

# LEED - C & S

Project Name: Sierra Point Parcel 3

Rating System Version: LEED for Core & Shell

Development version 2.0, July 2006

Date: 6/27/08

Y	M	Sustainable Sites	Responsible Party	Notes
Y		Prerequisite 1	Construction Activity Pollution Prevention	Template & supporting documents complete Credit submittal closed.
	X	Credit 1	Site Selection	
	X	Credit 2	Development Density	
X		Credit 3	Brownfield Redevelopment	Template & supporting documents complete. Credit submittal closed.
X		Credit 4.1	Alternative Transportation, Public Transportation Access	Alternative compliance option for shuttle system serving BART & CalTrans stations - Sierra Point Owners Association (SPOA) shuttle system to mass transit stations Credit submittal closed
X		Credit 4.2	Alternative Transportation, Bicycle Storage & Changing Rooms	For 8-story bldg, need 24 bike racks & 4 showers. Floor plans show 4 showers (A2 1, A2.20, etc.). Garage plans show bike racks (twice the required number of bike spaces) Template & supporting documents complete Credit submittal closed
	X	Credit 4.3	Alternative Transportation, Low Emitting & Fuel Efficient Vehicles	Opus A/E Based on final Phase I parking total, project must designate 5% preferred parking stalls for fuel-efficient vehicles. Final project design will determine if additional preferred stalls are desired, in addition to the carpool stalls designated for both LEED (SSc4.4) & Crty requirements Defer to Construction Phase submittal.
X		Credit 4.4	Alternative Transportation, Parking Capacity	Current design includes 2-3 less stalls than required by code, as well as 5% dedicated to carpool stalls Template & supporting documents complete. Credit submittal closed.
	X	Credit 5.1	Reduced Site Disturbance, Restore Habitat	
X		Credit 5.2	Reduced Site Disturbance, Maximize Open Space	Template & supporting documents complete. Credit submittal closed.
	X	Credit 6.1	Stormwater Management, Quantity Control	Project pursuing 'Stormwater Channel Protection' alternate compliance option Credit may not be approved by USGBC since reduction not achievable, but attempt submittal to show protection of surrounding water bodies for drainage
	X	Credit 6.2	Stormwater Management, Quality Control	Pursuing alternative compliance approach for credit submittal. Credit may not be approved by USGBC since alternative compliance approach, but attempt submittal to show protection of surrounding water body & treatment.
X		Credit 7.1	Heat Island Effect, Site Surfaces	Current design includes 65% covered parking. Credit submittal closed.
X		Credit 7.2	Heat Island Effect, Roof Surfaces	Template & supporting documents complete. Credit submittal closed.
	X	Credit 8	Light Pollution Reduction	Lighting Design Team EE/Lighting Designer to review new v2.2 (C&S) lighting criteria and confirm final lighting design complies with the specified light pollution design criteria, as well as, the reduced lighting power densities for energy savings. Lighting from the garage, or other pedestrian walkway/BCDC Trail safety lighting features may impact credit requirements & prevent project from achieving point. Draft footcandle/photometric plan to be submitted for review. Defer credit submittal to Construction Phase & assign to Electrical D/B subcontractor.
X		Credit 9	Tenant Design & Construction Guidelines	Template & supporting documents complete Credit submittal closed.
4		15 Possible		
Y	M	Water Efficiency	Responsible Party	Notes
X		Credit 1.1	Water Efficient Landscaping, Reduce by 50%	Template & supporting documents complete. Credit submittal closed.
	X	Credit 1.2	Water Efficient Landscaping, No Potable Use	
	X	Credit 2	Innovative Wastewater Technologies	
X		Credit 3.1	Water Use Reduction, 20% Reduction	M/P Team CB Engineers completed draft calculator. Revisions include additional cut sheets, plumbing fixture schedule and/or plumbing specifications to support template. Revise template for manufacturer/model/updated flow rates to achieve 40%+, minimum (prelim calcs shows 45.8%) D/B Plumbing Contractor may complete final submittal for LEED Online, pending final revisions
X		Credit 3.2	Water Use Reduction, Additional 10% Reduction (30% total)	
3	0	15 Possible		

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Y	M	Energy and Atmosphere	Responsible Party	Notes:
Y		Prerequisite 1 Fundamental Commissioning of the Building Energy Systems	Cx Agent	CB Engineers capable of completing the Cx scope of services. Draft specifications sent to Chikezie for review & assigned to LEED Online responsible party Cx RFP and formal contract to be issued at project restart.
Y		Prerequisite 2 Minimum Energy Performance	M/P Team	CB Engineers completed draft LEED Online template. Complete Online template and references to EAc1 energy model for supporting documentation and submittal can be marked complete
Y		Prerequisite 3 Fundamental Refrigerant Management		CB Engineers completed draft LEED Online template. Complete Online template & upload specs or cut sheets for refrigerant type called out in narrative (reference EAc4 uploaded cut sheet), and submittal can be marked complete
X		Credit 1.1 Optimize Energy Performance, 10.5%	M/P Team & Energy Modeler	Current model confirms minimum 14% threshold achieved
X		Credit 1.2 Optimize Energy Performance, 14%		
	X	Credit 1.3 Optimize Energy Performance, 17.5%		CB Engineers completed draft LEED Online template. Complete Online template and references to EAc1 energy model for supporting documentation and submittal can be marked complete.
	X	Credit 1.4 Optimize Energy Performance, 21%		
	X	Credit 1.5 Optimize Energy Performance, 24.5%		
	X	Credit 1.6 Optimize Energy Performance, 28%		
	X	Credit 1.7 Optimize Energy Performance, 31.5%		
	X	Credit 1.8 Optimize Energy Performance, 35%		
	X	Credit 2.1 On-Site Renewable Energy, 1%		
X		Credit 3 Enhanced Commissioning	Cx Agent (CB Eng for Cx Design Review)	CB Engineers assigned to LEED Online. Although a Construction Phase submittal, CB Engineers Cx to complete and document the LEED Online Cx Design Review for final completion of project scope submittal during this period of the project Cx RFP and formal contract for this level of services to be issued at project restart.
X		Credit 4 Enhanced Refrigerant Management	M/P Team	CB Engineers completed draft LEED Online template. Complete Online template, attach Mechanical Schedule (MO.2), reference cut sheets for refrigerant type called out in narrative, and submittal can be marked complete. Pending final revisions.
	X	Credit 5.1 Measurement & Verification - Base Building	MEP Team (assigned to AF on LEED Online)	Building design planned to include EMS/BAS, however team to investigate level of metering for C&S loads (electric, gas, heat/cool, water, etc.) separate from Tenant space loads. Team must contract services for M&V Plan submittal to a responsible party for the LEED Online required submittal!
	X	Credit 5.2 Measurement & Verification - Tenant Submetering		Building design planned to include EMS/BAS, however team to investigate level of tenant submetering capability. Tenant electric loads are not required to be separated for lighting, heating, power, etc., however design must be capable to expand for future tenant submetering needs. Future tenant lease space design may impact final design. Defer to Construction Phase submittal!
	X	Credit 6 Green Power	Opus	Opus capable of purchasing a green power contract for 35% of C&S electric load. Consider cost for purchase of green power contract near project completion and purchase if desired. Construction Phase submittal, defer contract until TCO.
4	3	14 Possible		

Y	M	Materials and Resources	Responsible Party	Notes:
Y		Prerequisite 1 Storage & Collection of Recyclables		Template, narrative, dwgs designating recycling area (1st flr/dumpster area/loading dock/janitor's closet/breakroom/etc.), and Tenant Guideline section outlining owner/tenant recycling plan complete. Template & supporting documents complete. Credit submittal closed
	X	Credit 1.1-1.3 Building Reuse (3pts)		
X		Credit 2.1 Construction Waste Management, Salvage & Recycle 50% (75% for 2pts)	Opus Construction	Opus collaborated with S. San Fran Scavenger Co. to complete jobsite waste recycling program plan. CWM requirements are included in specification 01524 Higher 75% threshold targeted for onsite waste recycling management
	X	Credit 3 Resource Reuse, Specify 1% Reuse		
X		Credit 4.1 & 4.2 Recycled Content, Specify 10% Recycled Content (PC + 1/2 PI) (20% for 2pts)	Opus Construction	Specifications include submittal requirements for documenting product Recycled Content. Submittal forms included in Div 1 specs
	X	Credit 5.1 & 5.2 Regional Materials, 10% Extracted, Processed & Manufactured Locally (20% for 2pts)	Opus Construction	Specifications include submittal requirements for documenting product Regional Harvesting & Manufacturing Location. Submittal forms included in Div 1 specs Higher threshold (20%) goal, but not accounting until 10% achieved in field
	X	Credit 6 Certified Wood	Opus A/E	Minimize wood scope where possible. Opus to investigate in final subcontractor buy-out, determine if credit is available at project restart or subcontractor buy-out
2	4	11 Possible		

G.I. 62

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Y	M	Level	Category	Responsible Party	Notes
Y		Prerequisite 1	Minimum IAQ Performance	M/P Team	CB Engineers completed draft LEED Online template & supporting ventilation table. Complete Online template, reference ASHRAE 62 table called out in narrative, and submittal can be marked complete.
Y		Prerequisite 2	Environmental Tobacco Smoke (ETS) Control	Opus A/E	LEED Online template & smoking policy complete. Attach dwgs/site plans showing designated smoking areas. Credit point to be marked complete on LEED Online once submittal is complete.
X		Credit 1	Outdoor Air Delivery Monitoring	M/P Team	Draft template complete, revisions to narrative & add'l supporting documents like CO2 sensor cut sheets or Mech Dwgs, BAS with Outdoor Air Delivery monitoring highlighted, Controls Sequence specifications, etc. will be required for the final submittal. CB Eng draft template uploaded for reference, but revisions still necessary for credit.
	X	Credit 2	Increase Ventilation		
X		Credit 3	Construction IAQ Management Plan, During Construction	Opus Construction	Confirmed minimum MERV 8 final filters or work operational filter. Opus Construction will implement IAQ Plan + photos during construction. Specifications include requirements for Construction Indoor Air Quality Management compliance.
X		Credit 4.1	Low-Emitting Materials, Adhesives	Opus Construction	Specifications include requirements for low-VOC products, LEED Submittal forms included in project contract documents for all trades.
X		Credit 4.2	Low-Emitting Materials, Paints (1 point for 2)		
X		Credit 4.3	Low-Emitting Materials, Carpet (2 points for 4)		
X		Credit 4.4	Low-Emitting Materials, Composite Wood & Agrifiber Products (3 points for 4)	Opus Construction	Minimum composite wood planned for design, pt will be included in project specifications; documentation priority to achieve pt. LEED submittal forms included in project contract documents for all trades.
X		Credit 5	Indoor Chemical and Pollutant Source Control	M/P Team & Opus A/E	CB Engineers completed draft filter & negative pressure (MERV 13 filters & Janitor's closets include exhaust fans) portion of LEED Online template (including cut sheet of final filter). Additional documentation to be uploaded includes Mech dwgs showing exhaust fans at final location for housekeeping & print rooms, entrymat dwgs & cut sheets, and full height walls or hard-lid at janitor's closet areas. CB Eng draft template uploaded for reference, but revisions & additional attachments still necessary for credit point to be marked complete on LEED Online.
	X	Credit 6	Controllability of Systems, Thermal Comfort		
X		Credit 7	Thermal Comfort, Design	M/P Team	Draft template complete, revisions include narrative & any add'l supporting documents (psychrometric chart, ASHRAE 55 design conditions for nearest station location, Control Sequence of Operations specs, etc.) CB Eng draft template uploaded for reference, but revisions still necessary for credit point to be marked complete on LEED Online.
	X	Credit 8.1	Daylight and Views, Daylight for 75% of Space		
X		Credit 8.2	Daylight and Views, Views for 90% of Space		Template & supporting documents complete. Credit submittal closed.
8	0	11 Possible			

Y	M	Level	Category	Responsible Party	Notes
X		Credit 1.1	Innovation in Design, Green Housekeeping Plan		Green Housekeeping Plan (Appendix from Sustainable Tenant Guideline) Template & supporting documents complete. Credit submittal closed.
X		Credit 1.2	Innovation in Design, Exemplary Performance	M/P Team	Exceedance threshold for Water Use Reduction (40%+ savings for WEc3) Pending WEc3 final revisions for template & submittal completion.
X		Credit 1.3	Innovation in Design, Exemplary Performance (EAc6)	Opus	70% Green Power contract purchase (only applicable if EAc6 is pursued)
X		Credit 1.4	Innovation in Design, Educational Outreach Program	Team	Educational Outreach - green bldg signage program & sustainable bldg manual/pamphlet/kiosk/etc.
X		Credit 2	LEED™ Accredited Professional		C. France/consultant - Credit submittal closed.
3	2	5 Possible			

0 - 22	Insufficient
23 - 27	Certified
28 - 33	Silver
34 - 44	Gold
45 - 61	Platinum

Project Points	Maybe
28	13
Silver	

G.I. 65



THE OPUS GROUP  
ARCHITECTS  
CONTRACTORS  
DEVELOPERS

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## Memo

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**To:** John Swiecki, City of Brisbane  
**From:** Reggie Hanna  
**CC:** Randy Ackerman  
**Date:** December 2, 2008  
**Re:** Parking Modification Use Permit – Narrative and Supporting Statements

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### Project Description:

The proposed Opus Center Sierra Point project consists of one 8-story office building totaling 195,500 gross square feet (GSF), one 10-story office building totaling 250,000 GSF, and one 5-story parking structure, all constructed on an 8.87-acre site. Once occupied, the project would result in the development of approximately 1,435 office jobs<sup>1</sup>. Land uses in the project vicinity include office, lodging, marina, and vacant sites. Mid-rise office towers (3 to 12 stories in height) with surface parking and parking structures, form the majority of uses in the surrounding area.

Per City of Brisbane municipal code section 17.34.010, one parking stall is required for every 300 GSF of office area. Based on this criterion, the project's total building area of 445,500 GSF would require 1,485 parking stalls. In consideration of the information contained herein, Opus West is proposing that 1,373 parking stalls be provided for the project.

In addition, Opus West is proposing that *universal* parking stalls measuring 8.5 feet wide by 18 feet long be allowed in the parking garage. City of Brisbane municipal code section 17.34.090 allows for *full* parking stalls measuring 9 feet wide by 18 feet long as well as *compact* parking stalls measuring 8 feet wide by 16 feet long; note only 50% of required parking may be designated as compact parking.

### Supporting Statements:

**Why should the parking regulations be modified, given the existing and expected amount of traffic on the site and given existing and expected traffic patterns on the site?**

#### Parking Stall Reduction:

The parking stall reduction is being proposed based upon the anticipated reduction in automobile travel demand associated with the project's transportation demand management (TDM) measures. The project's TDM measures shall include designated carpool only parking stalls, on site securable bicycle racks, and an on site shuttle stop, each of which described in greater detail as follows:

**Carpool Only Parking Stalls** - In conformance with United States Green Building Council (USGBC) Leadership in Energy & Environmental Design (LEED) credit ssc4.4, 3% of the total proposed parking stalls will be reserved for carpool or vanpool parking only. This equates to 41 carpool only parking stalls to be provided for the project.

**Bicycle Racks** - In conformance with LEED credit ssc4.2, 64 securable bicycle racks and 9 changing/shower facilities will be provided for the anticipated project occupants. The project will provide for connections to the regional bikeway/pedestrian trail system known as the Bay Trail.

**Shuttle Stop** – A shuttle stop shall be provided on site for the existing Sierra Point shuttle service. The Sierra Point shuttle service is operated by the Sierra Point Owners' Association and provides shuttle rides to and from

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<sup>1</sup> City of Brisbane General Plan assumes 3.22 employees per 1,000 GSF of office use.

G.2.39  
G.1.66



the Balboa Park BART Station and South San Francisco Caltrain Station<sup>2</sup>. Average daily riderships from August 2008 thru October 2008 are 168 daily riders for Bart Station service and 74 daily riders for Caltrain Service<sup>3</sup>. A covered shelter will be provided at the on site shuttle stop.

Implementation of TDM measures are typically designed to achieve a 10 to 20 percent traffic reduction<sup>4</sup>. The parking stall number proposed (1,373 stalls) equates to an 8 percent reduction from the parking stall count required by City of Brisbane municipal code (1,485 stalls). With the incorporation of our TDM measures, we the project applicants, in conjunction with the project's Initial Study/Mitigated Negative Declaration, feel that there will be no need to provide the additional parking stalls<sup>5</sup>.

**Universal Stall Sizes:**

Abuse of compact parking stalls has become an increasing problem for property owners. Whether or not their vehicle is compact, many drivers are tempted to park their car in a compact space, especially when the space is in a prime location or if a full size stall is unavailable. When a non-compact car parks in a compact space, the result is often that the vehicle overhangs the adjoining space; creating a domino effect down the row that eventually render space(s) unusable. The more important issue for drivers are the dings, dents, and damage that often appear when vehicles abut in compact spaces<sup>6</sup>.

However, we the project applicants believe that the idea of reducing parking area via smaller parking stall sizes is an important green building goal to consider. By allowing for universal stall sizes, we can still accomplish the goals of compact stalls. Many communities in California have seen benefits in this approach and have adopted universal stall sizes, including Redwood City<sup>7</sup>, Walnut Creek<sup>8</sup>, San Jose<sup>9</sup>, and Mountain View<sup>10</sup>.

Consider this example for the project's parking garage:

If the size of the parking garage were to remain the same, here are 3 different parking stall scenarios<sup>11</sup>:

*Full Stalls Only = 1,080 stalls*

*50% Full Stalls and 50% Compact Stalls = 1,160 Stalls*

*Universal Stalls Only = 1,180 Stalls*

As the above example shows, the most efficient use of the parking garage is to stripe with universal parking stall sizes. Under the full stalls only scenario or combination full/compact stalls scenario, the parking garage would need to increase in size in order to achieve the required 1,180 stalls.

**In Conclusion:**

The benefits of modifying the City's parking regulations by allowing for the reduction in required parking stalls as well as allowing for universal size parking stalls in the parking garage include more green/landscaping space, reduced site paving, reduced storm water run-off, and a 10-foot reduction in overall parking garage height.

