per BMC Section 17.40.060, 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 area of the proposed use is at the northern boundary of the Baylands subarea, bordering on the Beatty subarea. Both of these subareas are commercial and the use proposed is primarily on Sundays, except for a Thursday evening and a Monday evening game, when the adjacent uses of soil recycling and waste recycling are generally not in operation. Also, the proposal is to help alleviate traffic backups that already normally occur with the home games. Therefore, there is no anticipated negative impact on adjacent or neighboring properties or uses. As indicated in the applicant’s narrative, the use is consistent with General Plan Policy 47, “Maintain traffic flow on arterial streets”; in as much as it will allow vehicles to gain quick access to parking from US 101 and reduce congestion on the surrounding roadways.

- b) “...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 location of the use is generally hidden from view, far from the nearest residence, and therefore should have no impact on residential neighborhoods. As indicated under finding “a”, the proposed use would be when the commercial uses in the neighborhood are generally not operating. Also, the proposed use is designed to help relieve some of the traffic congestion that normally occurs in the neighborhood on game days. The proposal, along with the recommended conditions of approval, adequately addresses safety and security of the patrons using the parking lot as well as the general welfare of the City, through lighting, traffic control personnel, security personnel, litter cleanup, etc.

As a matter of information, the Brisbane Police Department has supported the proposed use. Game day parking has historically resulted in some degree of hazardous and illegal parking occurring on Brisbane city streets and/or private property. The provision of additional off street parking would provide an opportunity to alleviate these occurrences.

**DRAFT
RESOLUTION NO. 2012-22**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE TO
CONDITIONALLY APPROVE TEMPORARY USE PERMIT UP-5-12
FOR USE OF THE BAYLANDS OVERFLOW PARKING
FOR THE SAN FRANCISCO 49ERS HOME GAMES
FOR THE 2012 AND 2013 SEASONS**

WHEREAS, On Behalf of City Park and the San Francisco 49ers, Universal Paragon Corporation applied to the City of Brisbane for a Temporary Conditional Use Permit to establish a overflow parking for the San Francisco 49ers Home Games on an approximately 3 acre portion of the Baylands at 5 Beatty Avenue, such application being identified as UP-5-12; and

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

WHEREAS, on August 27, 2012, the City Council 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 City Council reviewed and considered the staff memorandum relating to said application, the written and oral evidence presented to the City Council in support of and in opposition to the application; and

WHEREAS, the City Council 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 City Council of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Temporary Conditional Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the City Council of the City of Brisbane, at its meeting of August 27, 2012 did resolve as follows:

Temporary Conditional Use Permit UP-5-12 is approved per the conditions of approval attached herein as Exhibit A.

Cliff Lentz, Mayor

I hereby certify that the foregoing Resolution No. 2012-22 was duly and regularly adopted at the regular meeting of the Brisbane City Council on August 27, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sheri Marie Spediacci, City Clerk

Attachment B (cont.)

Resolution 2012-22: EXHIBIT A

Action Taken: Conditionally approve Use Permit UP-5-12 per the staff memorandum with attachments, via adoption of Resolution 2012-22.

Findings:

1. 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).
2. Approval of the use permit is consistent with the General Plan by allowing a temporary land use within the Baylands General Plan subarea in accordance with all required findings and conditions;
3. The proposed temporary 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;
4. As a temporary use the following additional factors were considered and it was determined that the use will not be unreasonably incompatible with the uses in the surrounding areas:
 - Damage or nuisance from noise, smoke, odor, dust or vibration.
 - Hazard from explosion, contamination or fire
 - Hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles
 - Danger to public safety.

Conditions of Approval:

- A. The Conditional Use Permit is approved as a temporary use for public parking of approximately 600 vehicles for 2012 and 2013 season home games for the San Francisco 49ers, including pre-season and playoff games, but not to exceed a cumulative total of 45 parking days for these two seasons.
- B. The parking periods will be from 3 hours before the game to 3 hours after the game.

