



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** September 21, 2023

**From:** Clay Holstine, City Manager, Noreen Leek, Parks & Recreation Director, Carolina Yuen, Finance Director

**Subject:** Revisit Sierra Point Open Space and Parks Process

### **Community Goal/Result**

Community Building

### **Purpose**

Develop the City's public spaces for community interactions, enhance connectivity, and provide additional opportunities for recreation through the master planning process.

### **Recommendation**

Provide direction to staff regarding preferred next steps.

### **Background**

The Successor Agency of the Redevelopment Agency of the City of Brisbane (Successor Agency) owns certain undeveloped property located at the eastern end of the Sierra Point Parkway, commonly known as 400 Sierra Point Parkway in the City (Leased Property), consisting of approximately 3.4 acres. The City and the predecessor of developer, Sierra Point LLC, entered into a Ground Lease Agreement in March 1984 for what is known as Parcel R, to build a restaurant and other facilities. The developer provided funds in the approximate amount of \$2 million dollars to help build the Marina as part of the agreement. In June 2012, the Sierra Point LLC entered into a Development Agreement concerning the property commonly known as 3000-3500 Marina Boulevard, consisting of 8.87 acres. In 2017, the development agreement was restructured so that in exchange for the developer to repurpose its development plan in 3000-3500 Marina Boulevard to a life science development, the developer would terminate its interest in Leased Property to the Successor Agency and pay \$300,000 to the City to be used for site preparation to be developed for public purposes. Also, part of the agreement, each time the City issues a building permit for development of the property, the developer will pay \$.50 times the square footage of the building permit value to the City also to be used towards developing the Leased Property. To date the City has received \$528,000 towards Parcel R. It should be noted that these funds are restricted to Parcel R and there is no time frame for the use of these funds since they were negotiated as an amendment to the Development Agreement for that project.

In 2017, the City entered into a development agreement with Healthpeak where the developer agreed to pay \$1.5 million towards improvements for park planning at Sierra Point. These funds can be used anywhere at Sierra Point but are governed by the Mitigation Fee Act and have a five-year use limit that can be extended if justified. Although project approvals and conditions of approval occurred in 2019, the use time frame began when the funds were actually received by the City in 2020. If these funds

are not utilized within the 5-year timeframe, the City will be responsible for justifying an extension and identifying how the funds will be allocated within a reasonable time period.

These deposits and any future agreed-upon deposits make up the Park Development Fund. Funds have been expended to cover consulting costs for Sierra Point Parcel evaluations and most recently those related to the preparation of Sierra Point Open Space and Park Master Plan, and improvements of the Marina picnic area and Marina backflow devices for incoming tides. To date, costs related to the parcel transfer, grading to the picnic area to prepare for future improvements, and backflow devices for incoming tides have been charged to the Parcel R project. Also, 25% of the cost related to the CMG contract are being allocated to the Parcel R project, and the remaining 75% are being allocated to general park improvements at Sierra Point. A total of \$123,000 has been spent for Parcel R, and a total of \$89,000 has been spent for general park improvements.

The amounts received less amounts committed leave an available total fund balance of \$1,735,000 (\$385,000 allocated to Parcel R and \$1,350,000 allocated to the general park improvements). See Attachment 1.

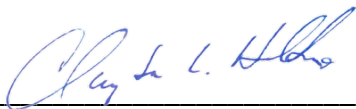
In 2022, the City Council awarded a contract to CMG in the amount of \$199,758 for master planning services for Sierra Point Open Space and Parks. To date, the City has compensated CMG \$118,932.12 for services rendered. (Attachment 2) The City Council agenda report from March 2, 2023 (Attachment 3) provides an overview of the initial two phases of the master planning effort through March 2023. On May 18, 2023, the City Council reviewed the process and discussed the preferred next course of action. Council comments from that meeting have been captured in Attachment 4.

### Discussion

On August 22, 2023, the City Council Ad hoc committee met with staff to conduct a detailed review of the financials pertaining to the site and its development. They discussed whether more robust community engagement was desired or whether the City should recommend a phased implementation approach contingent upon available funds.

