

*City of Brisbane*  
*Agenda Report*

**TO:** Honorable Mayor and City Council

**FROM:** Open Space and Ecology Committee, via Clay Holstine, City Manager

**DATE:** Meeting of November 9, 2009

**SUBJECT:** Open Space Report to City Council

**CITY COUNCIL GOALS:** City Council Goals # 7 & 8.

**PURPOSE:** To inform the City Council and the public about the status of the City's implementation of General Plan program 93d and the goals of the Open Space Plan.

**RECOMMENDATION:**

Accept the report and provide feedback and direction to staff.

**BACKGROUND:**

The bylaws for the Open Space and Ecology Committee list eight examples of issues and topics that the Open Space and Ecology Committee may address. The second item on this list is an annual open space report. Program 93d of the General Plan states "Provide an annual report to the City Council on the state of open space resources in the community, the amount and type of open space land, the needs for operating and maintaining existing lands, and new acquisitions and funding sources."

**DISCUSSION:**


Over the course of the last eleven years, the City of Brisbane has acquired the ten acre Quarry Road site and 41 parcels totaling approximately 48 acres in the Brisbane Acres for preservation. This represents two-thirds of the 64 Brisbane Acres parcels identified in the 2001 Open Space Plan as high priority due to their open space value. (These totals do not include the site of the Margaret Road water tank, located on "lot" 62 or other City owned water tank sites.)

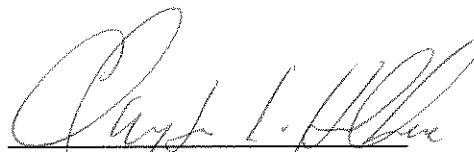
The overall cost of open space acquisitions in the Brisbane Acres since 1998 is \$2,462,390. Grant funds awarded to the City for acquisitions total \$1,075,200 or 43.66% of the total cost. The City share amounts to \$1,387,190 or 56.34%.

The attached sixth annual Open Space Report will cover all acquisitions to the City's publicly owned open space lands and the status of the Open Space Fund.

**FISCAL IMPACT/FINANCING ISSUES:**

None at this time.

  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
City Manager

**ATTACHMENTS:**

2009 Open Space Report

## Open Space and Ecology Committee 2009 OPEN SPACE REPORT

The City has not acquired any new open space parcels since the last Open Space report to the City Council on October 20, 2008. The Open Space Fund is highly leveraged given two prior loans from the General Fund to acquire open space in the Brisbane Acres. Further, there are currently no grant funds available from the California Coastal Conservancy given the State budget deficit. The US Fish and Wildlife Service has changed its scoring criteria to favor large, multi-species HCPs. Consequently, acquisitions in small HCPs, like San Bruno Mountain that only benefit two or three listed endangered species, do not score well enough to be considered for funding. Moreover, staff is not aware of any willing sellers at the present time, but will continue to seek acquisition opportunities through targeted contacts to property owners via mail and telephone.

### Previous acquisitions: 1998-2008 (in chronological order)

- “Lots” 69 and 71 - The first properties in the Brisbane Acres that were acquired by the City with Open Space Funds were two parcels, “lots” 69 and 71. These parcels were purchased from San Mateo County Tax Collector on October 29, 1998 for a total of \$11,000.
- Old Quarry Road - In August 2000, the City acquired approximately 10 acres of land, including the Old Quarry Road, from the California Department of Fish and Game. (The Department of Fish and Game acquisition of this property, along with Owl and Buckeye Canyons, was facilitated by the Trust for Public Land in 1989.) The \$100,000 acquisition cost was funded with \$23,400 from the Open Space fund and \$76,600 from a Northeast Ridge developer contribution for right of way acquisitions.
- “Lots” 30 and 39 - The next properties acquired were “lots” 30 & 39, which were purchased from the owner on January 2, 2001 for \$10,000. The owner wished to see the property preserved as open space and sold the land to the City for less than full market value in order to ensure its preservation.
- “Lots” 44, 45, 46, 50, 63 & 68 – The next acquisition was for these six parcels, which the City purchased from the Penna family on April 4, 2001 for \$300,000. This purchase was funded by City Open Space funds and a 67% matching grant from the US Fish and Wildlife Service.
- “Lots” 60, 61 & 38 – These three parcels were acquired on July 17, 2001 for \$130,000 with a 50% matching grant from the California Coastal Conservancy’s Bay Area Conservancy Program.
- “Lots” 37, 64, 78, 82, 83 & 100 – These six parcels in the Brisbane Acres closed escrow on May 1, 2002. These parcels were acquired with a 67% matching grant from