- C. The permit area is defined as that area that has previously been surfaced with asphalt grindings. No additional surfacing shall be added without approval of the Public Works Department.
- D. The applicant shall clear the lot of all dry grasses and flammable vegetation where vehicles will be parked and a minimum of 10 feet from the sides of any driveways/roads. If vehicles will be parked directly next to the property line, 10 feet of vegetation clearance is required on the adjacent property. If dry grasses and flammable vegetation cannot be removed from the adjacent property, then the applicant shall keep vehicles a minimum of 10 feet from the property line and clear vegetation in this 10 foot area.
- E. Traffic control and security shall be provided by City Park and any additional police presence that may be required by the Police Dept. shall be reimbursed to the City of Brisbane by the applicant or by City Park. Under no circumstances shall the lot be left unattended during the parking periods.
- F. Portable lighting shall be provided to the satisfaction of the Brisbane Police Department, but shall be directed downward, so as not to create excessive glare.
- G. Trash receptacles shall be provided on site at locations and size to adequately accommodate litter during each event. Site-wide trash and debris cleanup shall be completed no later than the next morning to prevent on- or off-site litter migration.
- H. A mechanical street sweeper is to be used on the entire length of Beatty Avenue after the parking lot is emptied for each event.
- I. All site storm water is to flow to the SFPUC inlet generally identified as Inlet 5A; modifications may be required by the City Engineer to ensure that this occurs.
- J. During the term of the permit, the City reserves the right to require modifications to City Park operations as needed for purposes of maintaining public health and safety.
- K. The City of Brisbane will not assume any liability for vehicles or property that utilize this property as a parking facility. City Park assumes all liability during the use of UPC's property for these events.
- L. 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.
- M. The property owner's agreement with the operator of the conditional use shall state that: (i) the operator's right to possession of the premises for the purpose of conducting the use is dependent upon the conditional 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 conditional use will terminate upon any expiration or revocation of the conditional use permit.

- N. This Conditional Use Permit shall be effective upon approval by City Council and is limited to San Francisco 49er home games during the 2012 and 2013 NFL seasons.
- O. The City Manager, or his designee, is authorized to take such additional actions or minor modifications to this permit, consistent with the findings under which it was approved.



UNIVERSAL PARAGON CORPORATION

150 Executive Park Blvd., Suite 1180
San Francisco, CA 94134-3309

Tel: (415) 468-6676

Fax: (415) 468-6678

August 15, 2012

City of Brisbane
50 Park Place
Brisbane, CA 94005
Attn: John A. Swiecki
Community Development Director

RE: Conditional Use Permit as a Temporary Use– City Park
Overflow Parking for 49er Games

Dear Mr. Swiecki,

On behalf of City Park, Universal Paragon Corporation (UPC), is asking the City Council to allow UPC to submit an application for a conditional use permit as a temporary use for overflow parking on the landfill for the San Francisco 49er home football games. City Park is the company responsible for all of the San Francisco 49er football game parking needs and has asked our company to allow them the use of a portion of the Landfill for overflow parking during the eight home football games during this season. This is an area that is located just behind the entrance of the Landfill at Beatty Ave and Alanna Way. Our company has been asked to work with City Park in an effort to alleviate the potential parking and traffic problem at this choke point.

Patrons coming to the San Francisco 49er football games cause major traffic problems on Highway 101 and Beatty Ave due to the limited access into Candlestick Park at that intersection. Having the ability to take roughly 600 or so cars out of this situation and park them on the Landfill will go a long way towards reducing this traffic problem as well as increasing pedestrian safety.

This overflow parking site will be managed by City Park. Their staff working with the California Highway Patrol, the San Francisco Police Department as well as the City of Brisbane's Police Department will be in charge of keeping this intersection as clear and safe as possible. By working together we can eliminate any public safety issues as well as creating a better environment for the San Francisco 49er's eight regular season home football games per year.

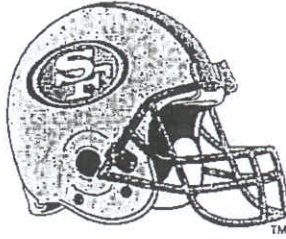
City Park will remit 25% of the gross parking revenue earned per game to the City of Brisbane for allowing this temporary use.

We appreciate your consideration in this matter and look forward to your favorable decision.

Sincerely,


Jonathan Scharfman
General Manager
Universal Paragon Corp.


Nick Leonoudakis
President
City Park



September 13, 2010

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-GO-49ERS (Phone)
415-467-9259 (Fax)

49ERS.COM

Brisbane City Council

To Whom it May Concern:

On behalf of the San Francisco 49ers, I am writing to request your consideration of a proposal that would be mutually beneficial to the city of Brisbane and the 49ers. There has been consideration of allowing the landfill area, adjacent to Highway 101, to be opened up to vehicle parking. The 49ers would most heartedly support such a proposal.