<sup>2</sup> Opus West, "Opus Center Sierra Point", <http://www.sierra-point.com/transportation.htm>, December 2, 2008.  
<sup>3</sup> Compass Transportation, enclosed daily ridership reports for Sierra Point shuttle service, August 2008 thru October 2008.  
<sup>4</sup> LSA Associates, Opus Office Center Initial Study/Mitigated Negative Declaration, 2008, page 104.  
<sup>5</sup> LSA Associates, Opus Office Center Initial Study/Mitigated Negative Declaration, 2008, page 106.  
<sup>6</sup> City of Burbank, "Council Agenda", [http://www.ci.burbank.ca.us/agendas/ag\\_council/2006/sr032106\\_9.html](http://www.ci.burbank.ca.us/agendas/ag_council/2006/sr032106_9.html), December 2, 2008.  
<sup>7</sup> City of Redwood City, Municipal Code Article 30.5.A, [http://www.bpcnet.com/codes/redwoodci\\_zoning/](http://www.bpcnet.com/codes/redwoodci_zoning/), December 2, 2008.  
<sup>8</sup> City of Walnut Creek, Municipal Code Section 10-2.3.207, [http://www.amlegal.com/nxt/gateway.dll/California/walnutcreek/walnutcreekmunicipalcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:walnutcreek\\_ca](http://www.amlegal.com/nxt/gateway.dll/California/walnutcreek/walnutcreekmunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:walnutcreek_ca), December 2, 2008.  
<sup>9</sup> City of San Jose, Municipal Code Chapter 20.90.100, <http://www.municode.com/Resources/gateway.asp?pid=14367&sid=5>, December 2, 2008.  
<sup>10</sup> City of Mountain View, Municipal Code Section A36.37.090.C.1, [http://www.ordlink.com/codes/mtnview/\\_DATA/TITLE36/ARTICLE\\_IV\\_GENERAL\\_AND\\_SPECIAL.html#56](http://www.ordlink.com/codes/mtnview/_DATA/TITLE36/ARTICLE_IV_GENERAL_AND_SPECIAL.html#56), December 2, 2008.  
<sup>11</sup> Opus Architects & Engineers, enclosed parking garage floor plans for different stall size scenarios, December 2, 2008.

G-2-40  
G-1-67



***How will enough on-site parking be provided so that cars will not be parking on any street where they would be blocking lanes of traffic?***

As outlined above, with the incorporation of the projects TDM measures, the amount of parking provided will be adequate for the parking demand. As such, all occupants and visitors will either park on site or take alternate methods of transportation.

***How will the requested modification of the parking regulations not affect on-street parking, in terms of the number and location of existing spaces or increased demand for on-street parking?***

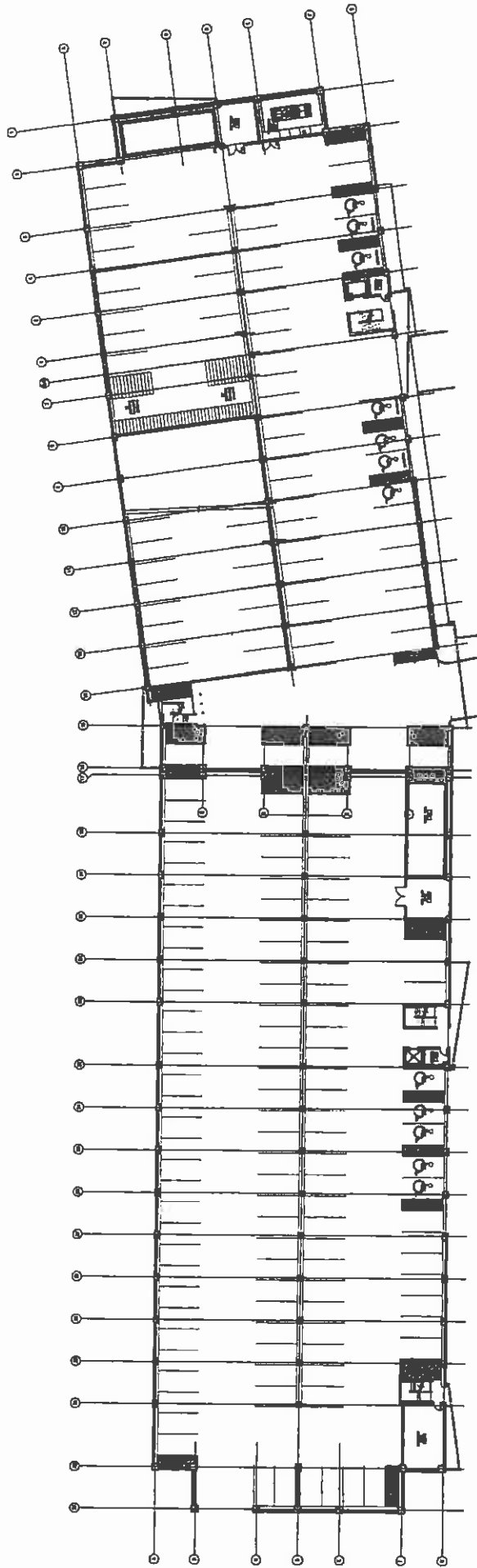
Parking on Sierra Point streets is not allowed per Sierra Point Design Guidelines.

***How will the requested modification of the parking regulations not adversely impact neighboring properties and public in general?***

As outlined above, with the incorporation of the projects TDM measures, the amount of parking provided will be adequate for the parking demand. As such, all occupants and visitors will either park on site or take alternate methods of transportation.

[ END ]

~~G.2.41~~  
G.1.68



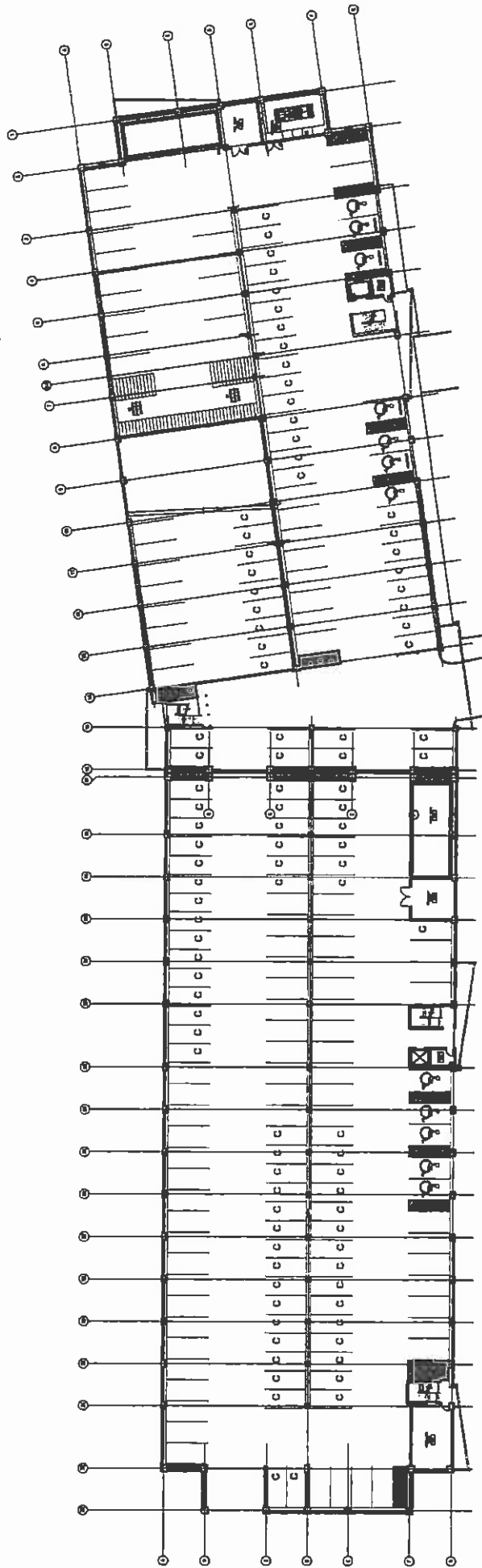
G.2.42  
G.1.69

ALL FULL SIZE

OCSP - Level 1 Garage Floor Plan

Total Stalls = 1,080

12/2/08



FULL SIZE + 50% COMPACT

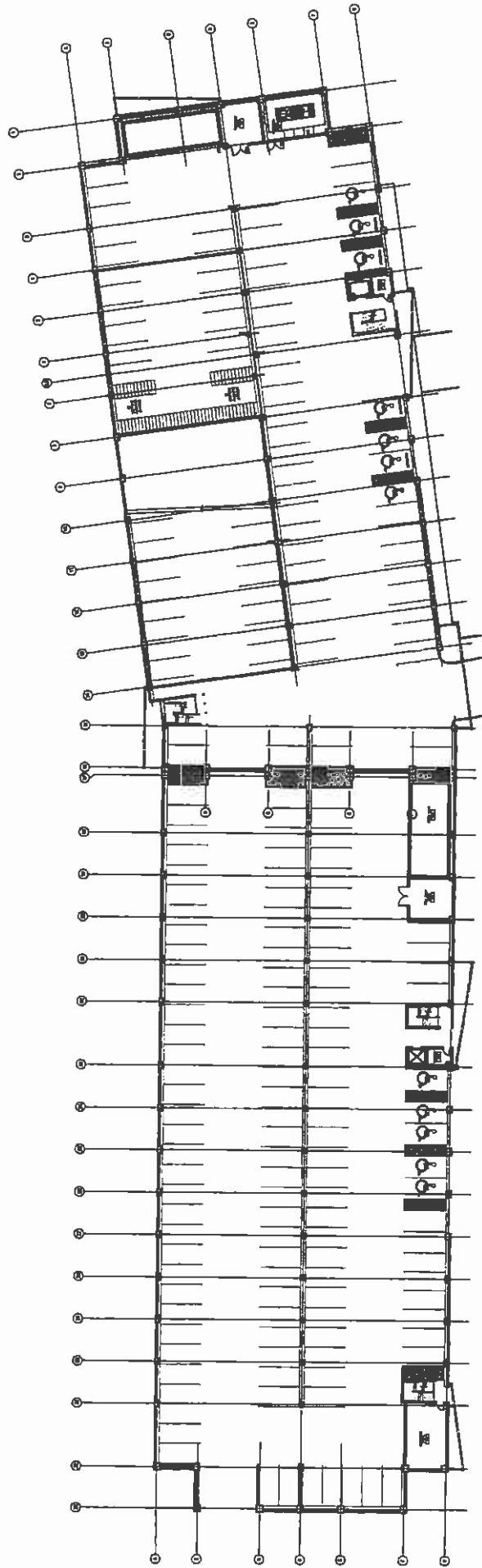
OCSP - Level 1 Garage Floor Plan

Total Stalls = 1,160

12/2/08

G.2.13  
G.1.70





G-2.44  
G1.71

ALL UNIVERSAL

OCSP - Level 1 Garage Floor Plan

Total Stalls = 1,180

12/2/08

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Oct-08

Route Name SIERRA POINT-CALTRAIN

G. 2.45

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	5-Oct	152	3	24	18 99	231	201	0 22
Week Ending	12-Oct	383	5	40	31 65	385	335	0 20
Week Ending	19-Oct	384	5	40	31 65	385	335	0 20
Week Ending	26-Oct	407	5	40	31 65	385	335	0 21
Week Ending	31-Oct	406	5	40	31 65	385	335	0 21
Monthly Totals		1732	23	184	145 59	1771	1541	0 61

Average Daily Ridership 75  
 Number of Vehicles 1  
 Number of Road Calls \_\_\_\_\_  
 Number of Accidents \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_

Supervisors Signature \_\_\_\_\_

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc

Monthly Totals for: Sep-08

Route Name SIERRA POINT-CALTRAIN

G. 2.46

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	7-Sep	80	5	40	31 65	385	335	0 04
Week Ending	14-Sep	375	5	40	31 65	385	335	0 19
Week Ending	21-Sep	373	5	40	31 65	385	335	0 19
Week Ending	28-Sep	331	5	40	31 65	385	335	0 17
Week Ending	30-Sep	372	2	16	12 66	154	134	1 21
Monthly Totals		1531	22	176	139 26	1694	1474	0 56

Average Daily Ridership 70  
 Number of Vehicles 1  
 Number of Road Calls \_\_\_\_\_  
 Number of Accidents \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_

Supervisors Signature \_\_\_\_\_

Date \_\_\_\_\_

G. 1.72.

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Aug-08

Route Name SIERRA POINT-CALTRAIN

G.2.47

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	3-Aug	76	1	8	6.33	77	67	0.99
Week Ending	10-Aug	394	5	40	31.65	385	335	0.20
Week Ending	17-Aug	395	5	40	31.65	385	335	0.21
Week Ending	24-Aug	394	5	40	31.65	385	335	0.20
Week Ending	31-Aug	348	5	40	31.65	385	335	0.18
Monthly Totals		1607	21	168	132.93	1617	1407	0.61

Average Daily Ridership 77  
 Number of Vehicles 1  
 Number of Road Calls \_\_\_\_\_  
 Number of Accidents \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_

Supervisors Signature \_\_\_\_\_

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Oct-08

Route Name BALBOA PARK-BART

G.2.48

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	5-Oct	389	3	24	18.99	231	201	0.56
Week Ending	12-Oct	929	5	40	31.65	385	335	0.46
Week Ending	19-Oct	918	5	40	31.65	385	335	0.46
Week Ending	26-Oct	823	5	40	31.65	385	335	0.43
Week Ending	31-Oct	930	5	40	31.65	385	335	0.46
Monthly Totals		3989	23	184	145.59	1771	1541	1.39

Average Daily Ridership 173  
 Number of Vehicles 1  
 Number of Road Calls \_\_\_\_\_  
 Number of Accidents \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_

Supervisors Signature \_\_\_\_\_

Date \_\_\_\_\_

G.1-73

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Sep-08

Route Name BALBOA PARK-BART

G.2.49

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	7-Sep	178	5	40	31.65	385	335	0.09
Week Ending	14-Sep	851	5	40	31.65	385	335	0.44
Week Ending	21-Sep	933	5	40	31.65	385	335	0.48
Week Ending	28-Sep	852	5	40	31.65	385	335	0.44
Week Ending	30-Sep	876	2	16	12.66	154	134	2.84
Monthly Totals		3690	22	176	139.26	1694	1474	1.37

Average Daily Ridership 168  
 Number of Vehicles 1  
 Number of Road Calls \_\_\_\_\_  
 Number of Accidents \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_

Supervisors Signature \_\_\_\_\_

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Aug-08

Route Name BALBOA PARK-BART

G.2.50

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	3-Aug	148	1	8	8.33	77	67	1.92
Week Ending	10-Aug	825	5	40	31.65	385	335	0.43
Week Ending	17-Aug	880	5	40	31.65	385	335	0.46
Week Ending	24-Aug	813	5	40	31.65	385	335	0.42
Week Ending	31-Aug	778	5	40	31.65	385	335	0.40
Monthly Totals		3444	21	168	132.93	1617	1407	1.31

Average Daily Ridership 164  
 Number of Vehicles 1  
 Number of Road Calls \_\_\_\_\_  
 Number of Accidents \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_  
 Number of Disabled Boarding \_\_\_\_\_

Supervisors Signature \_\_\_\_\_

Date \_\_\_\_\_

G.1.74.

RESOLUTION NO. 2009-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE AFFIRMING A DECISION OF THE PLANNING COMMISSION CONCERNING THE SIERRA POINT OPUS OFFICE PROJECT

WHEREAS, Opus West Corporation, the applicant, applied to the City of Brisbane for a Environmental Review, Design Permit, Tentative Parcel Map, Variance, and Parking Modification Use Permit to construct 438,104 square feet of office space in two buildings (8 and 10 stories), 1,386 parking spaces including a 5-level parking structure, and improvements to the Bay Trail, on approximately 8.87 acres of vacant land located on the northwesterly side of Marina Boulevard, easterly of Highway 101 at Sierra Point ("the Project"), such applications being respectively identified as ER-1-07, DP-5-07, TPM-1-08, V-1-08 and UP-3-08; and

WHEREAS, on December 18, 2008, January 22, 2009, and February 26, 2009, the Planning Commission of the City of Brisbane conducted a hearing on said applications, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, following the conclusion of the hearing, on February 26, 2009 the Planning Commission adopted each of the following resolutions:

Resolution No. ER-1-07, adopting a mitigated negative declaration and mitigation monitoring and reporting program for the Project;

Resolution No. DP-5-07/UP-3-08/V-1-08, conditionally approving the Design Permit, Use Permit and Variance for the Project, making the findings and subject to the Conditions of Approval attached thereto as Exhibit A; and

Resolution No. TPM-1-08, conditionally approving the tentative parcel map for the Project, making the findings and subject to the Conditions of Approval attached thereto as Exhibit A.

WHEREAS, pursuant to Section 17.52.020(B) of the Zoning Ordinance, two members of the City Council initiated an appeal from the decisions of the Planning Commission; and

WHEREAS, on April 20, 2009, the City Council conducted a de novo hearing on the appeal, at which time any person interested in the matter was given an opportunity to be heard; and

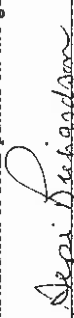
WHEREAS, the City Council has reviewed and considered the staff reports, minutes of proceedings conducted by the Planning Commission relating to the applications, and the written and oral evidence presented to the City Council at the public hearing on the appeal,

NOW, THEREFORE, the City Council of the City of Brisbane, at its meeting on April 20, 2009, by a vote of 3-2, with Mayor Richardson and Councilmember Barnes dissenting, did resolve as follows:

1. The decision of the Planning Commission granting Environmental Review ER-1-07, Design Permit DP-5-07, Tentative Parcel Map TPM-1-08, Variance V-1-08 and Use Permit UP-3-08 was affirmed. The City Council ratified and approved the findings and determinations made by the Planning Commission, as set forth in Resolutions ER-1-07, DP-5-07/UP-3-08/V-1-08 and TPM-1-08, dated February 26, 2009, and the same are incorporated herein by reference, including all Findings and Conditions of Approval attached thereto, except as amended in Paragraph 2 of this Resolution.

2. Condition V of the Conditions of Approval attached to Resolution DP-5-07/UP-3-08/V-1-08 is amended to read as follows:

V. The applicant shall have the option to either: A) install 4,500 square feet of photo-voltaic panels on the north half of the garage roof and decorative trellises on the south half of the garage roof; or B) install wind power equipment having the capability of generating electrical power at least equivalent to the solar panels described in Option A, subject to approval as to the capacity, design and location of such equipment by the Planning Commission; or C) install decorative trellises on both the north and south halves of the garage roof and make a cash contribution in the amount of \$360,000 to the City of Brisbane to fund off-site renewable energy projects, as determined by the City. In any case, the parking structure shall be plumbed to accommodate the future installation of solar panels on the garage roof to the maximum extent feasible.

  
Sepi Richardson, Mayor

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Brisbane held on the 4<sup>th</sup> day of May, 2009, by the following vote:

AYES: Councilmembers Barnes, Bologoff, Conway, and Waldo.

