



CITY COUNCIL AGENDA REPORT

Meeting Date: June 3, 2021

From: Director of Public Works/City Engineer

Subject: Restrict Overnight Parking at Sierra Point

Community Goal/Result

Safe Community

Purpose

To restrict overnight parking in BCDC required spaces on private property at Sierra Point between the hours of 2 AM and 4 AM in an effort to prevent those spaces from being used as a base for criminal activities.

Recommendation

Approve Resolution No. 2021-36 Prohibiting Parking at the BCDC Public Parking Area within The Shore at Sierra Point Between the Hours of 2:00 AM and 4:00 AM.

Background

The San Francisco Bay Conservation & Development Commission (BCDC) has regulatory authority over a band of land extending 100 feet from the shoreline of the bay. Consistent with previous permits, the development by HCP LS Brisbane known as “The Shore” was required to provide public parking spaces for access to the bayfront. The permit as first issued did not allow restricting the hours of access/use of these spaces on private property.

Discussion

As noted in the attached letter from HCP LS Brisbane, the city’s police department has observed an increased occurrence of vagrancy and criminal conduct at the public parking spaces at Sierra Point, including those spaces required by BCDC on private property. A significant number of these activities are associated with vehicles that are “non-movers”. When private security contacted police regarding questionable or nefarious activities associated with these vehicles, the police were unable to remove the vehicles because they were on private property and there were no restrictions on parking hours.

City staff (police and public works) and BCDC staff subsequently worked with the shoreline private property owners at Sierra Point, and provided supporting documentation for their request to BCDC for a permit modification that allows a prohibition of parking in the mandated public spaces between the hours of 2-4 AM. Staff anticipates receiving similar requests from the other three shoreline private developments.

The California Vehicle Code permits cities to tow vehicles on private property, provided that signage is placed advising of the times when parking is prohibited, and that the city has adopted a resolution to prohibit parking at this location at the stated hours.

Fiscal Impact

None anticipated as a result of this action.

Measure of Success

The establishment of a private-public arrangement that reasonably restricts overnight parking on private property, and thus serves to prevent these spaces from being used for illegal activities.

Attachments

1. Resolution No. 2021-36
2. 5/17/21 HCP LS Brisbane, LLC letter to city staff (minus BCDC permit)

RL Breault

Randy Breault, Public Works Director



Clay Holstine, City Manager

RESOLUTION NO. 2021-36

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
PROHIBITING PARKING AT THE BCDC PUBLIC PARKING AREA WITHIN THE
SHORE AT SIERRA POINT BETWEEN THE HOURS OF 2:00 AM AND 4:00 AM**

WHEREAS, HCP LS Brisbane, LLC is the owner of property known as “The Shore” at Sierra Point, identified as 800-1800 Sierra Point Parkway, APNs 007-165-130, 007-165-140, and 007-165-150; and

WHEREAS, the San Francisco Bay Conservation & Development Commission (BCDC) has issued a permit requiring the development on this property to provide ten (10) public parking spaces at the southwest corner of said development in order to provide access to the band of land extending 100 feet from the shoreline of San Francisco Bay; and

WHEREAS, BCDC has amended the permit such that parking may be prohibited at these spaces between the hours of 2:00 AM and 4:00 AM; and

WHEREAS, California Vehicle Code (CVC) Section 22651(n) allows a local authority to adopt by resolution the prohibition of parking and removal of vehicles when signs are posted giving notice that parking is prohibited and that vehicles parked in violation may be removed; and

WHEREAS, HCP LS Brisbane, LLC has requested the City adopt a resolution to prohibit parking on the 10 public parking spaces as described above between the hours of 2:00 a.m. and 4:00 a.m., and has agreed to install and maintain the signage required by CVC §22651(n).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE
RESOLVES AS FOLLOWS:**

Section 1. Parking is prohibited between the hours of 2:00 AM and 4:00 AM in the 10 public spaces located in the southwest corner of the development presently known as “The Shore”.

Section 2. The Brisbane Police Department is authorized to remove, or cause the removal of, any vehicle parked or left standing in violation of the parking restrictions set forth in this Resolution, provided that the owner of the property has installed and maintained signage that is in compliance with CVC §22651(n).

Karen Cunningham, Mayor

* * * *

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the third day of June 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Ingrid Padilla, City Clerk



May 17, 2021

(By Email Only, rbreault@brisbaneca.org)

Randy Breault, P.E.

Director, Public Works-Marina Services-Emergency Services

City of Brisbane

50 Park Place

Brisbane, CA 94005

(By Email Only, mgarcia@ci.brisbane.ca.us)

Commander Mario Garcia

City of Brisbane Police Department

50 Park Place

Brisbane, CA 94005

Re: "The Shore" in Brisbane, CA

APNs 007-165-130, 007-165-140, and 007-165-150

Overnight Parking Restriction at BCDC Public Parking Lot

Dear Mr. Breault and Commander Garcia,

I write about the implementation of the overnight parking restriction at the BCDC public parking area within The Shore at Sierra Point in Brisbane, CA.

HCP LS Brisbane, LLC, an affiliate of Healthpeak Properties, Inc. (referred to herein as "Healthpeak"), owns the above-referenced property and is developing the property with the life science facilities named "The Shore". The BCDC public parking area consists of ten spaces at the southwest corner of the property, mostly within the 100' Shoreline Band. That public parking, along with other public amenities, was a condition of the BCDC Permit for development of the property, Permit No. M08-19. I will refer to that parking area as the "BCDC Lot" in this letter. The BCDC Lot will be completed during the final phase of construction of The Shore, and we estimate the BCDC Lot will be opened to the public in 2022.

In collaboration with the City of Brisbane to combat persistent problems of vagrancy and criminal conduct at public parking lots within the City, Healthpeak obtained BCDC's approval of an overnight parking restriction at the BCDC Lot, including an Amendment of the Permit that authorizes the restriction. The approved restriction prohibits parking at the BCDC Lot between the hours of 2:00 a.m. and 4:00 a.m. daily. The parking restriction may be enforced in accordance with the City of Brisbane's regulatory and enforcement authority, which includes no-parking signs with towing enforcement.

For your reference, a copy of the Permit Amendment, Permit No. M2008.019.05, is provided with this letter. The provisions in this Permit Amendment that allow the overnight restrictions are found in the Special Conditions at Section II(B)(2)(b)(2), the Findings and Declarations at Section III(A)(6), and the findings regarding Consistency with McAteer-Petris Act and San Francisco Bay Plan at Section III(B)(3).

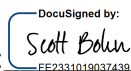
Healthpeak hereby requests that the Brisbane City Council adopt a Resolution in accordance with CVC 22651(n), prohibiting parking in the BCDC Lot between 2:00 a.m. and 4:00 a.m. daily. Healthpeak further confirms that it will install and maintain signage at all entrances to the BCDC Lot specifying that vehicles in violation of the Resolution may be towed.

Please do not hesitate to contact me or Healthpeak's attorney (Richard Wallace, 415-402-2718, rwallace@briscoelaw.net) if you wish to discuss this matter or need any additional information about the parking restriction that we can provide.

Thank you for your ongoing collaboration and assistance with this matter.

Sincerely,

HCP LS Brisbane, LLC,
a Delaware limited liability company

By: 

Scott Bohn, Senior Vice President

cc: Richard Wallace (by email only)