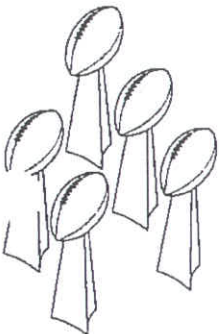
Candlestick Park, the home of the 49ers, has extremely limited vehicle access. The vast majority of fans attending our games use either Hunters Point Expressway or Gilman Ave. to gain entry to game day parking lots. With upwards of twenty thousand vehicles attempting to park around the stadium, there is typically heavy vehicle congestion. This congestion can impact the surrounding neighborhood and can also create potential safety issues.

Unfortunately there are no viable additional parking areas in the immediate vicinity of Candlestick Park. As a result, we have looked to the surrounding area for potential parking locations. In that vein, we have recently entered into an agreement with the Cow Palace that allows us to park our game day employees off site and utilize buses to shuttle them to Candlestick Park.

The landfill area in Brisbane would offer a great opportunity to create additional parking that would serve a number of different purposes. In addition to providing additional vehicle parking, this area would help alleviate traffic congestion on Highway 101 and several adjacent streets. It would also reduce the heavy traffic on city streets around the stadium as fans search for on-street parking. Perhaps the greatest benefit from this proposal would be the reduced potential for either vehicle or pedestrian accidents.

As the 49ers prepare to open their regular season, all indications are for a significant increase in attendees to this season's games.

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



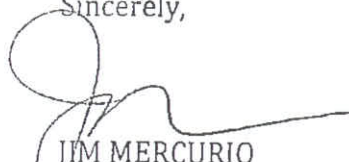
S A N F R A N C I S C O 4 9 E R S

With the increase of fans also comes an increase in vehicles attempting to park at or around the stadium. This increase will most assuredly create traffic congestion problems for not only the stadium but also all of the surrounding neighborhoods.

Over the years the 49ers have partnered with City Park to provide a viable parking plan and to oversee all parking operations in and around Candlestick Park. Should the landfill area in question be opened up to vehicle parking, we would expect City Park to take the lead in providing a safe and secure location for 49ers fans to park.

I strongly encourage you to consider the proposal of opening up the landfill area to vehicle parking. This is a win/win situation for both Brisbane and the 49ers and ultimately for the thousands of fans who attend our home football games. I look forward to working with Brisbane and City Park to make this proposal a reality.