### Attachments

1. Park Development Fund summary
2. Summary of payments made towards CMG master planning contract
3. City Council Agenda Report from March 2, 2023
4. Council comments from May 18, 2023 meeting



Clay Holstine, City Manager



Noreen Leek, Parks & Recreation Director



Carolina Yuen, Finance Director

**City of Brisbane  
Park Development Fund Summary**

**Revenues**

Date Rec'd	Payor	Amount	Parcel R	Mitigation Fee Act
5/4/2017	Omni	300,000.00	300,000.00	
8/30/2020	Healtpeak	1,500,000.00		1,500,000.00
7/6/2021	Skeehan & Co (BP3)	227,900.71	227,900.71	
		<u>2,027,900.71</u>	<u>527,900.71</u>	<u>1,500,000.00</u>

**Expenses**

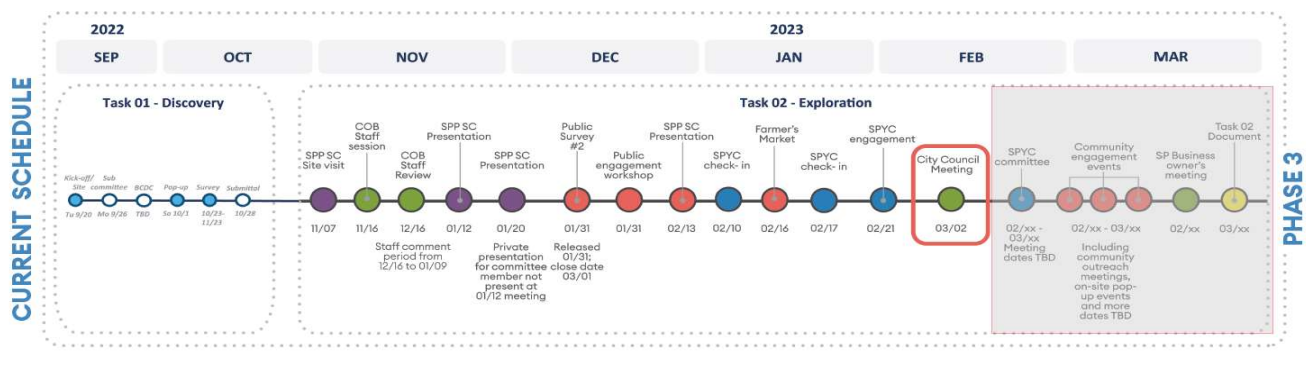
Fiscal Yr	Vendor	Amount	Parcel R	Mitigation Fee Act	Description
FY20	CSG	(7,818.75)	(7,818.75)		SP Parcel Transfer
FY21	Kingdom Pipeline	(80,900.00)	(80,900.00)		MA Embankment Picnic Area
FY21	CLA-VAL Co	(4,107.80)	(4,107.80)		MA - Backflow devices for incoming tides
FY23	CMG	(118,932.12)		(118,932.12)	SP Open Space & Park Master Plan
FY24	CMG	(80,825.88)		(80,825.88)	committed remaining on PO
		<u>(292,584.55)</u>	<u>(92,826.55)</u>	<u>(199,758.00)</u>	
					-
<b>Cash available / non-committed</b>		<u>1,735,316.16</u>	<u>435,074.16</u>	<u>1,300,242.00</u>	Fund Balance

# Sierra Point Parks & Open Space Master Plan

## Summary of payments made to CMG

Total contract amount awarded to CMG	\$199,758.00
Amount paid to date	<b>(\$118,932.12)</b>
<b>Remaining</b>	<b>\$80,825.88</b>

Paid Invoices	Amount
Sep-22	\$25,426.75
Oct-22	\$14,411.25
Nov-22	\$19,077.50
Dec-22	\$20,776.60
Jan-23	\$21,604.05
Feb-23	\$11,905.50
Mar-23	\$5,730.47
	<b>\$118,932.12</b>





## CITY COUNCIL AGENDA REPORT

**Meeting Date:** March 2, 2023

**From:** Noreen Leek, Parks & Recreation Director

**Subject:** Sierra Point Open Space and Parks Master Plan process update

### Community Goal/Result

Community Building

### Purpose

Develop the City's park system and public spaces for community interactions, enhance connectivity, and provide additional opportunities for recreation through the master planning process.

### Recommendation

Receive process update from consultant and provide additional direction to staff if needed.

### Background

The impetus for the Sierra Point Open Space and Parks master plan came from a 2017 agreement between the City of Brisbane and developer Sierra Point LLC. The agreement released the private interest in a lease on what is commonly referred to as Parcel R at the Marina in favor of the City. It also caused the developer to pay the City a one-time fee of \$300,000 for park development at Parcel R and a fee paid at the time of building permit issuance of 50 cents per square foot, expected to generate another \$225,000.