the US Fish and Wildlife Service. The total purchase price of these six parcels was \$350,000.

- “Lot” 85 – This open space property in the Brisbane Acres closed escrow in May 2003. The parcel was purchased for \$70,000 and the acquisition was funded solely from the City’s Open Space Fund. This parcel did not qualify for grant funding because it has little or no endangered species habitat value. However, the parcel contains a portion of a major watercourse and is adjacent to three lots that were purchased with a U.S. Fish and Wildlife Service grant, and thus has high value as open space.
- “Lots” 43 and 65 – These two parcels in the Brisbane Acres closed escrow in August 2004. The total acquisition cost was \$123,000 and the City received a 50% matching grant in the amount of \$61,500 from the California Coastal Conservancy’s Bay Area Conservancy Program.
- “Lots” 66, 67, 72, 73, 74, 75 – Six parcels in the Brisbane Acres, totaling 8.6 acres, closed escrow in August and September 2005. The total purchase price was \$440,000. \$274,700, or 62% was funded by a grant from the U.S. Fish & Wildlife Service, and \$165,000 (plus appraisal and closing costs) was funded by the City. This acquisition filled in a key area between two blocks of City owned parcels.
- “Lots” 51, 52, 53, 54, 55, 56 & 57 – These seven parcels acquired in 2006 total approximately 7.2 acres. The acquisition straddles a key ridge just east of upper Firth Canyon and is contiguous with the County Park on the south and two other City owned parcels on the north. Because of high open space and habitat value, the Council approved a resolution authorizing a loan of \$490,000 from the General Fund to the Open Space Fund to purchase the land, since the City’s grant application was not awarded by USFWS.
- Brisbane Acres “Lot” 49 – This parcel is the density transfer donor site for the Humboldt Road Partners’ project, the City’s first density transfer in the Brisbane Acres. The land was dedicated in April 2006 as open space in exchange for transferring two density credits to “Lot” 34. “Lot” 49, approximately one acre, is contiguous to two other open space parcels and has areas of pristine habitat
- Pannone property donation – In November 2006, Gerald Pannone donated an approximately 5350 square foot parcel at 98 Paul Ave. to the City for open space. This parcel is not in the Brisbane Acres but is adjacent to another City-owned half-acre parcel which abuts the County Park at the end of Paul Ave.
- Brisbane Acres “lots” 75A, 76, 77, 94, and 97 – These parcels closed escrow in August 2008 and comprise the City’s most recent acquisitions. The five parcels total 6.4 acres. The acquisition cost was \$485,000 and the City received a 50% matching grant in the amount of \$242,500 from the California Coastal Conservancy’s Bay Area Conservancy Program. This land has high open space and habitat value. Parcels 74, 76, and 77A in the upper Costanos Canyon are contiguous with SBM State and County Park. Parcels 94 and 97 in upper Firth Canyon are adjacent to City owned open space lands. (Please see attached map.)

### Other City-owned Open Space

As mentioned above, the City owns approximately .5 acre of land at the end of Paul Ave., across from Brisbane Acres "Lot" 79. This property, which is adjacent to the County Park and the Pannone parcel, was acquired by the City many years ago at a tax sale.

A map showing the City-owned parcels in and near the Brisbane Acres is attached to this report along with a map showing the Quarry Road property acquired from the Department of Fish and Game.