NOES: Mayor Richardson

ABSENT: None

  
Sheri Marie Spediacci, City Clerk

6.1.75

RESOLUTION DP-5-07/UP-3-08/V-1-08

A RESOLUTION OF THE CITY OF BRISBANE  
PLANNING COMMISSION CONDITIONALLY APPROVING DESIGN PERMIT DP-5-07,  
PARKING MODIFICATION USE PERMIT UP-3-08, AND VARIANCE V-1-08 FOR THE  
SIERRA POINT OPUS OFFICE PROJECT

WHEREAS, Opus West Corp, the applicant, applied to the City of Brisbane for approval of an office project totaling approximately 438,104 square feet in 2 buildings, a 5-level 1,175-space parking structure and 211 surface parking spaces on approximately 8.9 vacant acres located on the northwesterly side of Marina Boulevard, easterly of Highway 101 at Sierra Point southerly of Sierra Point Parkway and easterly of Shore Lane Court, in the Sierra Point Commercial- SP-CRO District ("the Project"), and such approval involves a design permit application and related grading, parking modification use permit, and variance, such applications being identified as Design Permit DP-5-07, Use Permit UP-3-08 and Variance V-1-08, along with related application TPM1-08; and

WHEREAS, on December 18, 2008, January 22, 2009 and February 26, 2009 the Planning Commission conducted public hearings of the applications, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memoranda relating to said applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

WHEREAS, the Planning Commission has determined that the proposed project will not have a significant effect on the environment and has adopted a mitigated Negative Declaration via adoption of Resolution ER-1-07; and


WHEREAS, the City of Brisbane Planning Commission hereby makes the findings attached herein as Exhibit A in connection with the Design Permit and related parking modification Use Permit, and Variance;

NOW THEREFORE, based upon the findings set forth herein, the Planning Commission of the City of Brisbane, at its meeting of February 26, 2009, did resolve as follows:

Design Permit Application DP-5-07, Use Permit UP-3-08 and Variance V-1-08 are approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this 26<sup>th</sup> day of February, 2009, by the following vote:

AYES: Hunter, Lentz, Parker, Maturro, Munir  
NOES: None  
ABSENT: None

  
Theresa Maturro  
Chairperson

ATTEST:  
  
WILLIAM PRINCE, Community Development Director

G.1.76.

EXHIBIT A

Action Taken: Approval of Design Permit DP-5-07, Use Permit UP-3-08 and Variance V-1-08 and recommendation to the City Engineer to issuance a grading permit per the staff memoranda with attachments, via adoption of Resolution DP-5-07/UP-3-08/V-1-08.

Findings:

Design Permit DP-5-07

1. The proposed development is consistent with the General Plan, including the General Plan's land use designation for the site and relevant policies and programs.
2. The project, including 8 and 10-story structures is consistent with the policies and design objectives of the Sierra Point Combined Site and Architectural Design Guidelines while implementing the City's Council's previous action of transferring an additional 89, 815 square feet of buildable area to the site.
3. The proposal maintains a balance of scale, form and proportion, and uses design components that are harmonious and materials and colors that complement the project, and the proposal integrates well with elements of the site plan and of surrounding areas, given the conditions of approval and as detailed in the staff memoranda.
4. The orientation and location of buildings, structures, open spaces and other features maintain a compatible relationship to adjacent development, as detailed in the staff memoranda.
5. Where a proposal abuts or is in close proximity to uses other than that proposed, the plan takes into account its effect on and maintains the quality of the other land uses, as detailed in the staff memoranda.
6. The site plan minimizes the effects of traffic on abutting streets through careful layout of the site with respect to location, dimensions of vehicular and pedestrian entrances and exit drives, and through the provision of adequate off-street parking; there is an adequate circulation pattern within the boundaries of the development, and parking facilities are adequately surfaced, landscaped and lit; as detailed in the staff memoranda.
7. The proposal promotes alternatives to travel by automobile through the provision of facilities for carpools, pedestrians and bicycles, extension of the Bay Trail, and access to transit via the Sierra Point shuttle to Caltrain and BART.
8. The site provides open areas and landscaping to complement the buildings and structures; landscaping is also used to break up expanses of paved area and provide outdoor areas for the use of employees and visitors alike.

14. The plans submitted for a building permit shall comply with the requirements of the Brisbane Municipal Code (BMC), 2001 California Fire Code (CFC), 2001 California Building Code (CBC) and the California Code of Regulations (CCR).

15. The applicant shall consult with the South San Francisco Scavenger Company to assure that the trash enclosure shall be of sufficient size to accommodate recycling receptacles, as well as trash dumpsters. Plans submitted for the building permit shall include trash enclosure details, relating its appearance to that of the building to the satisfaction of the Community Development Department.

16. Provide for centralized mail facilities to the specifications of the U.S. Postal Service.

H. Prior to issuance of a Certificate of Occupancy, applicant shall submit for approval by the City Engineer an operation and maintenance plan for on-site stormwater treatment measures.

I. Prior to issuance of a Certificate of Occupancy, Property Owner shall enter into and cause to be recorded on the property deed a Stormwater Treatment Measures Operation and Maintenance Agreement, which will serve as a signed statement by the Property Owner accepting responsibility for operation and maintenance of stormwater treatment measures until such time as the responsibility is legally transferred to another person or entity.

J. Prior to September 1 of each year and until such time as a Certificate of Occupancy is issued, applicant shall submit a revised Erosion Control Plan detailing measures that will be implemented by October 15 to prevent sediment discharge in stormwater runoff during the rainy season.

K. Any project phasing shall substantially comply with the phasing plan presented to the Planning Commission on December 18, 2008, with the exception that landscaped improvements along the entire Marina Boulevard frontage shall be included within phase 1 of the development. Phasing shall be designed to ensure that phase 1 can continue to operate in normal fashion during phase 2 construction so as not to impact adjacent properties.

L. The required parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.

M. No signage is approved as part of this permit. A Sign Permit shall be obtained prior to the installation of any signs not otherwise exempt by the Municipal Code.

N. Minor modifications may be approved by the Community Development Director in conformance will all requirements of the Municipal Code.

O. The Applicant 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

zoning requirements if it were constructed on a single parcel. The conditions of approval require that the project be designed and operated as a unified whole, irrespective of property ownership.

2. Because of special circumstances applicable to subject property, specifically the fact that that the project will be constructed on multiple projects instead of a single parcel, the strict application of this title is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, specifically to exceed the 40 percent lot coverage for Parcel 1 and to allow architectural projections on the garage to encroach more than 3 feet into the required side yard setback.

**Conditions of Approval:**

- A. The project shall comply with the Mitigation Measures set forth in the adopted mitigated negative declaration and adopted Mitigation Monitoring and Reporting Program.
- B. All grading shall be contained on the site and shall comply with the provisions of Brisbane Municipal Code (BMC) Chapter 15.01. A separate grading permit shall be obtained from the City Engineer as required per Brisbane Municipal Code Chapter 15.01. The approval of the Design Permit shall constitute Planning Commission approval of the proposed grading per BMC Section 15.01.081.
- C. Prior to grading or building permit issuance plans shall be subject to review and approval by the San Mateo County Environmental Health Services Division.
- D. Grading plans shall clearly specify trees to be retained and trees to be removed. Trees to be removed shall be minimized to the extent feasible. Trees to remain shall be protected in place shall be surrounded by mesh construction fencing establishing a 5-foot protection zone around each tree trunk. A licensed arborist shall be present during grading and construction operations adjacent to trees to ensure adequate measures are taken for tree protection, and to consult as to the extent of required tree removal along the northerly project boundary during clay cap installation.
- E. Prior to issuance of grading or building permits, project applicant shall incorporate into the project design stormwater site design, source control, and treatment measures to the satisfaction of the City Engineer and in accordance with Provision C.3 of the San Mateo Countywide municipal stormwater permit. All added or replaced roadway surfaces must be managed in accordance with the current municipal stormwater requirements. This includes incorporating site design measures to reduce impervious surfaces and maintain existing vegetation and drainageways, source control measures to address potential pollutant sources, and treatment measures to improve stormwater runoff quality before discharging to the Bay. As such, roadway, sidewalk, and path widths should be minimized to reduce impervious surface area and vegetation, whether in the median or along the sides of roads, sidewalks, or paths, should be designed to provide stormwater quality benefits. Vegetated stormwater treatment measures should be designed in accordance with countywide guidance and address issues associated with infiltrating stormwater runoff on a former landfill. Vegetation should

also be selected consistent with Bay Friendly Landscaping Guidelines to minimize irrigation, pesticide, and fertilizer needs.

F. Prior to grading permit issuance the applicant shall file a Notice of Intent to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities, and shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for construction activities on the site. The SWPPP shall include all provisions of the Erosion and Sediment Control Plan submitted by the applicant. In addition to the regulatory requirements for the SWPPP, the site-specific SWPPP shall include provisions for the minimization of sediment disturbance (i.e., production of turbidity) and release of chemicals to the Bay.

**G. Prior to issuance of a building permit:**

1. The site plan shall be revised subject to Community Development Department review and approval to:
  - a. Include no fewer than 1,373 parking spaces;
  - b. Show that abutting parking bays shall be separated by a planter strip with a minimum 4' wide area clear of vehicular overhang. As an alternate, such parking bays shall be reconfigured to accommodate tree wells every 6-8 spaces.
  - c. Redesign the main (northerly) driveway entrance to include a minimum 4-foot wide median, consistent with the requirements of the Sierra Point Design Guidelines.
2. Building elevations shall clearly specify all roof-mounted equipment shall be screened, and all such screening shall be architecturally integral with the buildings.
3. Building elevations shall be revised to incorporate a trellis/canopy element at all building entrances to Community Development Department Director review and approval.
4. a. The westerly garage elevation shall be revised to incorporate a darker accent color along the upper level of the garage to deemphasize its appearance. Vehicular and pedestrian entries shall incorporate architectural enhancements to promote wayfinding.  
b. The northerly garage elevation shall incorporate additional trellis treatment and include a green wall as reflected in the applicant's presentation to the Planning Commission on January 22, 2009.
5. Final specifications regarding project materials, colors and finishes shall be subject to Community Development Department review and approval.
6. The applicant shall demonstrate compliance with the City's Green Building Requirements (Municipal Code Chapter 15.80) to the satisfaction of the City's Green Building Compliance Official as defined in the City Municipal Code.
7. The applicant shall demonstrate adequate ventilation of parking structure to the satisfaction of the Building Official, including exterior exhaust fan termination as applicable.
8. Tentative Parcel Map TPM-1-08 shall be recorded.

6.1.78



9. Planning Commission review of the grading plan in conjunction with this application complies with the provisions of Municipal Code Section 15.01.081.

10. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment, as detailed in the staff memoranda and given the conditions of approval.

11. Provisions have been made to meet the needs of employees for outdoor space, through the provision in that the landscaped a number of landscape patios and sitting areas will be provided adjacent to the office portions of the building.

**Use Permit UP-3-08**

1. Approval of the use permit is consistent with the 1994 General Plan adopted by the City Council on June 21, 1994, specifically 1994 General Plan Policy 289.

2. Granting of the requested use permit will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City. The use of universal-sized parking stalls within the garage will allow for the most efficient utilization of the parking structure, thereby minimizing the size of the garage. Additionally, the reduction in provided parking will not create adverse impacts, in that opportunities for non-single occupancy vehicle modes of transportation such as shuttles, carpools and bicycles are provided.

3. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site, given the access opportunities via shuttle, carpool and bicycle. Additionally, the provision of universal stalls within the parking garage does not affect the provision of compact and full sized stalls within the surface parking lots on site. As such, the full range of parking options remains available on the site.

4. The granting of the use permit will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets or to create or intensify a shortage of on-street parking spaces, in that a range of full size, compact and universal sized stalls are provided on site. The reduction in number of spaces provided will not impact on street parking as on street parking is not allowed within Sierra Point.

**Variance V-1-08**

1. The variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located. Specifically, the requested lot coverage and architectural encroachment variances result due to the fact that a comprehensive and unified project is underlain by multiple parcels, whereas the identical project design would be fully consistent with

9. The applicant shall obtain BCDC and staff review approval of Bay Trail improvement plans including but not limited to trail alignment and surfacing, benches, lighting and amenities such as interpretational signage and/or public art. Per the Sierra Point Design Guidelines provide a minimum 15-foot wide planting area between the public parking area and trail alignment.

10. Easements as deemed necessary by the Community Development Director in a form acceptable to the City Attorney shall be recorded for the provision of public access and use of the Bay Trail and related improvements in perpetuity, including public use of designated public trail access parking spaces.

11. Detailed water-efficient landscaping and irrigation plans shall be submitted for approval by the Community Development Department. The final landscaping plans shall be consistent with the plant list established in the Sierra Point Design Guidelines and incorporate the following:

- a. vegetated swales consistent with the stormwater controls for the site;
- b. berming or hedging to screen parking areas adjacent to Sierra Point Parkway and Shoreline Court;
- c. replacement of mature trees removed along the northerly project boundary to accommodate installation of the final clay cap.
- d. Columnar trees along the west side of parking structure to help screen and visually soften the appearance of this structure.
- e. Details regarding hardscape, lighting, fencing, street furniture and employee gathering areas. These design elements shall be consistent with the Sierra Point Design Guidelines.
- f. Details regarding how access to the emergency vehicle roadway along the north edge of the project will be restricted.
- g. Incorporate an integrated pest management plan prepared by a qualified professional acceptable to the City of Brisbane to eliminate fertilizer and/or pesticide runoff into the Bay.
- h. Removal of invasive, non native plant species along the upland portion of the northerly project boundary to the extent feasible without impacting habitat values. A qualified biologist shall mark the limits of acceptable plant removal before such work commences.
- i. Landscaping of the upland portion of the northerly boundary, using Bay native plant species to the maximum extent feasible and consistent with the requirements of mitigation measure BIO-1b.

12. The property owner shall enter into a standard landscape maintenance agreement with the City to the satisfaction of the City Attorney.

13. Exterior lighting plans shall be subject to Community Development and Police Department review and approval, and shall be consistent with the approved Sierra Point Design Guidelines.

5.1.79

determinations taken, done or made prior to the granting of such approval, permit or entitlement.

- P. Application for a Building Permit (via submittal of 5 sets of plans and payment of plan check fees) for the proposed improvements shall be made, and the improvements shall be completed to the satisfaction of the Building Official prior to granting of a certificate of occupancy.
- Q. An encroachment permit shall be obtained prior to any work within the public right-of-way.
- R. Staff and the applicant shall make a good faith effort to obtain emergency access vehicular rights for City of Brisbane emergency vehicles over the existing emergency access roadway at the south end of Sierra Point.
- S. The applicant shall work with the City Engineer and Caltrans to restripe the northbound Sierra Point Parkway offramp from Highway 101 to convert the existing through/left turn lane to a shared through/left/right turn lane.
- T. Upon approval of the project and close of the appeal period, the City Engineer upon request of the applicant will issue a "will serve" letter valid for that period of time the project is active, reserving the water supply for the project as determined in the Water Supply Assessment, subject to compliance with the mitigation measures set forth in the Mitigated Negative Declaration.
- U. Cases DP-05-07, UP-3-08 and V-108 shall expire two years (24 months) from their effective date (at the end of the 10 day appeal period).
- V. The applicant shall either: A) install 4,500 square feet of photo-voltaic panels on the north half of the garage roof and decorative trellises on the south half of the garage roof; or B) install decorative trellises on both the north and south halves of the garage roof and make a cash contribution in the amount of \$360,000 to the City of Brisbane to fund off site renewable energy projects, as determined by the City. In either case, the parking garage shall be pre-plumbed to accommodate the future installation of solar panels on the garage roof to the maximum extent feasible.
- W. The applicant shall make a good faith effort to work with the City of Brisbane and adjacent property owner to remove debris along the northerly and westerly project boundary.
- X. Five plug-in parking spaces shall be provided per floor of the parking garage, unless an alternate configuration is approved by the Community Development Department.

G-1.80

RESOLUTION TPM-1-08

A RESOLUTION OF THE CITY OF BRISBANE  
PLANNING COMMISSION CONDITIONALLY APPROVING TENTATIVE PARCEL MAP  
TPM-1-08 FOR THE SIERRA POINT OPUS OFFICE PROJECT

WHEREAS, Opus West Corporation, the applicant, applied to the City of Brisbane for approval of an office project (totalling approximately 438,104 square feet in 2 buildings, a 5-level 1,175-space parking structure and 211 surface parking spaces on approximately 8.9 vacant acres located on the northwesterly side of Marina Boulevard, easterly of Highway 101 at Sierra Point southerly of Sierra Point Parkway and easterly of Shore Line Court, in the Sierra Point Commercial- SP-CRO District ("the Project"), and such approval includes a Tentative Parcel Map to subdivide the site into three parcels, such application being identified as Tentative Parcel Map TPM-1-08. Related applications include a proposed design permit application, parking modification use permit and variance, such applications being identified as Design Permit DP-5-07, Use Permit UP-3-08; and Variance V-1-08; and

WHEREAS, on December 18, 2008 January 22, 2009, and February 26, 2009 the Planning Commission conducted public hearings of the applications, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memoranda relating to said applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

WHEREAS, the Planning Commission has determined that the proposed project will not have a significant effect on the environment and has adopted a mitigated Negative Declaration via adoption of Resolution ER-1-07; and

WHEREAS, the City of Brisbane Planning Commission hereby makes the findings attached herein as Exhibit A in connection with the Tentative Parcel Map.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 26<sup>th</sup> 2009, did resolve as follows:

Tentative Parcel Map TPM-1-08 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this 26th day of February, 2009, by the following vote:

AYES: Hunter, Leutz, Mauro, Munir, Parker

NOES: None

ABSTAINED: None

ABSENT: None

  
Theresa Mauro  
Chairperson

ATTEST:



WILLIAM BRINCE, Community Development Director

EXHIBIT A

**Action Taken:** Conditional approval of Tentative Parcel Map TPM-1-08 per the staff memorandum with attachments, via adoption of Resolution TPM-1-08 with Exhibit A containing the findings and conditions of approval.

**Findings:**

1. In considering the effect of the proposal upon housing needs within the region, balanced against the public service needs of the residents of Brisbane and available fiscal and environmental resources, the Planning Commission finds that the proposed subdivision to implement an office project consistent with the general plan and zoning requirements will have no net effect upon housing. Public service needs will be adequately addressed through the implementation of mitigation measures required for the project through adoption of a mitigated Negative Declaration for the project.
2. The tentative parcel map, together with the provisions of its design and improvement is consistent with the general plan, in that the project is consistent with the General Plan's Sierra Point Commercial/Retail/Office land use designation and other applicable policies and programs, in addition to Sierra Point Combined Site and Architectural Design Guidelines, as detailed in the staff memoranda and subject to the conditions of approval.
3. The parcel to be created is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace, as addressed by the Initial Study/Mitigated Negative Declaration, the staff memorandum, and the conditions of approval.
4. The parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning ordinance, except those standards which modified through the granting of Variance V-1-08. As detailed in the findings for V-1-08, the requested variances result from the project being a master planned development over multiple parcels, while the Zoning Code standards apply on an individual parcel basis.
5. The site is physically suitable for the type and proposed density of development, as demonstrated by the site development plans approved by the Planning Commission under Design Permit DP-5-07.
6. The design of the subdivision and improvements, and the type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, or to cause serious public health problems, as detailed in the Initial Study/Mitigated Negative Declaration and the staff memorandum.
7. The design of the subdivision or type of improvements will not conflict with easement, acquired by the public at large, for access through, or use of, property within the proposed subdivision, as explained in the staff memorandum.