Additionally, the City and Healthpeak negotiated an amendment to Healthpeak's project (referred to as The Shore) to allow approximately 20,904 square feet of additional construction by connecting on three floors two of their existing buildings. In exchange, Healthpeak paid the City a one-time park development fee of \$1.5 million. In total, the City expects to have a little over \$2 million to commence park improvements at Sierra Point.

Additional funding will come from a park development impact fee that the City Council will review soon, which will charge a fee against new development and proceeds can be for any location of the City's choosing. A master plan helps the City negotiate for the private investment of projects, still to be improved. Finally, the City's existing Public Art Fund could also support implementation of art-related projects within the master plan.

In June 2021, the City issued a solicitation for Letters of Interest (LOI) from qualified Landscape Architects and Park Planning firms to develop an open space and parks master plan at Sierra Point. The solicitation noted the City's aspiration to develop an open space and parks master plan at Sierra Point to meet the recreational needs of both Sierra Point tenants and the public and to promote integration with the surrounding areas like the City's Marina, the San Francisco Bay Trail, and neighboring businesses. The master planning effort serves to integrate new public spaces with existing and to-be-built private

areas. The vision for the project incorporates several acres of reimagined parks and open space on the eastern side of Sierra Point adjacent to the Marina.

Prospective firms were asked to demonstrate successful recent local experience in the design of open space and parks. Prior work with San Mateo County municipalities and/or one or more of the nine San Francisco Bay Area counties that resulted in a successfully developed park or open space plan of comparable size was preferred. Direct experience working with the Bay Conservation and Development Commission (BCDC) was noted highly desirable. A total of fifteen (15) LOI's were received. The Council subcommittee reviewed these responses in October 2021 and selected four firms to place on the short list to move forward in the process: CMG, Hargreaves Jones, SWA, and TS Studio.

The Council subcommittee directed staff to draft a formal RFP to issue to the short-listed firms. The project ambitions as laid out in the RFP recognize the opportunities for increasing public benefit, addressing climate change, and meeting the challenges of sea level rise for underutilized waterfront public property. The firms who submitted responsive proposals included CMG, SWA, and TS Studio. Hargreaves Jones ultimately did not submit a proposal for the project due to staffing/project capacity.

In Spring 2022, the Council subcommittee reviewed & discussed the proposals and elected to conduct interviews with all three short-listed firms to inform their decision-making process. Following interviews, staff was directed to negotiate terms with the preferred prospective consultant, CMG Landscape Architecture, to refine their project scope and eliminate subconsultants subsequently reducing the cost of services. In July 2022, the City Council awarded the contract for the master planning of Sierra Point open space and parks to CMG Landscape Architecture, in the amount of \$199,758.

### **Discussion**

CMG began their work in the Fall of 2022 by conducting a series of meetings with City staff and establishing a master planning subcommittee comprised of representatives from the Brisbane City Council, Parks and Recreation Commission, Open Space and Ecology Committee, Complete Streets Safety Committee, IDEA Committee, and Public Art Advisory Committee.

### **Task 1: Discovery Phase**

The first task in this process was to conduct a comprehensive site analysis. Past studies and reports were reviewed, along with the Sierra Point Design Guidelines. City staff reviewed with the consultants various site constraints, including the SF Bay Conservation and Development Commission's (BCDC) regulations regarding the shoreline, the need to preserve parking, local weather/wind conditions, infrastructure and marina and yacht club operations to be maintained. In addition to meetings with the formal planning subcommittee, public outreach in this stage included a pop-up workshop at the annual Day in the Park event, as well as an online survey shared throughout the Brisbane community. The survey sought to understand how people currently engage with Sierra Point and their priorities for its future. Based on stakeholder engagement and community input, guiding principles and goals for the Sierra Point master plan were established to function as a framework for plan development to ensure proposals are aligned with client and stakeholder criteria.

The CMG team then drafted the first section of their report, Task 1: Discovery. The report collects, collates, and presents results of CMG's preliminary engagement with stakeholders, review of project

materials and resources, and site observations. While it does not and cannot capture every detail of the conditions of Sierra Point, it provides the basis for their development of the Sierra Point Open Space and Parks Master Plan. Technical constraints, stakeholder ambitions, and open space improvement opportunities have been defined, and the conversation with stakeholders will continue as the process advances.