### Open Space Preservation Strategies

The Open Space Plan lists a number of preservation strategies in addition to purchase of fee title to open space lands. One of these strategies is a density transfer, or transfer of development rights program. On March 10, 2003, the Council adopted Ordinance No. 473 revising the density transfer program and amending the zoning regulations for the Brisbane Acres. As mentioned above, the first density transfer acquisition was completed for "Lot" 49 in 2006.

A developer has been working on putting together density transfers for a project in the lower Brisbane Acres near the end of Santa Clara Street, but the application is still incomplete. Also, several density transfer donor parcels will likely be required in order to achieve adequate density on the four acre parcel being acquired as an affordable housing site by the Brisbane Redevelopment Agency.

Another strategy in the Open Space Plan is to encourage donations of property for open space. "Lots" 30 & 39 were sold to the City at a below market price in 2001. The first outright donation of land for open space occurred in 2006 with the donation of the Pannone property mentioned above.

### Status of the Open Space Fund

The Open Space fund was established by the City Council in the 1997-98 fiscal year with a \$50,000 allocation from the General Fund. Resolution No. 99-1 adopts a policy of funding for open space acquisitions through annual contributions to the Open Space Fund that increase by 10% each succeeding year.

In 2006, the City Council proceeded with the acquisition of seven parcels in the Brisbane Acres using the Open Space Fund plus a loan of \$490,000 from the General Fund, to be repaid from annual contributions to the Open Space Fund over a ten year period. The payment is approximately \$58,000 per year which includes principal and interest at the LAIF rate. In 2007-8, five more open space parcels in the Brisbane Acres were purchased with a loan from the General Fund to the Open Space Fund to match the grant funding from the California Coastal Conservancy. The loan amount was \$250,000. It will be repaid from the annual contributions to the Open Space Fund over a ten year period. The payment is approximately \$32,770 per year,

including principal and interest. The total remaining debt of the Open Space Fund to the General Fund is \$572,542.

In Fiscal Year 2009-10, the General Fund Contribution to the Open Space Fund was \$142,655. Repayment for both of the General Fund loans leaves a remainder of \$46,188. Of this amount, \$22,580 was approved in the FY 2009-10 budget for vegetation management and maintenance work on City owned open space.

In addition, Brookfield Homes deposited \$80,000 to the City of Brisbane's Open Space Fund on March 26, 2009, pursuant to a settlement agreement between San Bruno Mountain Watch and Brookfield Northeast Ridge II. The City Council accepted the settlement that resulted from a law suit alleging a violation of the Clean Water Act because of erosion from construction activities. The agreement stipulates that the funds shall be used by the City for the acquisition of open space in the Brisbane Acres. If the City cannot purchase property in the Acres within sixteen months, the funds can then be used for other environmentally beneficial projects or activities that will enhance water quality in the Brisbane Lagoon.

#### Maintenance Issues

Each year since 2003, the City Council has approved a budget of approximately \$20,000 from the Open Space Fund for the Open Space and Ecology Committee's recommended vegetation management program to control the encroachment of invasive plants, lower the risk of wildfire by reducing fuel loads, and protect the habitat value of City-owned open space in the Brisbane Acres. The 7<sup>th</sup> year vegetation management plan for 2009-10 is on the City Council's November 9th agenda as a separate item.