**Conditions of Approval:**

- A. The approval of this tentative map shall be subject to the standard conditions per Brisbane Municipal Code Section 16.16.180 as deemed applicable by the City Engineer.
- B. The Parcel Map shall be revised to the satisfaction of the Community Development Director and City Engineer to incorporate easements for cross lot drainage and utilities.
- C. A written agreement for the establishment of reciprocal access and parking rights ensuring the long term availability and maintenance of required parking, in a form acceptable to the Community Development Director and City Attorney.
- D. Covenants, Conditions and Restrictions (CC&Rs) or an alternate agreement in a form acceptable to the City Attorney and Community Development Director shall be recorded to ensure that the overall project shall be operated and be maintained as a unified whole in perpetuity, irrespective of property ownership.
- E. The Tentative Parcel Map shall expire two years (24 months) from its effective date (at the end of the 10 day appeal period), if the Final Parcel Map has not been filed with the City. Time extensions of the Tentative Parcel Map may be granted per BMC Section 16.16.270.

RESOLUTION NO. ER-1-07

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION  
MONITORING AND REPORTING PROGRAM FOR THE SIERRA POINT OPUS  
OFFICE PROJECT

WHEREAS, Opus West Corporation, the applicant, applied to the City of Brisbane for approval of an office project totaling approximately 438,104 square feet in 2 buildings, a 5-level 1,175-space parking structure and 211 surface parking spaces on approximately 8.9 vacant acres located on the northwesterly side of Marma Boulevard, easterly of Highway 101 at Sierra Point southerly of Sierra Point Parkway and easterly of Shore Line Court, in the Sierra Point Commercial-SP-CRO District ("the Project"), and such approval includes a Tentative Parcel Map to subdivide the site into three parcels, design permit application, parking modification use permit and variance, such applications being identified as Tentative Parcel Map TPM-1-08, Design Permit DP-5-07, Use Permit UP-3-08; and Variance V-1-08; and

WHEREAS, the Project lies within the Sierra Point General Plan Subarea; and

WHEREAS in May, 2008 the Brisbane City Council certified a Final Environmental Impact Report for the Sierra Point Biotech Project and this EIR evaluated the cumulative impacts of the buildout of the Sierra Point General Plan subarea, including buildout of the Project; and

WHEREAS the California Environmental Quality Act ("CEQA") discourages redundant and repetitive environmental analysis and pursuant to Section 15152 of the CEQA Guidelines allows for the tiering of environmental analysis, wherein an analysis of matters contained in a broader EIR is incorporated by reference into a later environmental review and focusing the later environmental review on issues specific to the later project; and

WHEREAS an environmental initial study for the project was prepared pursuant to CEQA which concluded that the Project results in no new or greater cumulative environmental impacts than identified in the Sierra Point Biotech Project EIR; and

WHEREAS a Draft Mitigated Negative Declaration ("MND") tiered off the 1994 City of Brisbane General Plan EIR and Slough Biotech Project EIR, dated November 2008 has been prepared for the Project; and

WHEREAS the Draft MND was filed with the California Office of Planning and Research and responsible agencies, and a Notice of Intent to Adopt an MND was mailed to a list of interested parties and posted in Brisbane, and

WHEREAS, the 30-day comment period ended on December 17, 2008; and

WHEREAS all comments received on the draft MND have been provided to the Planning Commission for their consideration before adopting the MND; and

WHEREAS a Mitigation Monitoring and Reporting Program has been prepared specifying the mitigation measures, and responsibility and timing for implementation;

WHEREAS the Planning Commission held public hearings on the MND on December 18, 2008, January 22, 2009 and February 26, 2009;

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Brisbane: FIND based on the record that the proposed Project will not have a significant effect on the environment subject to the recommended mitigation measures; and

ADOPT a Mitigated Negative Declaration including approval of the Water Supply Assessment included as Exhibit F; and

ADOPT the Mitigation Monitoring and Reporting Program attached as Exhibit A.

ADOPTED this 26<sup>th</sup> day of February 2009, by the following vote:

AYES: Hunter, Lentz, Mauro, Munir, Parker

NOES: None

ABSENT: None

  
Theresa Mauro  
Chairperson

ATTEST:

  
WILLIAM PRINCE, Community Development Director

5.1.83.

## MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Opus Office Center Project. This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS/MND and identifies mitigation monitoring requirements.

Table 1 presents the mitigation measures identified for the proposed project. Each mitigation measure is numbered according to the topical section to which it pertains in the IS/MND. As an example, Mitigation Measure VIS-1 is the first mitigation measure identified in the IS/MND. The column entitled “Mitigation Responsibility” identifies the party responsible for carrying out the required actions. The columns entitled “Monitoring/Reporting Agency” and “Monitoring Schedule” identify the party ultimately responsible for ensuring that the mitigation measure is implemented and the approximate timeframe for the oversight agency to ensure implementation of the mitigation measure.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>I. Aesthetics</b></p> <p><b>VIS-1:</b> As a condition of project approval, a photometric analysis and lighting plan shall be prepared for the proposed project. This analysis shall include an assessment of potential lighting impacts based on the height, location, light fixtures, direction and illumination intensity and hours of operation. This analysis shall identify any potential light spill beyond the site boundaries, including light that could impact water vessel or aircraft navigation. The lighting plan shall be designed to control light energy and ensure that exterior lighting is directed downward and away from adjacent streets and buildings in a manner designed to minimize off-site light spillage and reduce impacts to water vessel and aircraft navigation. The lighting plan shall be submitted to the Planning Department and City Engineer for final approval prior to approval of a building permit.</p>	<p>Project Applicant</p>	<p>Brisbane Planning Department/City Engineer</p>	<p>Prior to issuance of building permit</p>
<p><b>II. Agricultural Resources</b></p> <p><i>No mitigation required</i></p>			
<p><b>III. Air Quality</b></p>			
<p><b>AIR-1:</b> Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and specifications for the project. The following controls shall be implemented at all construction sites:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;</li> <li>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>• Apply non-toxic soil stabilizers to inactive construction areas;</li> <li>• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</li> <li>• Limit traffic speeds on unpaved roads to 15 mph;</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>• Replant vegetation in disturbed areas as quickly as possible.</li> </ul>	<p>Project Applicant/ Construction Manager</p>	<p>Brisbane Public Works Department</p>	<p>Periodically during demolition, grading and construction activities</p>

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>AIR-1 Continued</b></p> <ul style="list-style-type: none"> <li>Install base rock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and</li> <li>Suspend excavation and grading activity when sustained wind speeds exceed 25 mph. Sustained wind speed shall be determined by averaging observed values over a two-minute period. Wind monitoring by the construction manager shall be required at all times during excavation and grading activities.</li> </ul> <p><b>AIR-2:</b> Implement Mitigation Measure AIR-1 to reduce construction-period air quality impacts to sensitive receptors.</p>	Project Applicant/Construction Manager	Brisbane Public Works Department	Periodically during demolition, grading and construction activities
<b>IV. Biological Resources</b>			
<p><b>BIO-1a:</b> Prior to initiation of grading and construction activities, a temporary construction fence shall be placed along the western edge of the project site along the row of toyon trees to restrict access of construction personnel and equipment into the salt marsh and drainage. A qualified biologist will assist construction personnel in the placement of the construction fencing and will monitor the site periodically during project construction.</p> <p><b>BIO-1b:</b> The project applicant shall construct a permanent fence adjacent to the pedestrian path and Bay Trail along the western and northern edge of the project site to restrict access of humans and dogs into the salt marsh. A qualified biologist shall advise the applicant regarding the location and design of the fence. The applicant shall receive approval of fence design, dimensions and location from BCDC and the Planning Department. The upland habitat on the project site should be landscaped with native shrub species such as marsh gum plant, salt grass, California sagebrush, and/or coyote brush to buffer the small marsh from activity on the pathway and provide rails and other marsh birds with shelter during extreme high tides. Such vegetation (e.g., marsh gum-plant) could also provide potential nesting habitat for various species of bird inhabiting the marsh. In the unlikely event that California black rails occur in the salt marsh, the mitigation measures outlined for California clapper rails would also protect black rails. Implementation of this two-part mitigation measure would reduce indirect impacts to California clapper rails to less-than-significant levels.</p> <p><b>BIO-2a:</b> Conduct pile-driving activities for the proposed project during the non-breeding season of the California clapper rail, September 1 through January 15. Pile-driving during this time frame would not impact the nesting activity of clapper rails if they are present in the small salt marsh adjacent to the project site and would reduce potential indirect impacts to California clapper rails to less-than-significant levels.</p>	Project Applicant/Qualified Biologist	Brisbane Public Works Department	Prior to initiation of grading or construction activities
	Project Applicant/Qualified Biologist	Brisbane Planning Department/San Francisco Bay Conservation and Development Commission	Prior to issuance of a certificate of occupancy permit for Phase 1
	Project Applicant/Construction Manager	Brisbane Planning Department/Public Works Department	During the construction period

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>BIO-2b:</b> If pile driving cannot be restricted to the non-breeding season (September 1 through January 15), the applicant must develop a plan and schedule for pile driving subject to review and approval by the California Department of Fish and Game (CDFG), the United States Fish and Wildlife Service (USFWS) and City of Brisbane, Community Development Director to ensure that the project is in compliance with all applicable state and federal laws and regulations pertaining to protection of the Clapper Rail. The plan may require enhanced protocol level surveys (i.e., protocol survey plus 2 to 3 additional surveys) of the adjacent salt marsh prior to pile driving activities, the establishment of appropriate buffer areas, and the use of pile driving techniques that minimize noise and vibrations. The pile driving plan, schedule and any alternative mitigations or solutions that are developed as a result of early consultations, must be reviewed and approved in writing by the CDFG, USFWS and the City of Brisbane's Community Development Director prior to issuance of a building permit to allow pile driving.</p>	<p>Project Applicant/ Qualified Biologist</p>	<p>Brisbane Planning Department/California Game/U.S. Fish and Wildlife Service</p>	<p>Prior to issuance of a building permit to allow pile driving</p>
<p><b>BIO-3a:</b> Comprehensive pre-construction surveys for burrowing owl presence shall be conducted no more than 30 days prior to any ground disturbing activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the initial pre-construction surveys, the site shall be re-surveyed. All surveys shall be conducted in accordance with current California Department of Fish and Game (CDFG) burrowing owl survey protocol (CDFG, October 17, 1995). A qualified biologist shall conduct surveys for burrowing owls in all suitable habitats on the site. CDGF requires a report to be prepared and submitted to CDFG at the end of each construction season detailing the results of the pre-construction surveys.</p>	<p>Project Applicant/ Qualified Biologist</p>	<p>Brisbane Planning Department/California Game</p>	<p>Prior to issuance of grading permit/report completed for surveys</p>
<p><b>BIO-3b:</b> If burrowing owls are found to be wintering or breeding on the site, a qualified biologist shall implement a routine monitoring program in compliance with the 1995 CDFG protocol. In such an instance, the applicant shall create a mitigation plan in accordance with the 1995 CDFG protocol and shall choose to implement either an avoidance plan or passive relocation plan, subject to approval by CDFG. If an avoidance plan is selected, the applicant shall establish an exclusion zone around each occupied burrow in which no construction related activity shall occur until the burrows are confirmed to be unoccupied. No disturbance shall occur within 160 feet (50 meters) of an occupied burrow during the non-breeding season (September 1 through January 31) and within 250 feet (75 meters) of an occupied burrow during the breeding season (February 1 through August 31). If passive relocation methods are selected by the applicant, they shall be implemented pursuant to CDFG guidelines. All activities shall be coordinated with the CDFG prior to disturbance of occupied burrows.</p>	<p>Project Applicant/ Qualified Biologist</p>	<p>Brisbane Planning Department/California Game</p>	<p>CDFG clearance required prior to grading/ construction permit issuance for affected areas</p>
<p><b>BIO-3c:</b> In the unlikely event that burrowing owls are found nesting on the site, if avoidance is selected by the applicant as the mitigation alternative, in accordance with the 1995 CDFG protocol, or as otherwise approved by CDFG, 6.5 acres of suitable habitat, as determined by an experienced wildlife biologist and approved by CDFG, shall be preserved as mitigation for each pair of owls found nesting on-site. A management plan shall be developed for the</p>	<p>Project Applicant/ Qualified Biologist</p>	<p>Brisbane Planning Department/California Game</p>	<p>Approved mitigation agreement prior to grading/construction permit issuance for affected areas</p>

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
mitigation area and approved by CDFG and the City. Mitigation may include permanent protection of on-site foraging habitat around the burrow of each pair or unpaired burrowing owl, or the permanent protection of habitat at a nearby off-site location acceptable to CDFG, or other plan acceptable to CDFG. If required by CDFG, the mitigation site shall be dedicated in perpetuity as wildlife habitat either through establishment of a conservation easement on the mitigation site or through transfer of ownership of the lands to an appropriate public agency that shall preserve and manage the lands as wildlife habitat.	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	Prior to issuance of a grading permit
BIO-4: If tree removal, grading or construction is scheduled to begin within the breeding season for songbirds (March 1 – August 31), a qualified biologist will conduct surveys on the project site, focusing on the trees to be removed along the Bay Trail, to identify any nesting native bird species. These surveys shall be carried out no sooner than two weeks prior to the start of construction. Impacts to active nests will be avoided by establishing an exclusion zone 25-foot buffer around the active nest. Due to the relatively high levels of local ambient noise and disturbance and the likely acclimation of local nesting birds a 25-foot buffer is deemed adequate to protect nest sites. A qualified biologist will monitor each nest once per week in order to track the status of each nest and inform the project applicant of when a nest area has been cleared for construction. To avoid impacts to birds nesting in the salt marsh and drainage to the west of the project area construction fencing shall be placed along the eastern edge of the fringing vegetation (including the planted toyon) to restrict access of construction personnel and equipment.	Project Applicant	Brisbane Planning Department/City Engineer	Prior to issuance of a grading permit
BIO-5: The project shall comply with conditions of the NPDES Municipal Storm Water permit and Storm Water Pollution Prevention Plan for construction and commercial operations as described in Section VIII, Hydrology and Water Quality.			
<b>V. Cultural Resources</b>			
<i>No mitigation required</i>			
<b>VI. Geology and Soils</b>			
GEO-1a: All structures shall be designed and constructed in conformance with the most recently adopted California Building Code requirements for seismic design. The City Engineer shall approve all final design and engineering plans.	Project Applicant	City of Brisbane Building Official	Prior to issuance of a building permit

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>GEO-1b:</b> As a condition of approval and prior to the issuance of a grading permit, the applicant shall submit a final site-specific, design-level geotechnical investigation, to be prepared by a licensed professional, to the City for review and approval. The geotechnical investigation shall include recommendations for grading, avoidance of settlement, and differential settlement of infrastructure and buildings. The recommendations shall be incorporated into all development plans submitted for the project.</p>	Project Applicant	City Engineer	Prior to issuance of a grading permit
<p><b>GEO-1c:</b> The applicant shall provide information to prospective building occupants regarding earthquake safety. The information shall include one or more of the following publications:</p> <ul style="list-style-type: none"> <li>• Information obtained from the California Division of Mines and Geology in its 1997 report "Guidelines for Evaluating and Mitigating Seismic Hazards in California" (which can be downloaded from the Division's home page at <a href="http://www.consrv.ca.gov">www.consrv.ca.gov</a>);</li> <li>• "The Commercial Property Owner's Guide to Earthquake Safety," produced by the Seismic Safety Commission (SSC) and available at 1755 Creekside Oaks Drive, Suite 100, Sacramento, CA 95883 or at 916-263-5506); and</li> <li>• "Peace of Mind in Earthquake Country" (Peter Yaney, 1991, Chronicle Books).</li> </ul>	Project Applicant	Planning Department	Ongoing to be demonstrated upon request of Planning Department
<p><b>GEO-2a:</b> All structures shall be designed and constructed in conformance with the most recently adopted California Building Code requirements for building design in areas undergoing compaction. The Building Official shall approve all final design and engineering plans.</p>	Project Applicant	Brisbane Planning Department/Building Official	Prior to issuance of a building permit issuance
<p><b>GEO-2b:</b> As required in Mitigation Measure GEO-1b, the applicant shall prepare and submit to the City for final approval a final design-level geotechnical investigation that includes recommendations for avoidance of settlement and placement of fill materials.</p>	Project Applicant	Brisbane Building Official/City Engineer	Prior to issuance of a grading permit
<p><b>GEO-2c:</b> The final geotechnical investigation shall include an Inspection and Repair Plan to address future settlement of the project site. The Inspection and Repair Plan shall delineate an inspection schedule for storm water conveyances and other utilities (on at least an annual basis) to determine adverse effects of settlement. The plan shall identify responsibility for repair of any affected improvements (e.g., property owner, lessees, or property management company). The inspection results and repairs shall be documented to the City in a biannual report. (See also Mitigation Measure GEO-3, below).</p>	Project Applicant	Brisbane Building Official/City Engineer	Prior to issuance of a grading permit. Ongoing implementation demonstrated via submission of required biannual report
<p><b>GEO-3:</b> The applicant shall coordinate with the Sierra Point Environmental Management Association to ensure that the Inspection and Repair Plan (see Mitigation Measure GEO-2c) includes provisions for dike inspections and repairs. The dikes shall be inspected at least annually (and immediately following a seismic event) and necessary repairs to ensure stability shall be implemented. All inspections and repairs shall be conducted by or in accordance with the recommendations of a licensed professional engineer.</p>	Project Applicant/Sierra Point Environmental Management Association	City Engineer	Ongoing yearly reports filed with City Engineer