Sincerely,



JIM MERCURIO

Vice President, Stadium Operations and Security



2012 SEASON SCHEDULE

PRESEASON

FRIDAY, AUG 10
6:00PM | CBS-5
HOME MINNESOTA
VIKINGS

SUNDAY, AUG 26
1:00PM | FOX
AWAY DENVER
BRONCOS

SATURDAY, AUG 18
5:00PM | CBS-5
AWAY HOUSTON
TEXANS

THURSDAY, AUG 30
7:00PM | CBS-5
HOME SAN DIEGO
CHARGERS

REGULAR SEASON

SUNDAY, SEP 9
1:25PM | FOX
AWAY GREEN BAY
PACKERS

SUNDAY, NOV 11
1:25PM | FOX
CANNED FOOD DRIVE
HOME ST. LOUIS
RAMS

SUNDAY, SEP 16
5:20PM | NBC
NEW CHILDREN'S BOOK DRIVE
HOME DETROIT
LIONS

MONDAY, NOV 19
5:30PM | ESPN
HOME CHICAGO
BEARS

SUNDAY, SEP 23
10:00AM | FOX
AWAY MINNESOTA
VIKINGS

SUNDAY, NOV 25
1:25PM | FOX
AWAY NEW ORLEANS
SAINTS

SUNDAY, SEP 30
10:00AM | FOX
AWAY NEW YORK
JETS

SUNDAY, DEC 2
10:00AM | FOX
AWAY ST. LOUIS
RAMS

SUNDAY, OCT 7
1:25PM | CBS
CANNED FOOD DRIVE
HOME BUFFALO
BILLS

SUNDAY, DEC 9
1:05PM | CBS
NEW TOY DRIVE
HOME MIAMI
DOLPHINS

SUNDAY, OCT 14
1:25PM | FOX
CANNED FOOD DRIVE
HOME NEW YORK
GIANTS

SUNDAY, DEC 16
5:20PM | NBC
AWAY NEW ENGLAND
PATRIOTS

THURSDAY, OCT 18
5:20PM | NFL NETWORK
HOME SEATTLE
SEAHAWKS

SUNDAY, DEC 23
1:25PM | FOX
AWAY SEATTLE
SEAHAWKS

MONDAY, OCT 29
5:30PM | ESPN
AWAY ARIZONA
CARDINALS

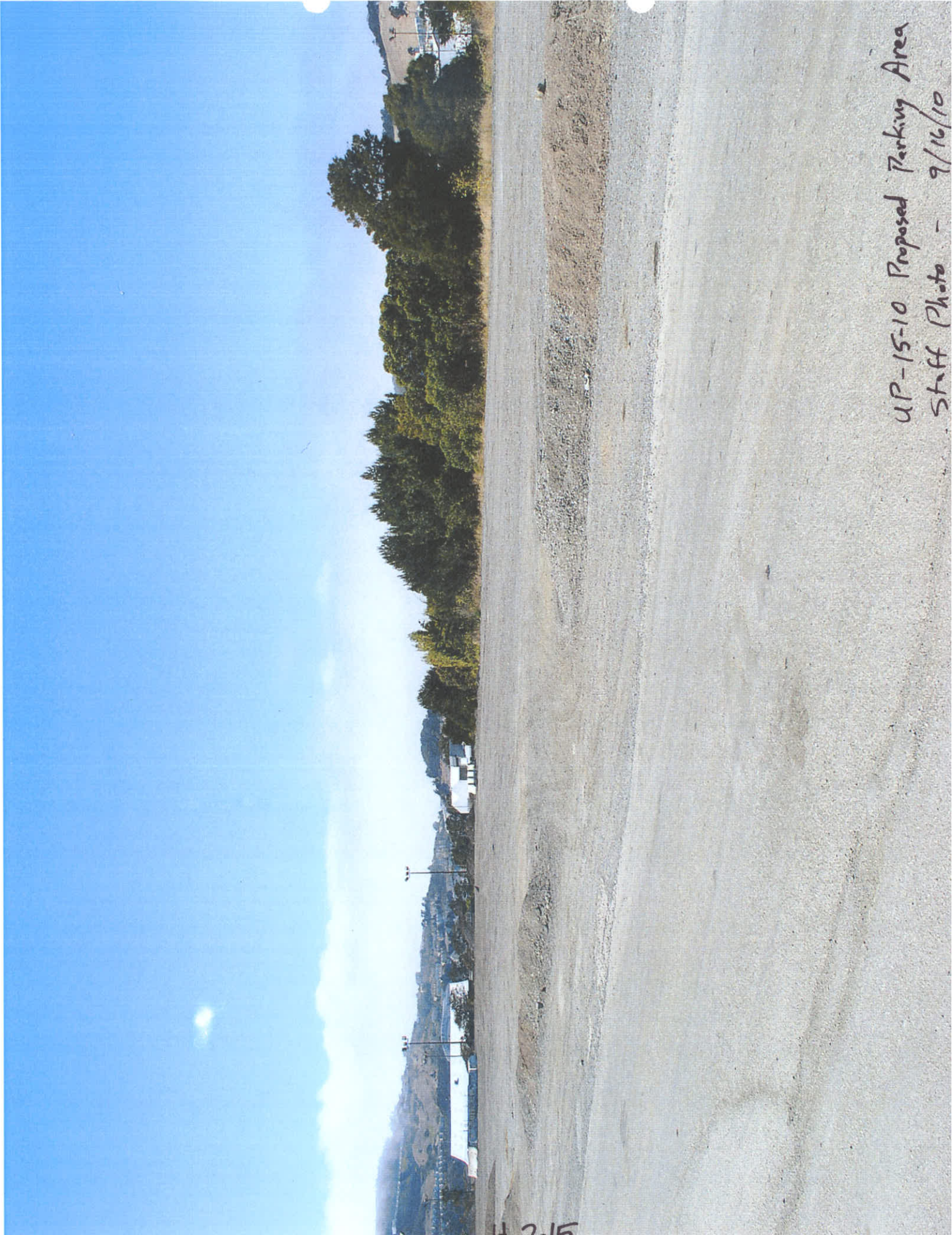
SUNDAY, DEC 30
1:25PM | FOX
NEW TOY DRIVE
HOME ARIZONA
CARDINALS

ALL GAMES ARE BROADCAST ON KNBR 680/1050 AM AND THE BONE 107.7 FM.
DATES AND TIMES OF ALL GAMES ARE SUBJECT TO CHANGE.



Area of Proposed 49ers Overflow Parking
Baylands Subarea. Brisbane. California





UP-15-10 Proposed Parking Area
Staff Photo - 9/16/10

1215



11-2-12
11-15-10 Proposed Parking Area
Staff Park 6/12/10