#### Trails

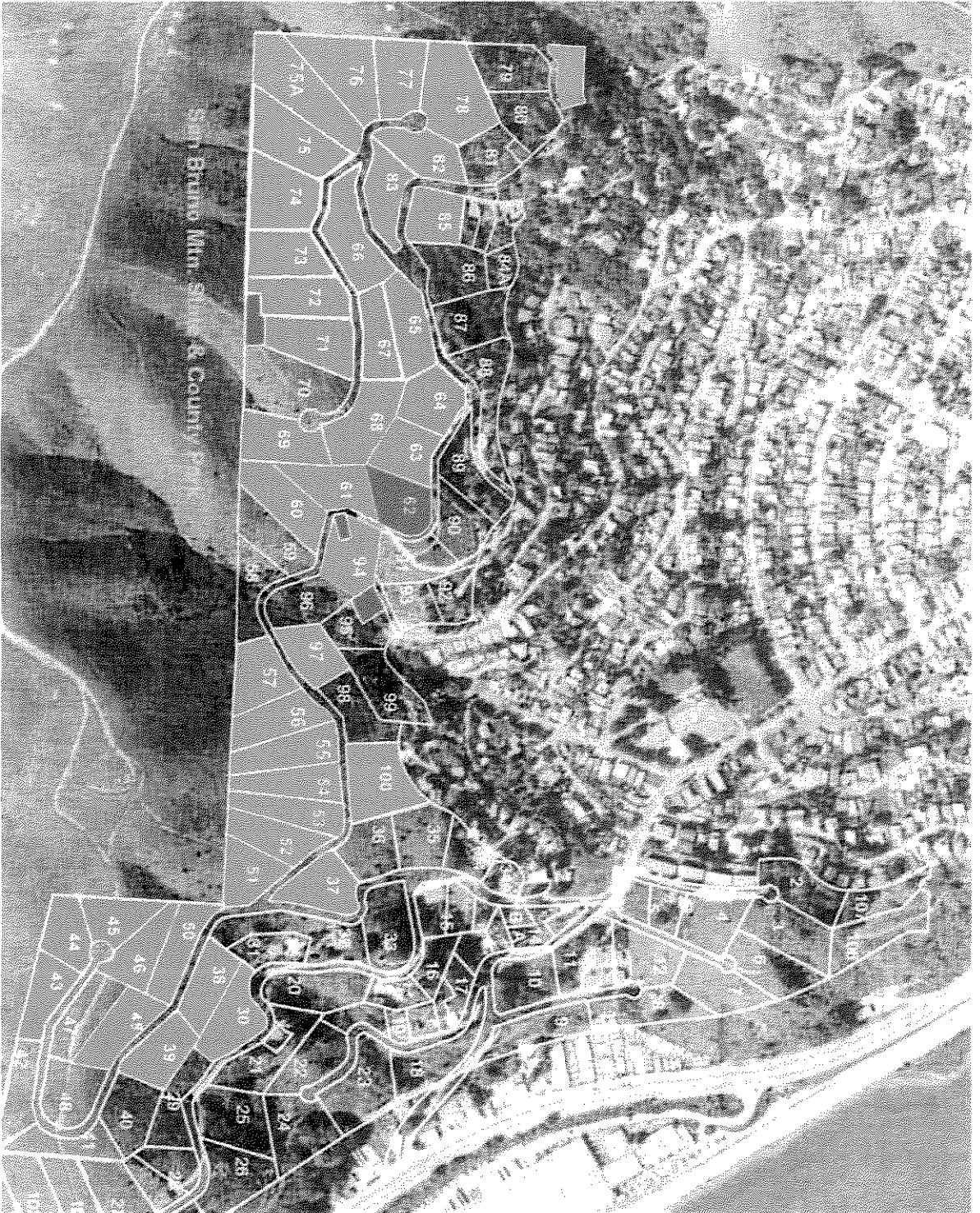
At such time that the City Council wishes to formalize a trail system in the Brisbane Acres, access easements can be acquired through non City-owned parcels to complete and connect trail segments. In conjunction with the Parks, Beaches and Recreation Commission, the Open Space and Ecology Committee could make recommendations regarding any new trails system.

#### General Plan Update: Open Space Element



As part of the update of the 1994 General Plan, the Open Space and Ecology Committee has recommended integrating key parts of the 2001 Open Space Plan into the revised Open Space Element. The Committee believes that Brisbane's most valuable open space resources will be afforded greater protection by incorporating the Open Space Plan's acquisition and management priorities and strategies into new General Plan policies and programs.