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p><b>AIR-1 Continued</b></p> <ul style="list-style-type: none"> <li>All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.</li> <li>Post signs prohibiting unnecessary idling of internal combustion engines.</li> <li>The construction manager shall identify and designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints and institute reasonable measures warranted to correct the problem. The noise disturbance coordinator shall report all complaints and resolution thereof to the City via monthly reports. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</li> <li>Utilize air compressors that are designated as "quiet" and other "quiet" construction equipment sources where such technology exists.</li> </ul>			
<b>XII. Population And Housing</b>			
<i>No mitigation required</i>			
<b>XII. Public Services</b>			
<i>No mitigation required</i>			
<b>XIII. Recreation</b>			
<i>No mitigation required</i>			
<b>XV. Traffic</b>			
<p><b>TRAF-1:</b> Based on the Second Amendment document, the applicant shall be responsible for modifying the intersection of Sierra Point Parkway and Lagoon Way (#8) by signalizing the intersection (or paying their fair share of these improvements should they have been previously completed), to the satisfaction of the City Engineer in regards to design and the timing of the improvements. This mitigation would allow the intersection to operate at LOS B during the AM and PM peak hours.</p>	Project Applicant	Brisbane Public Works Department/City Engineer	Upon reaching traffic volume thresholds established pursuant to adopted 2 <sup>nd</sup> Amendment to Agreement Concerning Project Approval Documents (2nd Amendment Document). Project applicant to monitor traffic volumes on yearly basis or as otherwise determined necessary by the Public Works Director.
<p><b>TRAF-2:</b> The applicant shall be responsible for installing a signal (or paying their fair share of these improvements should they have been previously completed) at the intersection of Sierra Point Parkway and US 101 NB Ramps (#9), to the satisfaction of the City Engineer in regards to design and the timing of the improvement. This mitigation measure would allow the intersection to operate at LOS C during the AM peak hour and LOS B during the PM peak hour.</p>	Project Applicant	Brisbane Public Works Department/City Engineer	As required by the City Engineer or prior to issuance of certificate of occupancy permit for Phase 2
<p><b>TRAF-3:</b> Based on the Second Amendment document, the applicant shall be responsible for</p>	Project Applicant	Brisbane Public Works	See TRAF-1

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>TRAF-5 Continued</b></p> <ul style="list-style-type: none"> <li>• Provide for increased frequencies of existing dedicated shuttle service during the peak period to a rail station or residential area; coordinate with Caltrain shuttle services with respect to locations of stops and related amenities;</li> <li>• Participate in City programs (when and if they are available) aimed at reducing vehicular traffic trips;</li> <li>• Provide a location for a dedicated shuttle stop;</li> <li>• Provide secure bicycle parking;</li> <li>• Provide and operate an on-site commute assistance center to allow for one stop shopping for transit and commute alternatives information, preferably staffed with a live person to assist building tenants with trip planning;</li> <li>• Provide subsidized transit passes;</li> <li>• Provide less parking, charge for parking, and offer employees a parking cash-out program; and</li> <li>• Implement an alternate hours workweek program, also known as flextime.</li> </ul>			
<p><b>TRAF-7:</b> The applicant shall provide the amount of parking as required under the parking modification conditional use permit.</p>	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of certificate of occupancy permit for each phase

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<b>XVI. Utilities And Services</b>			
<p><b>UTL-1a:</b> As a condition of approval and prior to issuance of building permits, the applicant shall incorporate a pressure reducing/pressure sustaining valve on the 16-inch interconnection between CalWater and the City of Brisbane Water Districts in a valve box located in the center median of Shoreline Court, or pay their fair share as determined by the Public Works Department if the improvement has already been completed. The valve shall be properly sized and have the ability to provide bidirectional fire flow to Sierra Point and the proposed project while concurrently maintaining the capacity to provide the required fire flow and pressure to the CalWater District. The new interconnection assembly shall comply with the City of Brisbane Public Works Department, CalWater and North County Fire Department specifications.</p>	Project Applicant	Brisbane Public Works Department	Prior to issuance of a building permit
<p><b>UTL-1b:</b> As a condition of approval and prior to issuance of building permits, an agreement must be made between CalWater and the City of Brisbane Water District and a program prepared that identifies and establishes responsibilities and operating ranges for the pressure reducing/pressure sustaining valve and the routine maintenance and testing of the facility. The applicant shall be responsible for the costs associated with preparation and implementation of the program, or pay their fair share as determined by the Public Works Director if the program is already in place.</p>	Project Applicant	Brisbane Public Works Department	Prior to issuance of a building permit
<p><b>UTL-1c:</b> The project applicant shall pay their fair share, as determined by the City of Brisbane Public Works Department, for the future development of a water storage tank sized to provide local fire and maximum day demands water volume to serve Sierra Point.</p>	Project Applicant	Brisbane Public Works Department	Within 30 days of issuance of a certificate of occupancy permit for Phase 1
<p><b>UTL-2:</b> The proposed project shall include a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations in accordance with Public Works Department and Fire Authority specifications. Each fire supply loop connection to the street main shall include a double detector check valve. A fire loop system separated from the potable water system will allow for smaller water mains to serve the peak daily demand for the project, thereby allowing for quicker water turnover in the potable water system. Separate potable and fire supply systems will also allow for maintenance on either looped system without affecting the other. The separate potable water service shall be looped by connecting directly into the street main at two separate metered locations.</p>	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>UTL-2 Continued</b> As an alternative, the applicant could submit a proposal for a dual-use fire/potable water loop but, as part of such a submittal, must provide sufficient evidence (e.g., hydraulic calculations) to the satisfaction of the City Engineer, that the water would not stagnate in such a dual-use system and that the impact would be mitigated to a less-than-significant level. Additional water quality measures may be required in the event that a dual-use fire/potable water loop is installed. Such measures include, but are not limited to, programmable automatic water line flushing units and in-line water quality monitoring stations. Design for the reuse of the flushing discharge water, such as recycling the water back into the landscaping, would be required.</p>	Project Applicant	Brisbane Public Works Department	Prior to issuance of a certificate of occupancy permit for Phase 2
<p><b>UTL-3:</b> The project applicant shall pay for the installation of larger pumps or a complete replacement of the Sierra Point Lift Station, as determined by the Public Works Department, to accommodate the increase in peak sewer flows from the project site. In the event the improvements have been completed at such time as the applicant is ready to develop, the applicant shall pay a fair share of such improvements as determined by the Public Works Director. Additional required improvements to the lift station may include replacement of the electrical system and a larger standby generator.</p>	Project Applicant	Brisbane Public Works Department	Prior to certificate of occupancy permit for Phase 1
<p><b>UTL-4:</b> The project applicant shall eliminate all existing service fittings along the 16-inch diameter perimeter water line adjacent to the project site and shall replace the line with a straight length of identical high-density polyethylene (HDPE) pipe with fused joints. All future services shall be cut-in stop fabricated tees. The applicant shall pay for a full-time City inspector to be on site during the installation of the HDPE water pipe. A 2-inch blow-off shall be installed along the northeast end of the property along the 16-inch water main. Future valves shall be installed inside an underground vault.</p>	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a building permit
<p><b>UTL-5a:</b> As a condition of approval and prior to the issuance of any building permits for the project, the applicant shall implement additional water conservation measures for the project. The proposed project shall comply with all applicable elements of the SFPUC's Water Conservation Program C, as described in the WSA. In addition, the project shall comply with Program D, as described in the WSA, and shall install (i) waterless urinals or, alternatively, as described in the WSA, provide additional funding to the toilet retrofit program, (ii) dedicated landscape meters for outdoor irrigation use, and (iii) low water-use, drought-resistant, non-invasive landscaping including native plants where possible and feasible. The program design and demand reduction shall be reviewed and approved by the City Engineer. The specific water conservation measures shall be incorporated into the final building design.</p>	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a building permit
<p><b>UTL-5b:</b> As a condition of approval, the applicant shall also participate in Program E, as described in the WSA, which includes the funding of landscape irrigation retrofits at public areas in the Sierra Point area of Brisbane and residential high efficiency toilet retrofit programs for the City, or, in the event that goals specified in the WSA are not met, additional conservation measures required by the City Engineer shall be required to achieve the water</p>	Project Applicant	Brisbane Public Works Department/City Engineer	Prior to issuance of a building permit

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Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
demand reduction goals.			
<p>UTL-5c: Future water supply shortages would be managed through water conservation and rationing programs and increased demand management. In accordance with previously adopted Water Conservation Programs, the project site and all other water users in the Brisbane Water Service Area could be subject to mandatory reductions in consumption on a system-wide basis, mandatory reductions in consumption for outside irrigation, restrictions on various types of water use, excess use charges and flow restrictions and termination of water service for non-compliance with the program elements.</p>	Project Occupants	Brisbane Public Works Department	During occupancy, as required

Source: LSA Associates, Inc., 2008.

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operation is good for the environment. Other Commissioners agreed.

Commissioner Munir moved to approve the use permit with the revised condition. The motion was seconded by Commissioner Hunter and unanimously approved.

- PUBLIC HEARING: 3000-3500 Marina Boulevard, Sierra Point Office Project; Environmental Review ER-1-07, Design Permit DP-5-07, Parking Modification Use Permit UP-3-08, Variance V-1-08, and Tentative Parcel Map TPM-1-08; Proposal to construct 438,104 square feet of office space in two buildings (8 and 10 stories), 1,386 parking spaces, including a five-level parking structure, and improvements to the Bay Trail on approximately 8.87 vacant acres; Opus West Corporation, applicant; Sierra Point LLC, owner, APN 007-165-020**

Principal Planner Swiecki said this applicant is proposing two office buildings at Sierra Point on the northwest side of Marina Boulevard just east of Highway 101. He reviewed key features of the project and identified the permits and other actions the Planning Commission would need to approve in order to allow the project to move forward. He noted that the environmental impact report approved by the City Council last summer provided a detailed analysis of cumulative impacts and mitigation measures that have been incorporated in this project.

Principal Planner Swiecki stated that one letter from Caltrans was received during the 30-day comment period, and staff has determined that none of the points raised by Caltrans would affect the conclusions of the environmental analysis or mitigation measures.

Principal Planner Swiecki commented that as part of the Slough project, the Commission looked at different ways of minimizing the visual impact of the parking structure. He said the building proposed by the applicant will be long, low, and close to the freeway rather than obstructing views toward the Bay. He suggested use of trellises, plants, and decorative features to reduce the mass and horizontality of the building.

Principal Planner Swiecki described plans for capping the soil to contain contaminants. He said grading will entail removal and stockpiling of existing materials that will be replaced by clean soil and a clay cap. He noted the staff recommends having an arborist present during grading along the northern boundary of the site to ensure that existing trees are protected.

Principal Planner Swiecki advised that the buildings will meet LEED Silver requirements, and the applicant has submitted plans showing how compliance would be achieved.

Principal Planner Swiecki recommended approval of the project subject to the recommended conditions.

Commissioner Munir observed that although this project has tremendous importance to Brisbane, there were few citizens in the audience, possibly due to holiday conflicts. He proposed discussing the project at this meeting and then continuing the matter to the first meeting in January to allow time for adequate review and participation by citizens. He stated that he was interested in knowing Caltrans' response to the staff's communications before making a decision.

Chairperson Mataro suggested using this meeting to ask questions of the staff and applicant, and Commissioners expressed support for this approach.

Commissioner Parker requested more information about how the contaminated material will be handled during grading and removal. She noted that Walimart.com has proposed building a playground at Sierra Point, raising questions about the safety of allowing children to play on the former landfill site.

Principal Planner Swiecki drew attention to the map in the meeting packet showing the area to be graded. He said the purpose of the permanent clay cap is to seal the landfill.

Commissioners reviewed and discussed the artist's renderings of the parking structure on Page 29 and 30 of the staff report. Principal Planner Swiecki called attention to Figure 7 on Page 12, showing the office buildings.

Commissioner Munir recommended creating a model of the project to give people a better idea of how it will look.

Commissioner Lentz suggested taking the applicant's presentation before asking further questions.

Chairperson Mataro invited the applicant's representatives to address the Planning Commission.

Randy Ackerman, Opus West, introduced the members of the project design team. He said he understood the Commission's concerns about making sure members of the public had a chance to participate and was willing to return in January.

Mr. Ackerman asked Mickey Ankelly, project architect, to provide an overview of the project. Mr. Ankelly showed slides depicting views of the site and the project. He pointed out the location of the parking structure, office buildings, access routes, landscaped areas, and trails.

Commissioner Hunter asked what percentage of the entire site was being landscaped. Mr. Ackerman replied that he did not have that figure handy but could find out.

Mr. Ankelly showed artist's renderings of the office buildings from different points of

view. He noted the horizontal mass of the 10-story building façade is broken up with a grid window element and a recessed entry.

Commissioner Munir suggested making the areas between buildings more appealing by having public art and amenities to encourage a mix of uses. Mr. Ackerman pointed out a plaza space with benches behind the building. He noted that landscaping features can be used to enhance the entry. He expressed his opinion that this office building site was not suitable for public mixed uses. He remarked that the City Council had extensive discussion about creating a public plaza in the central part of Sierra Point, which would be a better location.

Commissioner Hunter asked if the entries are set back enough to protect people from inclement weather. Mr. Ankelly responded that all building entrances are sufficiently recessed and protected. He added that the applicant will consider awnings or canopies if they can be integrated into the buildings.

Mr. Ankelly displayed drawings showing other views of the 10-story office building.

Commissioner Munir commented that the design of the garage does not seem to fit well with the other buildings. Mr. Ackerman said the staff had the same concern and recommended using trellises to soften the sides of the parking structure and a darker color on top.

Commissioner Lentz recommended using similar materials to make the buildings look more alike and matching the horizontal line of the garage with the horizontal bands on the adjacent office building. Mr. Ackerman noted that the garage will be cast-in-place concrete rather than metal and glass. He said the applicant is willing to consider ways to make the buildings look more consistent and attractive.

Mr. Ankelly showed a slide of the landscaping along the Bay Trail. He emphasized that the design of the buildings and the project landscaping reflects a desire to reduce energy and water usage.

Mr. Ackerman displayed slides of the buildings from the vantage point of the freeway. Commissioner Hunter pointed out that the 10-story building blocks the view of the parking structure from the rest of Sierra Point.

Mr. Ackerman identified the lot lines of the three parcels. He said the entire project will be subject to uniform conditions, covenants and restrictions (CC&Rs).

Commissioner Hunter asked if the first phase would involve construction of one office building and part of the garage. Mr. Ackerman said the applicant plans to build the 8-story office building and the northern half of the parking structure as the first phase.

Commissioner Munir asked about the size of the parking spaces in the garage. Richard Campbell, design architect, said more projects are using universal stalls rather than a mix of standard and compact sizes. He noted the universal standard allows a reduction in the number of spaces.

Mr. Campbell expressed his opinion that it would be better to focus on minimizing the visual impacts of the garage than redesigning it to make it look more like the other buildings.

Mr. Ackerman identified the portion of the site with contaminated soil and discussed the precautions that will be taken during grading, storage, and transportation of the material removed. He emphasized the importance of proper training of the people who will be handling the soil.

In response to Commissioner Parker's questions, Mr. Ackerman discussed the composition and purpose of the clay cap that will cover the surface of the land in the affected area. Commissioner Parker commented that fine particles of clay can affect the lungs, and site expressed concern about health risks. Jonas Vas, Opus project manager, clarified that precautions will be taken during grading to control dust and prevent particles from becoming airborne. He described how excavated material would be stored and transported off-site. He advised that the first part of the grading operation will take approximately six to eight weeks, and that work will entail exposing and removing garbage, and then closing and capping the land. Mr. Vas said the stockpiles consist primarily of clean clay.

Commissioner Munir asked if the applicant considered a green roof for the parking structure. Mr. Ankelly responded that the top of the building will be used for parking; he said the structure has no roof. He added that there would be a drastic shortage of parking stalls if the parking on top is eliminated.

Commissioner Munir recommended using trellises, landscaping, and other treatments to soften the appearance of the rooftop. Commissioner Hunter said a nearby parking structure had a lighted pergola structure, for example.

Commissioner Hunter emphasized the need to control glare from lighting. Mr. Ankelly stated that the lighting fixtures had not yet been selected. Commissioner Hunter urged the applicant to make optimum use of ambient daylight and motion sensors to eliminate excess glare.

Commissioner Munir noted that solar panels might be a good option, at least for part of the roof. He encouraged the applicant to find ways of breaking up the open surface and softening the visual impact of the parking structure.

Mr. Ackerman talked about another Opus project with canopies and planted areas. He

expressed support for the idea of incorporating green elements, but cautioned that water usage and ongoing maintenance need to be considered. Commissioner Hunter observed that windy rooflops can be challenging environments for plants, making the choice of materials very important.

Mr. Ankelly noted that irrigated areas have to be carefully monitored and contained to avoid damage to cars.

Commissioner Parker observed that the parking structure appears to be two or three city blocks long. She stressed the need to provide adequate security and safety measures for such a large structure. Mr. Ackerman recognized this concern and assured the Planning Commission that these issues will be addressed in the plans, CC&Rs, and building management programs.

Commissioner Parker encouraged the applicant to incorporate solar panels and other alternative energy systems on all the buildings to the greatest extent possible. Mr. Ackerman acknowledged that energy technology is changing rapidly, and the applicant intends to take advantage of these resources. He expressed willingness to explore solar energy possibilities.

Reggie Hanna, Opus West project manager, stated that the parking structure will be equipped to add photovoltaic power in the future.

Commissioner Munir urged the applicant to provide a certain percentage of the project's energy on-site, citing the precedent of the HCP biotech campus. Community Development Director Prince noted that the City and the biotech developer negotiated a dollar amount devoted to alternative energy as part of the development agreement to help offset the higher demand for electricity compared to the original office use.

Commissioner Munir recalled that a similar requirement was imposed on a warehouse project in Crocker Park. He expressed his opinion that the City should insist on some on-site alternative energy generation component for every major project. He noted the technology is available, but developers are reluctant to spend money unless they have to.

Commissioner Hunter agreed that any increased demand on energy resources has an impact on the community that should be abated by augmenting the supply of energy whenever possible. He expressed support for requiring new developments to meet some of their own energy demands.

Commissioner Hunter asked how much parking was being provided at grade compared to the spaces in the parking structure. Mr. Ankelly said the project is proposing 15 percent. Commissioner Hunter asked if adding another story to the parking garage would provide enough parking to replace on-grade parking. Mr. Ankelly stated that an extra floor would provide enough parking, but it would have other drawbacks that would need to be considered. Commissioner Hunter said he would prefer to make the on-grade area more

pedestrian-friendly by putting parking elsewhere. He suggested providing some limited parking near the front of the building and then directing cars through the site to the garage. He recommended using plants and trellising and other features to minimize the visual impact of the garage and focus more on people.

Commissioner Hunter remarked that he found the design of the office buildings uninspiring and typical. He recognized that office buildings tend to have lots of glazing and constraints in terms of size and materials.

Commissioner Lentz asked the staff's opinion about the applicant's plans to subdivide the land into two parcels instead of three. Principal Planner Swiecki said the City's concern is making sure the site functions as a unified whole, irrespective of the number of parcels or ownership, and these concerns can be addressed through the CC&Rs.

Commissioner Lentz asked if vehicles will be able to travel from one end of the parking structure to the other when it is completed, and Mr. Ackerman said vehicles will be able to traverse the entire length in the parking garage.

Commissioner Lentz encouraged the applicant to allow the parking structure to be used as overflow parking for public events. He suggested having some public amenities, such as a café, for people who use the Bay Trail. Mr. Ackerman noted that the Hitachi Building's cafeteria is open to the public.