### **Task 2: Exploration**

The Discovery phase provided the basis of Task 2: Exploration. This phase of master planning hinges on public engagement and includes initial development of alternative approaches to open space master plan concepts and coordination with stakeholders. The draft alternative schemes are intended to illustrate opportunities within the scope and to solicit stakeholder feedback for the creation of a preferred plan in Task 3: Resolution. Based on stakeholder input and best practices, preliminary concept designs attempt to define a context specific, welcoming, and inclusive open space. While they incorporate a wide variety of flexible, multi-purpose elements, the schemes also reflect stakeholder input to leverage, improve, and augment valued existing conditions, including preservation and enhancement of the Marina. The schemes describe alternative character, program and experience scenarios for public consideration. The overarching framework integrates a more “naturalistic” approach from north to south, with a primarily “functional” environment that captures the marina facilities, Harbor Master’s building and yacht club at the south. Each alternative concept proposes key infrastructure and connection points at elevations considered safe by regulatory agencies such as BCDC and OneShoreline, generally above the existing 17’ elevation. The design alternatives also propose additional responses to sea level rise, including fringing wetland planting on the bay edge resilient to rising water levels and to mitigate future storm surge impacts.

Public engagement to date in the Exploration phase has included an open house workshop at City Hall on 1/31, an online survey which remains open, tabling at the Farmer’s Market on 2/16, and a meeting with the Sierra Point Yacht Club stakeholders on 2/21. The public participation plan for this phase incorporates additional future onsite engagement at Sierra Point, establishment of a marina facilities focus group comprised of Sierra Point Yacht Club members and Brisbane Marina berth holders, stakeholder meetings with Sierra Point business representatives, and expanded outreach to the broader Brisbane community.

The consultants will coalesce the input received in Tasks 1 & 2 to prepare for the third task: Resolution. Within that phase, CMG will recommend phased implementation of a preferred master plan. A master plan is the appropriate step to evaluate long term opportunities and constraints for public land to position the City to organize and pursue funding opportunities. The timing of phased implementation is driven by City priorities, access to funding, and technical and environmental necessity—primarily protection of facilities and infrastructure from sea level rise.

### **Fiscal Impact**

There is no additional fiscal impact resulting from the delivery of this process update.

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**Attachments**

n/a

  
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Noreen Leek, Parks & Recreation Director

  
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Clay Holstine, City Manager



# Council Comments from 5/18/23 meeting

## **Park Development Impact Fee Discussion:**

Terry: additional funding – park development fee: could we instead have a general use impact fee that goes to the general fund not just parks and open space (Clay will talk with attorneys about that).

Coleen: Park development impact fees includes what? Includes acquisition, construction and maintenance of parks and open space.

Cliff: Funds can be used where? Anywhere in town, not just SPP.

## **Public Participation Workshop Plan:**

Terry: Wants a workshop roundtable with open dialogue and not plans already crafted. It felt like the consultants were looking for general opinions and not so much back and forth about feasibility or what the consultants think is feasible - wish list vs what is possible. She doesn't like the idea of ad hoc pop-up events (only select types of people), rather prefers workshops. Start with what has to be done (sea level rise, saltwater intrusion), then what can we do to enhance that "modified" area. What would you like to see within these constraints?

Coleen: She felt that with the consultants leading with 3 plans did not give opportunity for other to feel they have other ideas. She asked CMG if they received other ideas from the community if they would draw mock-ups and they said yes. She would like to see ONE workshop first and see how that goes before booking another. What are the important considerations (important to you?), what services are important out there (kayaks, picnic), but being aware that we need major infrastructure to deal with groundwater intrusion. Perhaps let people be guided also in what they DON'T like. She is also concerned that we don't have to have every element all in this one place, we have the Baylands to add many more elements.

Cliff: He would prefer it be like a Parkside pop-up event with food, kid play and also a workshop style.

Madison: Agrees with one workshop first and then figuring out the next steps from there. She wants the workshop to be held in Council Chambers so that everything can be recorded. Perhaps leave it to the Subcommittee to rethink how to structure it like with sections: geared around scale, amenities; section on tranquility, kid play, then hone in on certain points of contention; then a dream big wall. What she liked about BDI's presentation is that they had chunked out pieces that you could place things to plan it out themselves around fixed items.

Karen: the feedback that she hears from people utilizing the marina is that they really want "peace and tranquility" and not elements that can only be used a few times a year (due to weather).

In conclusion, have a workshop here in the Council Chambers in the Fall if possible. Let the consultants work with the feedback they have received.