#### **ATTACHMENTS:**

Map showing City owned parcels in the Brisbane Acres  
Map showing Old Quarry Road



**City of Brisbane  
Brisbane Acres**

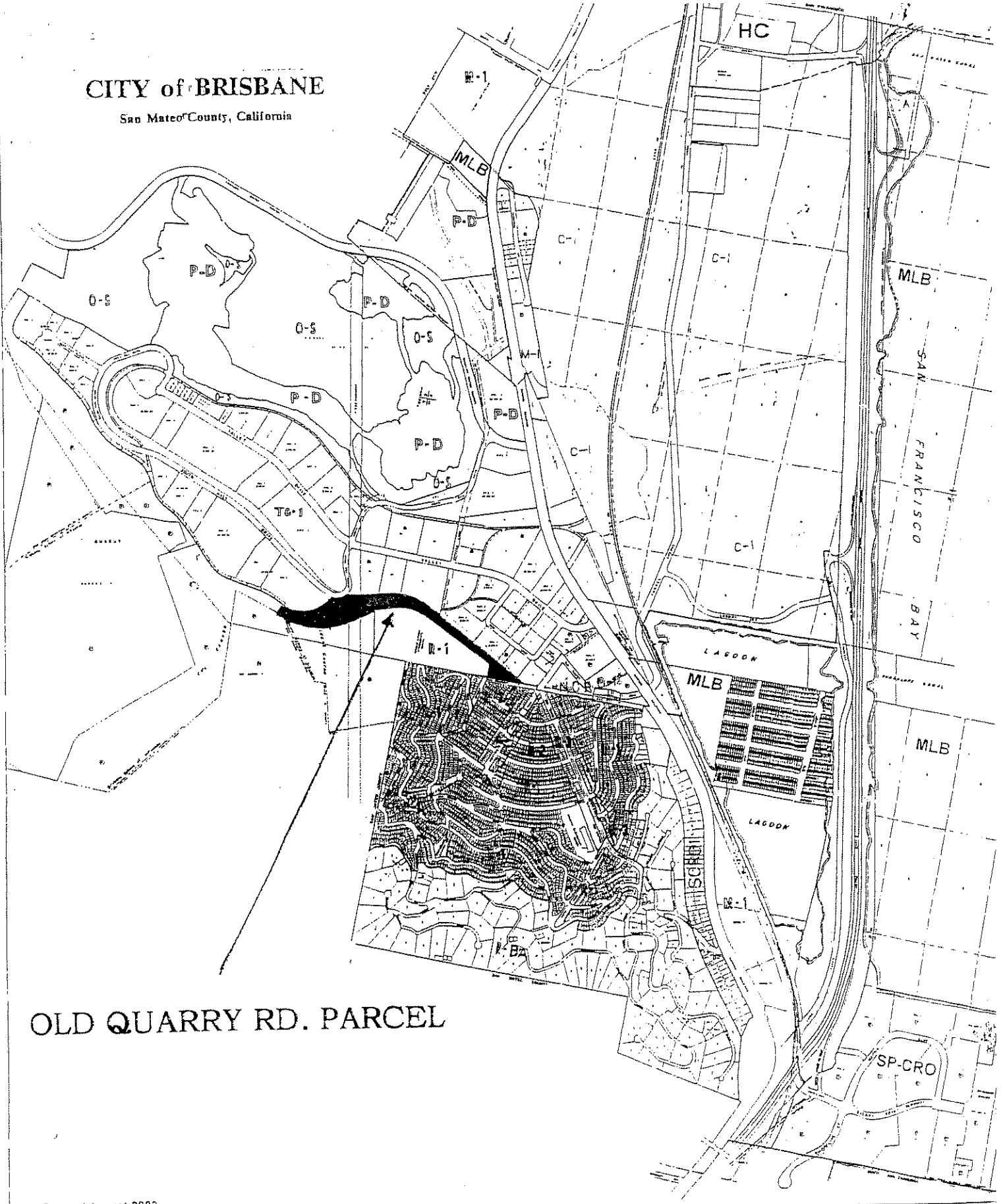
-  Open Space Parcels
-  Water Dept. Parcels



Note: location of parcels on aerial photo is approximate

# CITY of BRISBANE

San Mateo County, California



OLD QUARRY RD. PARCEL