Commissioner Lentz confirmed that all the sidewalks and pathways will connect with other paths through Sierra Point. Referring to an aerial map, Mr. Ackerman pointed out the network of pedestrian paths throughout Sierra Point.

With respect to the state-owned land toward the northwest, Commissioner Lentz urged the applicant to work with the state to remove invasive species, improve shorebird habitat in that corner. Mr. Ackerman said the applicant expects to focus on the zone where the clay cap meets the edges of the property. Commissioner Lentz recommended working on the outer edge as well. Commissioner Hunter noted the sensitive habitat in the corner should be enhanced and maintained as a natural area, and other Commissioners agreed.

Commissioner Hunter added that taking on this task would provide a definite environmental benefit for the community, and he encouraged the applicant to take advantage of this positive opportunity.

Mr. Ackerman stated he had no objection to the idea of enhancing that area, but expressed doubt that much could be done given the presence of clapper rails.

Commissioner Lentz asked for more details about the fencing, and Opus representatives responded.

Commissioner Lentz asked if it would be possible to schedule pile-driving activities between September and January. Mr. Ackerman said the applicant can schedule the work to avoid interfering with birds, and additional noise mitigation measures will be employed.

Commissioner Lentz observed that some of the mitigation measures will be the responsibility of future building tenants, and he asked how those would be implemented. Mr. Ackerman said lease provisions can specify tenant responsibilities. Principal Planner Swiecki noted that the transportation management plan will spell out those details.

Commissioner Lentz asked if there would be a water storage tank. Principal Planner Swiecki advised that there will be a water tank to serve Sierra Point, but not at this site, and all developers will pay their fair share to fund it.

Commissioner Lentz asked about the possibility of pumping water from the Bay to use for firefighting. Principal Planner Swiecki recalled that this issue was discussed for the biotech project and the Fire Marshall Chief indicated that the existing equipment would not be able to handle salt water.

Commissioner Lentz asked about systems for recycling water for landscaping uses. Principal Planner Swiecki noted that water issues for this project will be addressed by managing demand and participating in regional water conservation programs. Commissioner Lentz noted that waterless urinals might be another option. Principal Planner Swiecki said that on-site conservation would reduce the amount of off-site substitution that would need to be achieved. Mr. Ackerman advised that waterless urinals in other projects have caused problems with odors and maintenance.

Mr. Ankelly said the water systems in the buildings are designed to reduce water usage. Commissioner Lentz urged the applicant to do whatever possible to reduce energy and water usage. He said he looked forward to seeing what the applicant will do with the comments and suggestions made at this meeting.

Commissioner Hunter said he had no objections to the negative declaration and had already articulated concerns with regard to the design permit. He commented that he would like to see some topographic diversity as a result of the grading, treatments to soften the visual impact from the Bay, more attention to landscaping, and greater energy reduction. He expressed support for many of the features proposed by the applicant.

Chairperson Maturro recommended looking at various ground treatments to reduce the amount of impervious pavement. She advocated strong safeguards to ensure that future owners of the three parcels will continue maintenance. Mr. Ackerman clarified that all three parcels will be owned by the same entity. Principal Planner Swiecki added that all future owners will be bound by the CCR's.

Chairperson Maturro observed that the developer was earning LEED credits for features like the carpool parking, showers and changing areas, and bike racks that will later become the responsibility of building occupants. Mr. Ankelly said all of those amenities will be incorporated in the building structures.

Commissioner Munir proposed continuing this matter to the next meeting.

Mr. Ackerman said the applicant will review the concerns expressed by the Commission and come back with some refinements. He noted that the City's green building ordinance already requires a LEED Silver rating, and he questioned the imposition of additional energy requirements on a project-by-project basis. Commissioner Lentz clarified that the Commission's comments should be taken as recommendations rather than requirements. Commissioner Hunter stated that the Commission wants to encourage the applicant to take an extra step when opportunities arise.

Mr. Ackerman confirmed the applicant's willingness to consider alternative energy and conservation solutions.

Community Development Director Prince suggested continuing this matter to the meeting of January 22.

Commissioner Lentz moved to continue this matter to the meeting of January 22, 2009. The motion was seconded by Commissioner Munir and unanimously approved.

#### ITEMS INITIATED BY STAFF

None.

#### ITEMS INITIATED BY THE COMMISSION

Commissioner Hunter noted that he missed the last meeting when Commissioner Hawawini was recognized and wanted to express his appreciation and thank Commissioner Hawawini for his service.

Commissioner Hunter commented that the Commission enjoyed meeting in the new facility, and thanked staff for their assistance.

#### ADJOURNMENT

There being no further business, Commissioner Munir made a motion, seconded by Commissioner Lentz, to cancel the Regular Meeting of December 25, 2008 and adjourn to the Regular Meeting of January 8, 2009. The motion was unanimously approved and the meeting was adjourned at 10:59 p.m.

BRISBANE PLANNING COMMISSION  
Minutes of January 22, 2009  
Regular Meeting

Opus West Corporation, application; Sierra Point LLC, owner; APN 007-165-020

CALL TO ORDER

Chairperson Maturro called the meeting to order at 7:33 p.m.

ROLL CALL

Present: Commissioners Hunter, Munir, and Chairperson Maturro  
Arrived Late: Lentz (arrived at 7:45 p.m.) and Parker (arrived at 7:35 p.m.)  
Staff Present: Community Development Director Prince, Principal Planner Swiecki,  
Associate Planner Johnson

ADOPTION OF AGENDA

Commissioner Munir moved to adopt the agenda as proposed. The motion was seconded by Commissioner Hunter and approved, 3 - 0 (Commissioners Lentz and Parker absent during voting).

CONSENT CALENDAR

Chairperson Maturro observed that a quorum was not present to approve the minutes of the December meetings. Community Development Director Prince suggested postponing approval of the Consent Calendar until a quorum was present.

ORAL COMMUNICATIONS

There were no members of the public who wished to address the Planning Commission.

WRITTEN COMMUNICATIONS

Chairperson Maturro reported that the Commission received some miscellaneous correspondence, including holiday greetings from San Bruno Mountain Watch, but nothing related to items on the meeting agenda.

OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: 3000-3500 Marina Boulevard, Sierra Point Office Project; Environmental Review ER-1-07, Design Permit DP-5-07, Parking Modification Use Permit UP-3-08, Variance V-1-08, and Tentative Parcel Map TPM-1-08; Proposal to construct 438,104 square feet of office space in two buildings (8 and 10 stories), 1,386 parking spaces, including a five-level parking structure, and improvements to the Bay Trail on approximately 8.87 vacant acres;**

Principal Planner Swiecki noted that this office development proposal was continued from the last meeting to allow time for the staff and applicant to respond to a number of questions and issues raised.

Principal Planner Swiecki informed the Commission that the applicant's LEED scorecard had been reprinted to make it more legible. He referred to the supplemental information regarding the landscaped area along the Bay Trail and the perimeter of the site. To address concerns about the appearance of the parking garage, he said, the applicant is proposing a bank of trellises over the center of the rooftop parking area and vertical plants to soften the visual impact of the west-facing garage wall. Principal Planner Swiecki drew attention to the supplemental information regarding the outdoor public gathering areas and pedestrian access routes.

Principal Planner Swiecki said the applicant will provide more information on design alternatives to improve the appearance of the north wall facing the Bay Trail and on-site energy generation.

Principal Planner Swiecki reported that the City's traffic consultants have responded to the comments Caltrans submitted regarding traffic generation. He said minor modifications were made to the traffic study to address Caltrans' concerns, but these modifications will not affect the levels of service, environmental impacts, or mitigation measures recommended. He noted staff is recommending approval of the project and the mitigated negative declaration as proposed.

Chairperson Maturro opened the public hearing and invited comments from the applicant.

Mickey Ankelly, Opus West project architect, said the applicant reviewed the points raised by the Commission at the last meeting and changed some features of the proposal to address those concerns. He noted that the site plan was revised to include a median element in the main driveway, berming and topography changes along Marina Boulevard, a bioswale, changes to soften the appearance of the parking garage, and clearer delineation of gathering areas and circulation.

Mr. Ankelly clarified the extent of landscaping proposed for the northern edge of the site, and noted that the total amount of landscaped area exceeds the City's 25 percent requirement. He showed a map illustrating the circulation system and pointed out the pedestrian routes within the site. He discussed the landscaping plans for the northern portion of the site within Bay Conservation and Development Commission (BCDC) jurisdiction. Mr. Ankelly identified outdoor gathering areas and described their landscaping and amenities.

Mr. Ankelly talked about use of trellising, landscaping, and contrasting color bands to

soften the visual impact of the parking garage and help it blend in better with its surroundings. He showed views of the project from the freeway, the Bay Trail, and the rest of Sierra Point.

Randy Ackerman, Opus West, reported that the applicant intends to meet the intent of the LEED Silver standard, and he referred to the LEED checklist showing how points would be earned. He said the applicant has been revisiting the possibility of on-site energy generation, including photovoltaic, wind, and use of methane. He advised that Opus' consultants indicated that methane gas capture does not appear to be a feasible option. Mr. Ackerman stated that Opus is focusing on improving efficiency to reduce the demand for electricity, a step that can save as much electricity as it takes to power all site lighting, signage and exterior lighting, and about 10 percent of the energy used in the parking structure.

Mr. Ackerman noted that based on the investigations done by the consultants so far, wind energy appears to be a better option than a photovoltaic system. He said the applicant plans to install wind turbines on the north end of the parking structure, and the installation will be used to educate the public and promote alternative energy.

Diane Bronner, Opus West, talked about how security in the parking garage will be addressed. She said the applicant is considering a push-button emergency telephone system, surveillance cameras, and restricted access systems.

Mr. Ackerman invited comments and questions from Commissioners.

Commissioner Hunter clarified that landscaped areas in the parking lot are included in the calculation of the percentage of open area. He asked if the trellis structures on the parking structure roof would be strong enough to support photovoltaic panels. Reggie Hanna, project manager, confirmed that the building will be designed to be photovoltaic-ready, so panels could be installed on top of the garage in the future.

Commissioner Hunter asked about the size and kinds of trees the applicant is considering planting along the garage wall facing the freeway. Kurt Culver, landscape architect, said fast-growing trees will be planted in 36-inch boxes, and he identified the species being considered as Brisbane Box.

Commissioner Hunter asked about the color palette and the blue bands along the top of the garage. Mr. Ackerman explained that the bands are intended to match the colors and features of the office buildings, and the exact colors will be determined later. Commissioner Hunter said his concern was making sure the colors harmonize with each other and blend into the surroundings.

Commissioner Hunter noted that Page G.1.17 describes how light bleed will be controlled. Mr. Ackerman said the fixtures on top of the garage will be designed to

eliminate glare.

Commissioner Hunter observed that the LEED documents refer to purchases of green power, and he asked the applicant to elaborate. Mr. Ankelly explained that the applicant will enter into an agreement with a green power broker to purchase power from clean sources.

Commissioner Hunter said he liked the idea of incorporating wind generation and using the installation as a model to promote alternative energy. He asked for more details about the kind of wind turbines being considered. Reggie Hanna, project manager, said the applicant is proposing horizontal-axis turbines with a 19-foot diameter.

Commissioner Hunter asked if someone would be monitoring the security cameras in the garage. Ms. Bronner replied that the cameras will make recordings and help deter problems, but they will not be monitored.

Commissioner Lentz noted that the traffic impact study indicates that each developer is supposed to mitigate a fair share of traffic impacts, and he asked how those allocations would be determined and implemented. Principal Planner Swiecki said the allocation formula is spelled out in the development agreement for the HCP biotech campus project, and the staff will follow up to make sure developers comply. He noted the improvements will be tied to levels of service and implemented at different stages in the development.

Commissioner Lentz thanked the applicant for looking at ways of clearing and landscaping the vacant state-owned land toward the north of the site. Mr. Ackerman said the applicant will be closing off a driveway crossing of a culvert toward the northwest to prevent people from entering that area.

Commissioner Lentz asked how contaminants will be prevented from entering the waterway. Mr. Ackerman pointed out the proposed berm around the perimeter of the site. Commissioner Lentz asked if burrowing ground squirrels were a problem in terms of penetrating the clay cap. Mr. Ackerman responded that the clay cap is inspected regularly and no problems have ever been reported.

Commissioner Lentz asked if the bayside portion would be landscaped with native plants. Mr. Culver said the plants will be Bay Area natives or species appropriate for the site. He noted that BCDC has a well developed plant palette identifying drought-tolerant plants suitable for various kinds of habitat. He added that some bushes and scrub will be removed to tie the landscaped area in with the clay cap covering the soil, but much of that area will be left undisturbed. Commissioner Lentz recommended removing the ice plant and planting more native plants.

Commissioner Munir asked the applicant representatives to elaborate on the circulation plan for pedestrians and vehicles. He emphasized the need for clear demarcation of



vehicle routes to protect the safety of pedestrians. Mr. Ackerman showed a diagram of pedestrian and vehicle circulation patterns on the site. He stated that sidewalks and pedestrian paths will be paved in different colors and materials from the asphalt roads. He pointed out the enclosed shuttle stop and the handicapped parking spaces.

Commissioner Munir asked if there was enough space in the parking lot to allow emergency vehicles to maneuver. Mr. Ackerman confirmed that the parking area was designed to allow adequate access and turnaround space for emergency vehicles.

Commissioner Munir asked about the possibility of eliminating the ground-level parking lot between the buildings and converting that space to a public plaza. Mr. Ackerman explained that the project is required to provide a certain number of parking spaces, and some outdoor parking is needed for visitors and short-term deliveries. He estimated that eliminating the parking lot would remove about 100 parking spaces. Commissioner Munir observed that surface parking could be provided along the edges of the buildings.

Commissioner Hunter noted that the applicant is already requesting a parking modification to allow fewer spaces than would normally be required.

Commissioner Munir asked about the proposed location of the wind turbines, and Mr. Ackerman pointed out the northern edge of the roof of the parking structure. Commissioner Munir recommended conducting studies of solar energy possibilities as well as wind power. He suggested providing a cost-benefit analysis comparing solar and wind systems so an informed choice can be made. He expressed reservations about the visual and aesthetic impacts of tall wind turbines mounted on the garage roof, and noted that modern photovoltaic panels would be less visible.

Commissioner Munir advocated including an on-site energy generation component and recommended having the Open Space and Ecology Committee determine an appropriate percentage. He expressed interest in seeing quantitative data regarding the energy output and costs of various alternatives.

Commissioner Parker agreed with Commissioner Munir and indicated she was disappointed that no solar energy systems were being proposed. She said she would like to know how many photovoltaic panels could be installed.

Commissioner Hunter noted that although the applicant estimated that the wind turbines would produce enough energy for four to six houses, no information was provided about how much energy the project would consume or four to six houses would typically consume. He said this kind of information would be useful for comparison purposes.

Mr. Hanna clarified that 8100 square feet of photovoltaic panels could be installed on top of the trellises, and a system that size could generate 3 or 4 percent of the project's energy. He noted that the garage roof will also house mechanical equipment, so space is

limited, and some portions of the roof would be too shady for solar energy. Mr. Hanna showed a diagram of the rooftop and pointed out the locations of mechanical equipment and screening walls. He estimated that about 60 percent of the roof surface would be taken up by equipment.

Chairperson Mataro drew attention to the photovoltaic energy analysis provided in Appendix G.

Commissioner Parker observed that the garage is as long as a city block. She asked if people in the garage could see from one end to the other. She recommended installing motion-sensor lights the garage as a safety feature. Mr. Ackerman stated that the entire garage will have a minimum amount of lighting for safety and security; he expressed a willingness to consider motion-sensor lights in some areas. He added that the space inside the garage will be open from one end to the other, and there will be considerable natural light.

Mr. Ankelly explained that the garage is designed as a single span with a row of columns down the middle, so people will be able to see down the entire length.

Commissioner Parker questioned the sturdiness and durability of the fast-growing trees, especially given the windy conditions at the site. Mr. Culver stated that the final tree selection has not been made, but the species will be chosen for height, fast growth, and evergreen foliage.

Commissioner Parker suggested working with the Audubon Society to make sure endangered bird habitat is protected. Mr. Ackerman emphasized that the applicant has little control over the state-owned land, and some areas will be left undisturbed. He suggested the Audubon Society could work with the State Lands Commission to address these issues.

Commissioner Munir said he liked the garage security measures proposed by the applicant. He encouraged the applicant to include push-button emergency telephones in the garage and elsewhere on the site.

Commissioner Munir recalled that the idea of splitting the garage into two parking structures was discussed at the last meeting. He said his follow-up research showed that two additional walls and two 20-foot roadways would need to be constructed. He noted that two separate structures would improve security and emergency access to the rear of the buildings.

Mr. Ackerman clarified the Fire Department does not require access behind the buildings. He pointed out that the path along the north side of the site has enough room for emergency vehicles to turn around and reach the backs of the buildings. He questioned the benefits of splitting the garage into two structures, noting that extra walls will impair

visibility and security, use more materials and resources, and reduce the number of parking spaces available.

Mr. Ankely said the applicant considered splitting the garage in two, but concluded that a single-ramp structure would minimize the building footprint. He noted that the parking structure will be built in two phases, with the northern portion being constructed with the first office building and the southern portion with the second building.

Chairperson Maturo proposed taking a short break before public comments. The meeting was recessed at 9:23 p.m. Chairperson Maturo reconvened the meeting at 9:30 p.m. and invited comments from members of the public.

Richard Reel, Brisbane resident, said he liked many aspects of the project but had concerns about a few issues. First, he asked if any attention was given to directing lights downward to minimize light pollution. In addition to reducing energy usage, he urged the applicant put forth a good-faith effort to incorporate a solar energy component. He recommended considering solar panels in locations other than the garage roof.

Tony Attard, Brisbane, stated that he was a co-founder of the Committee for Renewable Energy at the Baylands (CREBL), a group dedicated to promoting renewable energy in all development, lessen dependency on oil and coal, and reduce global warming. He noted these goals have significant support from the people of Brisbane.

Mr. Attard urged the City to mandate solar panels on the garage as a condition of the use permit. He said the LEED Silver standard allows developers to earn points by just conserving energy. He expressed his opinion that developers should also be required to have on-site energy generation to offset the new energy demands created by their projects. He noted that auto manufacturers are now working on plug-in hybrid cars, and he recommended preparing for the future by providing plenty of recharging stations in the parking areas. Mr. Attard advocated going beyond the LEED Silver standard by adding local requirements for on-site renewable energy.

Commissioner Hunter indicated that Anja Miller left a message expressing support for requiring alternative renewable energy sources to be included in the project.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Hunter moved, seconded by Commissioner Munir, to close the public hearing. The motion was unanimously approved and the public hearing was closed.

Chairperson Maturo expressed her opinion that the Planning Commission should not wait for the Open Space and Ecology Committee to develop renewable energy standards.

Commissioner Munir clarified that he was not recommending holding off on a decision,

but wanted to make sure feedback from the Open Space and Ecology Committee was incorporated in the project. He noted that consultation with the City Engineer is a common condition of approval, and he suggested adding a condition requiring a similar consultation with the Open Space and Ecology Committee.

Community Development Director Prince cautioned that the Planning Commission should not delegate authority to the Open Space and Ecology Committee, whose bylaws prohibit review of development proposals. He emphasized that the City Council is responsible for determining policy and the Planning Commission's authority is limited to making policy recommendations. He noted that the City Council is currently considering revisions to the green building ordinance, but until there are amendments, the existing green building ordinance remains in effect.

Chairperson Maturo said the City can work with the applicant to develop mutually acceptable conditions of approval that go beyond normal City requirements. Commissioner Hunter observed that this project could serve as an example to encourage other developments at Sierra Point to do more voluntarily.

Commissioner Lentz stated that he was interested in having the applicant do more landscaping enhancement and habitat protection in the northern portion of the site. He recommended strengthening the language to say the applicant "shall" use native plants rather than "should." Commissioner Lentz expressed support for Commissioner Parker's suggestion about having the applicant's landscape consultant work with the Audubon Society to choose appropriate plants.

With respect to on-site energy generation, Commissioner Lentz observed that the City's green building ordinance requires new developments to meet the LEED Silver standard, and he expressed reservations about mandating more. He encouraged the applicant to voluntarily investigate solar power more fully.

Commissioner Munir noted that Page G.1.21, Item GO-2C, indicates the geotechnical investigation shall include a plan to address differential settlement at the project site. He recommended making sure construction activities do not impair the existing clay barrier. He noted that ongoing monitoring of the site should take place after the inspection to identify potential liquefaction hazards.

Commissioner Munir commented that the traffic study, TRAF-4, indicates that traffic mitigation measures will be implemented as development takes place. He suggested developing a master plan for the entire site rather than addressing this project only.

Principal Planner Swiecki responded that the EIR for the biotech project looked at the cumulative traffic impacts associated with development of Sierra Point as a whole and mitigation measures were identified as a result of that analysis.

5.1.104

Commissioner Munitz asked about alternative access to and from Sierra Point in case of emergencies. Principal Planner Swiecki advised that one of the conditions of approval identifies a secondary egress route to Oyster Point. He added that Caltrans has not raised concerns about seismic safety or emergency access to the site.

Commissioner Parker recommended finding out more about the potential for solar energy. She said she was more comfortable with the design of the parking garage than she was previously.

Community Development Director Prince noted that as part of the Commission's review of the recent freight forwarding proposal for Crocker Park, the City imposed a condition requiring the applicant to conduct a feasibility study of alternative energy options for the site. He suggested adding a similar condition for this project rather than mandating something that might not be feasible. Commissioners expressed support for this approach.

Commissioner Parker emphasized the need to make sure the tall trees planted along the parking garage will withstand the windy conditions.

Commissioner Hunter thanked the applicant for addressing the Commission's comments and ideas expressed at the last meeting. He observed that the color change, trellises, and tree plantings will help soften visual impacts of the parking garage and reduce glare from parked cars. He said he appreciated the inclusion of the bioswale and the berm along the parkway, the plans to clean up the northwest portion of the site, and the additional energy efficiency measures proposed. Commissioner Hunter indicated that he was open to the idea of wind turbines on the garage roof and believed the installation will serve as a good example to other developers and the community.

Commissioner Hunter commented the added landscaping and green buffers will make the site more attractive. He commended the applicant for providing more exterior public gathering spaces in response to comments made at the last meeting. He said he would like more interior landscaping to create more of a campus-like setting between the buildings and parking structure. Commissioner Hunter observed that the design of this project seems compatible with the rest of Sierra Point.

Commissioner Hunter encouraged the applicant to minimize nighttime light bleeding and glare. Chairperson Maturro acknowledged this concern and noted that the applicant is planning to install light fixtures that direct light down and control glare.

Chairperson Maturro expressed her appreciation to the developer for making changes in the proposal to address concerns raised at the last meeting. She noted that the end result of this process will be a better project.

Chairperson Maturro encouraged the applicant to further improve energy efficiency and

explore alternative energy generation possibilities.

Chairperson Maturro recognized that the applicant's plans to leave ice plants in place may be better than disturbing the undeveloped land along the Bay Trail. She recommended that the applicant consider working with other agencies and organizations to restore native habitat to the greatest extent possible, and she proposed adding this as a condition of approval.

Commissioner Lentz noted that not all the plants on the BCDC's list of acceptable species are native to the Bay Area, and he recommended narrowing the plant selection to native species. He also encouraged the developer to work with state and private agencies to improve and restore habitat.

Commissioner Lentz proposed requiring that all of the landscaping north and west of the Bay Trail be native plants.

Mr. Ackerman pointed out the boundaries of the land owned by the applicant. He expressed a willingness to work with state and private agencies to enhance the habitat in the northwest corner. He suggested not restricting landscaping to native plants, noting that the soil and growing conditions may not be conducive to such a limited range of species. He requested more leeway to avoid disturbing habitat of the endangered clapper rail.

Commissioner Lentz recommended adding "if appropriate to enhance the native habitat" or similar language.

Mr. Ackerman stated that the applicant is sensitive to the issue of renewable energy, as demonstrated by its compliance with LEED and other energy efficiency measures. He said the applicant is willing to consider whatever alternative energy systems are feasible, but "feasibility" should be based to some extent on the time it takes to recover the initial costs.

Commissioner Lentz suggested adding a condition of approval requiring the applicant to remove debris from the northwest portion of the site. Other Commissioners agreed.

Commissioner Hunter noted that the applicant proposes planting tall trees along the west side of the property to screen the buildings, and those trees might not be native to the area. Commissioner Lentz recommended specifying that plants east of the Bay Trail should be native species.

Community Development Director Prince suggested continuing this matter to allow time for the staff and applicant to work out the details of the new conditions.

Commissioner Lentz moved, seconded by Commissioner Munitz, to continue this matter

G-1.105.

to the February 26 meeting. The motion was carried unanimously.

Commissioner Hunter thanked the applicant for being patient and expressed appreciation to the members of the public who offered comments.

CONSENT CALENDAR (Continued)

1. Approval of Draft Minutes of December 4, 2008 Special Meeting

Commissioner Munir moved, seconded by Commissioner Lentz, to approve the minutes of the December 4 meeting as presented. The motion was carried, 4 - 0 - 1 (Commissioner Hunter abstaining).

2. Approval of Draft Minutes of December 18, 2008 Special Meeting

Commissioner Hunter drew attention to Page 10 and clarified that he was speaking of softening the visual impact "from the Bay" rather than "of the Bay."

Commissioner Munir moved, seconded by Commissioner Lentz, to approve the minutes of the December 18 meeting as amended. The motion was carried unanimously.

NEW BUSINESS

None.

ITEMS INITIATED BY STAFF

Community Development Director Prince reminded Commissioners of the January 26 City Council workshop on open space and public space planning at the Baylands. He said the workshop will feature a panel discussion with experts who specialize on open space planning.

Director Prince advised that the City's open space consultant will be meeting with the Planning Commission on February 5 workshop to gather the Commission's input.

ITEMS INITIATED BY THE COMMISSION

Commissioners Parker, Munir and Hunter indicated that they would be unable to attend the January 26 City Council workshop, and they asked if a DVD recording would be available. Associate Planner Johnson confirmed that the session was scheduled to be recorded. Commissioner Hunter also indicated that he would be unable to attend the February 5 Planning Commission special meeting.

Commissioner Parker noted that there were audio problems with the television broadcast

Commissioner Parker recommended responding to Ms. Grossman's request. Commissioner Hunter noted that the Commission can consider continuing the matter when it comes up on the agenda later in the meeting. He pointed out that if the matter comes back, it will be listed under "Old Business," which will be taken up earlier in the meeting.

#### WRITTEN COMMUNICATIONS

Chairperson Maturro reported that the Commission received various communications regarding items on the agenda. Commissioner Hunter acknowledged receipt of the monthly report from staff. Senior Planner Tune said the packet includes follow-up information on actions taken by the City Council.

#### OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: 3000-3500 Marina Boulevard, Sierra Point Office Project; Environmental Review ER-1-07, Design Permit DP-5-07, Parking Modification Use Permit UP-3-08, Variance V-1-08, and Tentative Parcel Map TPM-1-08; Proposal to construct 438,104 square feet of office space in two buildings (8 and 10 stories), 1,386 parking spaces, including a five-level parking structure, and improvements to the Bay Trail on approximately 8.87 vacant acres; Opus West Corporation, application; Sierra Point LLC, owner; APN 007-165-020**

Principal Planner Swiecki noted that the Planning Commission considered this matter at two previous meetings and raised questions about on-site energy generation and the treatment of the Bay edge along the northern boundary. He said the applicant is planning to either install 4,500 square feet solar panels on the garage roof or make a cash contribution of \$360,000 for off-site City-sponsored renewable energy projects. With respect to the northern edge of the site, the conditions of approval were modified to require the applicant to install fencing to protect clapper habitat and plant native vegetation in that area.

Chairperson Maturro asked the staff to address the concerns expressed in the written communications received from members of the public.

In response to Dana Dillworth's February 26 letter, Principal Planner Swiecki explained that when the City Council approved the Slough biotech project, there was a transfer of square footage from that site to this site, and the proposed size of this project is less than what was authorized. He noted the original staff report discusses the building height and mass. He clarified that the proposed building height complies with the height limitations in the design guidelines, which allow taller buildings toward the center of Sierra Point and lower buildings near the shoreline.

Principal Planner Swiecki said the fence is a recommended mitigation measure, and the

design of the building was discussed in previous meetings. He noted the applicant is willing to do some off-site cleanup to the north and west of the site. He indicated that a biological survey did not find sunflowers growing at this particular site, although sunflowers do grow elsewhere in Sierra Point. He added that the Department of Fish and Game reviewed the initial study and proposed negative declaration and had no comments regarding the adequacy of the environmental documents.

Commissioner Hunter asked if the biotech project would be generating 20 percent of its own energy. Principal Planner Swiecki explained that the ratio is based on energy demand versus contribution, not a specific percentage of on-site generation. He clarified that the monetary contribution for the project is considered a baseline derived from that project's estimated energy usage. He added that the City has no policy or ordinance requiring any amount of energy generation, and the formula was negotiated as a logical and fair way to assess the project.

Commissioner Munir observed that the City Council is in the process of considering an on-site energy generation policy, and he asked about the status of those deliberations. Principal Planner Swiecki stated that the Council adopted a resolution encouraging applicants to investigate the feasibility of on-site energy generation.

Community Development Director Prince cautioned that the Planning Commission should restrict its review to policies and ordinances that are in place. He noted that the City has a green building ordinance that allows developers to choose from a menu of options to arrive at a LEED Silver rating, but renewable energy is not a mandated component. He said the City Council expressed a desire for the Baylands project to be self-sufficient in terms of energy generation, but energy requirements for other projects subject to development agreements need to be negotiated.

Commissioner Munir remarked that it would be helpful to have more guidance regarding what would be a reasonable contribution for each project. Community Development Director Prince responded that the \$360,000 contribution amount was based on the same proportion the City Council used for the biotech campus.

Commissioner Hunter asked if the applicant was still considering two wind turbines in addition to solar panels. Community Development Director Prince replied that the solar panels are being proposed in lieu of the wind turbines.

Chairperson Maturro noted that in the January 22 meeting, the Planning Commission encouraged the applicant to consider solar energy, although no energy component was required.

Commissioner Munir recommended adding a condition requiring the applicant to comply with whatever energy generation policy the City Council adopts.

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Randy Ackerman, representing the applicant, showed a diagram of the proposed location of the solar panels on the trellises on top of the parking garage roof. He clarified that the 20 percent figure represents the amount of energy this project will use compared to the biotech project. He noted that the applicant is willing to make a cash contribution if the City prefers that option. Mr. Ackerman requested that the Planning Commission act on the project as proposed instead of waiting for the City Council to adopt a policy in the future.

Commissioner Parker asked about the possibility of putting more solar panels on each side to increase the total number. Mr. Ackerman stated that the applicant considered that possibility and decided on this placement and number because of sun angles and shadows from adjacent buildings. He acknowledged that there might be other configurations that would also work.

Commissioner Hunter pointed out that placing solar panels closer to the perimeters of the roof would increase their perceived height and visibility.

Mr. Ackerman explained that the applicant decided not to pursue wind turbines because solar panels will generate much more energy and be less visible than wind turbines. He said it was also apparent from the discussion at previous meetings that more people preferred solar energy. He indicated that the proposed 4,500 square feet of solar panels will generate 10 percent of the garage's energy usage.

Commissioner Lentz asked the roof design would accommodate more solar panels in the future. Mr. Ackerman said the applicant and consultant will analyze solar conditions to determine other locations that might be viable, and infrastructure will be provided for future expansion.

Commissioner Munir asked how much of the overall project's energy demand would be generated by the solar panels. Mr. Ackerman said the solar panels will provide about 1.5 percent of the total power demand.

Commissioner Lentz asked if \$360,000 contribution amount was equivalent to the costs of installing the six solar panels, and Mr. Ackerman confirmed that estimate. He said the applicant used information from Mr. Zimmer's report and other similar projects to arrive at that figure.

Commissioner Hunter asked Mr. Ackerman to describe the style of the barrier fence proposed for the northern edge of the site. Mr. Ackerman said the fence will be relatively open, not chain-link with green mesh. He added that the fence is described in more detail in the mitigated negative declaration.

Judith Malamut, LSA Associates, advised that the design of the fence needs to be approved by the Planning Department and the Bay Conservation and Development

Corporation, and a biologist will help site the fence to make sure it is in appropriate location. She noted the fence will be relatively low, neutral colored, and see-through, and its primary purpose is to keep dogs out of sensitive habitat areas.

Mr. Ackerman pointed out the areas on the map toward the north where debris will be cleared. He said care will be taken to avoid damaging the ground with heavy equipment. He noted that debris will also be removed from the slough on the western side. He confirmed that the conditions proposed by staff were acceptable. He added that the applicant is willing to work with staff and biologists to protect the clapper rail habitat and select drought-tolerant, non-invasive plants for the landscaping.

Commissioner Munir recalled that at the last meeting, he suggested converting the surface parking area to an open, landscaped plaza, but there were concerns about reducing the number of parking spaces. He observed that a solution might be to reduce the height of the 10-story building to 8 stories so not as much parking would be needed. He noted that two 8-story buildings might be more viable anyway, given the current state of the economy. Commissioner Munir reported that he viewed a DVD supplied by Dana Dillworth showing a green plaza in Boston that replaced a parking lot. He encouraged the applicant to consider this option.

Mr. Ackerman requested that the Planning Commission approve the project as currently designed.

Commissioners agreed to reopen the public hearing to take more comments from the audience.

Dana Dillworth reiterated the point she made in her letter that the project does not comply with the Sierra Point design guidelines in terms of building height. She emphasized that the design guidelines allowing buildings to 10 stories within 100 feet of the Bay shoreline have not yet been approved. She said the agreement allowing a transfer of square footage from the biotech project specifically indicated that the impacts on the receiving site had not been considered because there was no proposal for the project's site at that time; thus, the current project should not rely upon that project's environmental review. She expressed her opinion that the Planning Commission lacks authority to approve this project until the revised design guidelines are approved.

Ms. Dillworth observed that the placement of the office buildings means that they will cast shadows on the parking garage, lessening the opportunity for solar power. She recommended requiring the applicant to relocate or reduce the size of the buildings to allow sun and air flow to reach the slough on the western side. Ms. Dillworth displayed a drawing showing what the project will look like from the freeway.

Ms. Dillworth clarified that the Diablo sunflower was never addressed in the environmental review of the site, and she referred to two documents U.S. Fish and Game

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documents mentioning this species. She said the U.S. Fish and Game is opposed to any loss of habitat, which will happen if the buildings prevent sunlight from reaching the slough.

Michele Salmon said she was stunned that the applicant was proposing a plan that generated less than 2 percent of the energy demands of the site. She expressed her opinion that it would be socially irresponsible to approve the project without more renewable energy. She pointed out that everyone will suffer if steps are not taken now to reduce global warming. She urged the Planning Commission to insist on a more sustainable project.

Chairperson Maturro recalled hearing that there were other aspects of the project that would help reduce energy usage. Mr. Ackerman confirmed that the LEED Silver scorecard includes energy conservation features that will reduce energy usage by 17 percent.

Terry O'Connell said she was also concerned that 1.5 percent was inadequate energy generation for this project.

Commissioner Hunter noted that this project will use only 20 percent of the energy used in the biotech project. He explained that the ratio is the same as that approved for the biotech campus.

There being no other members of the public who wished to address the Planning Commission on this matter, Commissioner Hunter made a motion, seconded by Commissioner Munir, to close the public hearing. The motion was unanimously approved and the public hearing was closed.

Commissioner Parker observed that even if the City cannot compel the applicant to provide more solar power, the Planning Commission should recommend that the entire garage roof be covered with solar panels. She said the goal should be for the garage to generate enough energy to offset its energy usage.

Commissioner Lentz suggested requiring the applicant to stub out connections for future solar panels wherever feasible.

Commissioner Hunter noted that the Commission needs to be fair and reasonable.

Commissioner Parker proposed phrasing the recommendation as a suggestion rather than a requirement.

Community Development Director Prince noted that Mr. Zinner's report for the biotech campus included an analysis of the relative costs and energy generated, and this information was built into the ratio applied to the current office proposal.

Commissioner Parker expressed concern about establishing a precedent by setting too low a standard for this project. Community Development Director Prince emphasized that absent a clear City standard or policy, the ratio approved by the City Council for the biotech project was the fairest way to estimate an appropriate amount of renewable energy for this project. He cautioned that Planning Commission decisions need to be fair and clear to provide a level of certainty for staff and applicants.

Commissioner Lentz observed that the applicant already agreed to provide infrastructure for future expansion of the solar energy system. He proposed adding a condition requiring the applicant to work with staff to determine locations that are feasible for stubbing out connections for future solar panels. Chairperson Maturro expressed support for this approach.

Commissioner Munir said he was uncomfortable leaving the timing so indefinite, noting the applicant might not decide to expand the system. Commissioner Hunter noted that the costs of solar energy may decline in the future, and having the infrastructure in place would encourage the applicant to pursue expansion as a way of reducing energy costs. Commissioner Munir expressed his opinion that the Planning Commission should recommend solar panels on the entire garage roof.

Community Development Director Prince reminded the Planning Commission that its decisions and recommendations need to be supported by evidence and findings. He said the City Council approved a standard for a previous project that the applicant is voluntarily willing to meet. He noted that the City has more flexibility with the Baylands, but Sierra Point has different constraints because the area is already subdivided and partially built out.

Commissioner Munir observed that cost is the only reason the applicant is not doing more. Community Development Director Prince stated that the Council considered the cost-benefit and feasibility analysis when setting the standard for the biotech campus. He recommended applying the same formula to this project. He cautioned that the Planning Commission should not try to retroactively second-guess the Council's decisions.

Commissioner Lentz proposed having the applicant work with staff to determine all feasible locations for stubbing out infrastructure on the garage roof. Community Development Director Prince observed that contributing money for off-site energy projects might be a more effective way of reducing energy usage, and that alternative should not be ruled out.

Chairperson Maturro noted that the City Council's approval of the biotech campus happened relatively recently. She recommended accepting the applicant's offer to stub out the infrastructure on the garage.

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Commissioner Lentz commented that the best solution might be to have the applicant provide the infrastructure connections on the garage and use the \$360,000 contribution for a more effective off-site project. Community Development Director Prince recommended establishing a program to identify off-site energy projects.

Commissioner Hunter said he would prefer having the six solar panels on the garage roof. Commissioner Parker agreed. She noted that having solar panels on the garage roof will result in a more sellable building for the applicant.

Community Development Director Prince pointed out that the condition is currently worded in the alternative, so staff can explore both installation of solar panels and off-site energy projects to determine which option is more beneficial. He said the goal should be what turns out to be best for the environment.

Commissioners Lentz and Hunter and Chairperson Maturro expressed support for leaving the condition as written.

Commissioner Munir recommended adding language encouraging the developer to install more solar panels in the future. He suggested revisiting the issue and having a new solar energy calculation in five years. Community Development Director Prince noted the applicant has already agreed verbally to stub out the connections, and having that infrastructure in place will allow the applicant to make future decisions based on energy costs.

Chairperson Maturro proposed adding a written condition that the developer will provide stubbed-out infrastructure in the maximum number of locations determined to be feasible. Other Commissioners agreed.

Commissioner Munir recommended requiring a \$500,000 in-lieu contribution. Mr. Ackerman said the \$360,000 figure is based on the power generation and the analysis conducted by the consultants, while \$500,000 would be an arbitrary amount.

Commissioner Munir stated that he liked the project overall and thought the design was attractive. He expressed appreciation to the applicant for being willing to undertake more landscaping and debris-clearing. He said he was willing to accept the applicant's proposal regarding the solar panels or monetary contribution. Commissioner Munir noted that the City Council should adopt a more definite policy regarding renewable energy.

Commissioner Munir commented that he still had concerns about transportation and the limited access to Sierra Point, although he recognized that those conditions were not directly related to this project. He concluded by saying he was satisfied with the environmental review and appreciated the applicant's willingness to meet the LEED Silver standard. Commissioner Munir also thanked Principal Planner Swiecki for his

work on this project.

Commissioner Lentz commended the applicant for including a renewable energy component and working to address the concerns raised at previous meetings. He expressed his opinion that the \$360,000 contribution would be better spent on off-site energy projects. He encouraged the applicant to install more than five electrical charging stations for plug-in vehicles in the garage. Commissioner Lentz suggested working with staff to determine how many outlets can be installed on each level.

Commissioner Hunter suggested starting with five charging stations, noting the demand by users will drive the installation of more. Chairperson Maturro noted that free-standing charging stations can be added later. She recommended reserving the charging stations for electric vehicles. Commissioner Lentz proposed having five charging stations on each floor of the garage.

Mr. Ackerman expressed willingness to install five charging stations per floor. He agreed with Commissioner Hunter that demand will determine how many stations are needed.

Commissioner Lentz commented that the parking spaces can be made available to other vehicles if there is not enough demand at first. He supported the idea of fencing the northern boundary to prevent dogs from going into the sensitive habitat. He recommended having the design of the fence approved by the City.

Commissioner Hunter recognized that any new project will have an impact on the community's energy usage. He noted the applicant is making an effort to reduce energy usage, meet the LEED Silver standard, and generate some renewable energy as well. He thanked the applicant for agreeing to modify certain aspects of the project to address comments and concerns raised at previous meetings.

Commissioner Parker indicated that she was willing to support the project. She encouraged the applicant to maximize the number of solar panels on the garage roof and provide infrastructure for future expansion. She commended the applicant for working to protect the surrounding habitat and for choosing drought-tolerant non-invasive plants for the landscaping.

Commissioner Munir asked about the anticipated timeline for construction. Community Development Director Prince advised that permit approval is good for two years.

Chairperson Maturro thanked the applicant for working with the Commission and staff to address the community's concerns and noted that the project has been improved as a result.

Commissioner Munir moved to conditionally approve the project as proposed. The

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motion was seconded by Commissioner Lentz and unanimously approved.

The Planning Commission took a short recess.

2. **CONTINUED PUBLIC HEARING: 3836 Bayshore Boulevard; Design Permit DP-6-07 and Use Permits UP-8-07 and UP-9-07; Showroom/office/warehouse with three two-bedroom units above and with uncovered parking within the jurisdiction of the San Bruno Mountain Area Habitat Conservation Plan; Mitigated Negative Declaration; Joseph Xu, applicant; Lun Hong Wong, owner; APN 007-553-180**

Chairperson Mataro reconvened the meeting and invited the staff to address the Commission regarding the 3836 Bayshore Boulevard project.

Senior Planner Tune said the owner of 3836 Bayshore Boulevard is proposing to replace the existing storage sheds for his kitchen and bathroom tile and cabinet business with a new showroom/office/warehouse. The second floor of the building would be occupied by three two-bedroom units and the existing single-family house on the site would remain. The proposed two-story building would be set back approximately 30 feet from the street, with five uncovered parking spaces in the front. Senior Planner Tune noted that the City Engineer expressed concerns about insufficient maneuvering room for large trucks to access the warehouse. Rather than doing more grading into the terrace behind the building to provide more maneuvering room in front of the building, the owner agreed to reduce the warehouse floor area.

Senior Planner Tune stated that parking for the residential units will be on the middle terrace, and those units will have their own driveway. He recommended redesigning the building to provide room to widen the driveway to 20 feet in the future to provide adequate fire access to any future development on the middle portion of the site. Staff also recommends redesigning the north stairway as an accessible bridge to the upper parking lot to eliminate the need for an elevator.

Senior Planner Tune advised that the City's parking regulations require seven of the nine residential parking spaces to be covered, and five would need to be enclosed on three sides. Instead, the applicant is proposing that all of the spaces be uncovered, so a use permit is required. Under the current zoning regulations, the site could be developed with up to 15 dwelling units, and having to build new garages might discourage the owner from building more housing units. Senior Planner Tune suggested that if the Planning Commission decides to require covered parking, a condition be added to require the four spaces immediately south of the single-family residence be sheltered under a carport, consistent with the Planning Commission's recommended amendments to the parking regulations.

Senior Planner Tune noted that in order to comply with the San Bruno Mountain Area

Director Breault commented that the City would probably want to hire Siemens if the company does the preliminary work and helps obtain funds.

CM Conway said he was not comfortable making a decision about the project at this time, and he proposed tabling this matter indefinitely. He noted that the roof of City Hall might not be able to accommodate photovoltaic panels, and he recommended exploring other options.

CM Conway made a motion, seconded by CM Bologoff, to table this item indefinitely.

Dana Dillworth, Brisbane resident, encouraged the City Council to take advantage of this opportunity to consider the possibility of forming a municipal utility district. She suggested establishing a Citywide power program rather than dealing with this project in a piecemeal fashion.

CM Barnes asked if the City had enough information to complete the AARA application without this work. City Engineer/Public Works Director Breault said the preliminary power study proposed by Siemens would be necessary to proceed with the application.

The motion was carried, 4 - 1 (CM Waldo opposed).

#### PUBLIC HEARING

- A. Consider appeal of the Planning Commission's conditional approval of a proposal to construct 438,104 square feet of office space in two buildings (8 and 10 stores), 1,386 parking spaces, including a five-level parking structure, and improvements to the Bay Trail on approximately 8.87 vacant acres; Opus West Corporation, applicant; Sierra Point LLC, owner; APN 007-165-020; 3000-3500 Marine Boulevard, Sierra Point Project

Principal Planner Swiecki said the Planning Commission unanimously approved this Sierra Point office building project in February. He noted the project includes a five-level parking structure and improvements to the adjacent Bay Trail. He advised that in response to issues raised by the Planning Commission, the developer agreed to provide a renewable energy component or an in-lieu contribution, clean up off-site property, and work with the City to provide secondary emergency access to Sierra Point. He stated that the appeal raises issues about how this project fits with the overall plans for Sierra Point, the adequacy of the environmental review, the traffic and visual impacts of the project, the shadows that would be cast on the adjacent aquatic habitat areas, and the mass, height, and density of the proposed buildings. Principal Planner Swiecki indicated that the staff believes this project is consistent with the Sierra Point guidelines, and the other concerns have been addressed in the environmental review process and the conditions of approval. He recommended denying the appeal and allowing the project to go forward as approved by the Planning Commission.

Mayor Richardson opened the public hearing and welcomed comments from audience members.

John Christopher Burr said there are many gross abuses of the California Environmental Quality Act (CEQA) throughout the state, including this project. He noted there is no way the potential impacts of a project this size can be mitigated to a level of insignificance. Mr. Burr observed that the project is sited over a toxic waste dump that poses risks to the public. He pointed out that this project has numerous unanalyzed impacts and the information used in the environmental analysis is outdated. He urged the City to insist on a new environmental impact report (EIR) to fully study all potential impacts of this project.

Dana Dillworth, thanked CM Conway and Mayor Richardson for bringing this appeal based on whether the Planning Commission had the legal authority to approve the project. She agreed with Mr. Burr that a full EIR should be required. She noted that the project description includes no mention of the transfer of density from the biotech campus site, and the impacts from this project were not investigated as part of the biotech EIR. She advocated a full disclosure of all possible impacts.

Ms. Dillworth expressed her opinion that the City lacks authority to approve the project because the new Sierra Point design guidelines have not yet been adopted. She stated that this project does not enhance view corridors, does not consider impacts on adjacent land, and exceeds the six-story height limit. She said the City should consider global warming and applicable General Plan policy.

Ms. Dillworth reported that she contacted the Department of Fish and Game and the Bay Conservation and Development Commission (BCDC), and both entities indicated they would prefer a project that does not cast shadows on the waterfront.

Mayor Richardson commended Ms. Dillworth for her thorough research and expressed appreciation for the details provided in her letter.

Michele Salmon thanked Mayor Richardson and CM Conway for appealing the Planning Commission's decision on this project. She drew attention to recent articles in the April 18 *San Francisco Chronicle* regarding energy plans in Berkeley and the EPA's warning about greenhouse gases. She questioned whether a mitigated negative declaration was appropriate for a project of this magnitude.

Ms. Salmon said she was pleased the developer had agreed to install six solar panels on the parking garage roof, but expressed her opinion that much more should be done. She urged the City to require the project to be energy-neutral. She proposed a moratorium on any new large buildings until the City adopts a more aggressive energy policy.

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Tom Heinz, Brisbane resident, provided copies of solar tracking studies he conducted for the project site. He said he noticed that parking garage overlooking the Marina is screened by tall trees, but this proposed parking structure would be much more exposed. He presented a diagram showing the shadows that would be cast by the office buildings and parking structure onto the adjacent wetlands. He noted that blocking sunlight will cause vegetation to decay, resulting in unpleasant odors.

Mr. Heinz expressed his opinion that the City should insist on attractive, world-class architecture rather than accepting the proposed mediocre and ugly, boxy-looking design proposed by the developer.

Mickey Ankelly, Opus architect, gave a brief presentation showing views of the site and the proposed building layout. He said the project consists of two office buildings and a parking structure, and the design was developed after extensive study of the site and its surroundings. He noted that BCDC approved the project after a detailed discussion of all its features. He pointed out the adjacent Bay Trail and the improvements the applicant will be making.

Mr. Ankelly stated that the applicant investigated the feasibility of a photovoltaic system on the parking structure roof and determined that six large panels would optimize the space available and produce the most energy. He advised that the entire parking structure and shade canopy will be equipped for future photovoltaic systems. He said all three structures will meet the LEED Silver standard using a range of energy conservation strategies.

Mr. Ankelly described the architectural features of the buildings and showed views from various vantage points.

Terry O'Connell thanked the City Council for hearing this appeal. She expressed her opinion that the 8- and 10-story buildings proposed will dwarf the rest of Sierra Point and block views of the Bay and the Marina. She recommended requiring the project to produce far more energy than the applicant is proposing.

Michelle Salmon recalled that the applicant told the Planning Commission that the proposed solar panels on the garage roof will produce only 2 percent of the project's energy usage. She noted that better and more efficient technology is available.

Theresa Maturco, chair of the Planning Commission, clarified that the Planning Commission approved the project after extensive discussion and consideration of many issues. She noted the Commission unanimously approved the project based on its consensus that the project would improve the site and be good for the City. She cited the energy generation, trail improvements, and voluntary cleanup of off-site areas as examples of the benefits offered. She emphatically stated that there was no coercion or improper pressure placed on the Planning Commission.

Mike Durkee, Opus West, expressed his appreciation to the staff and the Planning Commission for carefully evaluating this project. He noted that installation of photovoltaic panels goes beyond City requirements and demonstrates the applicant's willingness to address City concerns and conserve energy.

Dana Dillworth said this project does not comply with the existing design guidelines for Sierra Point, the transfer of density was not mentioned in the project description, and the biotech campus EIR did not analyze the potential impacts of this project. She asked the City Council to deny the project for these reasons.

There being no other members of the public who wished to address the City Council on this matter, CM Waldo made a motion, seconded by CM Conway, to close the public hearing. The motion was carried unanimously by all present and the public hearing was closed.

The City Council took a brief recess. Mayor Richardson reconvened the meeting and invited Council discussion of the appeal.

CM Conway said he had a number of questions for the applicant and staff. He recalled that the applicant had talked about wind energy earlier in the process, and he asked about that possibility. Mr. Ankelly said the Planning Commission had concerns about the aesthetic impacts of a tall wind turbine and expressed a preference for photovoltaic panels. He said the size of the photovoltaic system is roughly equivalent to the energy generation component of the biotech campus project. He noted that the applicant is focusing on making the office buildings energy-efficient in other ways.

CM Barnes asked about bicycle racks. Mr. Ankelly responded that the applicant will provide bicycle locks, bike racks, and showers to help meet the LEED Silver standard. He said the bike racks will be near the side entrances to the office buildings.

CM Conway noted that the January 22 minutes indicate that the applicant will enter into an agreement with a green power broker, and he asked for more details. Mr. Ankelly stated that the agreement calls for the building owner to contribute to a fund to purchase clean wind and solar power.

Mayor Richardson asked what it would take to achieve energy neutrality. Mr. Ankelly replied that in addition to the proposed photovoltaic system, the project would need hydrogen fuel cells and other technology that goes well beyond the City's requirements. He commented that such systems would be very expensive and not as reliable as electricity. He stated that the parking garage will include plug-in electrical receptacles to accommodate electric vehicles.

Mayor Richardson observed that a number of speakers raised concern about the buildings blocking sunlight to the adjacent wetlands. Mr. Ankelly said he had not seen the studies, but he

acknowledged that the office building and parking structure may cast shadows on the slough at certain times of day.

CM Conway asked City Attorney Toppel to comment on whether the biotech campus EIR considered the impacts from this project. City Attorney Toppel responded that the Slough EIR did take the square footage and traffic impacts from this project into account, as well as cumulative impacts. He said the staff and Planning Commission determined that a mitigated negative declaration would be appropriate.

Judith Malamut, LSA Associates, confirmed that the cumulative impacts from developments in other communities were included in the environmental review process and the mitigated negative declaration.

City Attorney Toppel clarified that there are no zoning regulations for Sierra Point that restrict building height, although there are guidelines that show lower heights for this site. He said the Planning Commission decided that the best way to accommodate the transfer of square footage would be to allow taller buildings rather than have them extend outward. He advised that the Commission was well within its authority to make this kind of design decision.

With respect to comments about BCDC concerns regarding building height, City Attorney Toppel indicated that the BCDC reviewed the proposal and found it in compliance with all applicable requirements.

CM Conway asked if the shadow cast by the buildings would have an adverse effect on the biology of the adjacent slough. Principal Planner Swiecki stated that the Department of Fish and Game and BCDC reviewed the mitigated negative declaration and raised no concerns about the potential impacts of the shade.

Ms. Malamut acknowledged that portions of the building will shade the wetlands from time to time. She indicated that BCDC is more concerned about structures that create permanent shadows. She pointed out that the glass in the buildings will reflect diffuse light, and there is plenty of biodiversity and wildlife in the surrounding shoreline areas.

CM Conway noted that Ms. Dillworth submitted photographs showing old tires and other debris in the wetlands. Ms. Malamut said the applicant has agreed to clean up some of the adjacent land owned by the State Lands Commission.

CM Conway stated that he appealed the Planning Commission's decision in order to review the project in more detail and hear from members of the public. He noted that the City Attorney advised that the Planning Commission had authority to approve the project. CM Conway commented that he was pleased the applicant was voluntarily complying with the LEED Silver standard and offering other improvements. He encouraged the applicant to consider wind energy

in addition to solar panels. City Attorney Toppel recommended not requiring wind energy as a condition of approval. He suggested allowing the applicant to consider that option as a substitute for solar power. CM Conway supported allowing wind power if it turns out to be a more efficient choice than solar energy.

CM Barnes expressed support for considering wind power, but he cautioned that there is no wind study of the site, and there may be issues with respect to long-term maintenance and reliability.

Mr. Durkee stated that the applicant would be willing to consider the option of wind power.

Mayor Richardson said she was uncomfortable approving the project because she thought more energy generation should be required.

Ms. Dillworth disputed the City Attorney's advice that there were no height restrictions applying to the site. City Attorney Toppel clarified that the design guidelines were modified to allow the transfer of square footage to this site, and he observed that there are other taller buildings at Sierra Point.

CM Barnes observed that solar technology is not very efficient at this point, and far more would need to be done to make the project energy-neutral. He pointed out that the applicant is taking steps to reduce energy usage by making the buildings more efficient, resulting in a more substantial level of energy conservation than solar panels. He applauded the applicant for investing in clean energy, cleaning up the adjacent saltwater marsh, and clearing and permanently capping the rest of the site. CM Barnes thanked the Planning Commission for its thoughtful review.

CM Barnes expressed his opinion that the proposed buildings were ugly and ordinary-looking. He said the design represents a style of building that he would prefer not to see in Brisbane.

CM Bologoff emphasized the need to invest more in solar technology to make photovoltaic energy more efficient and cost-effective. He said he supported the Planning Commission's decision.

CM Waldo made a motion, seconded by CM Bologoff, to deny the appeal. The motion was carried, 3 - 2 (CM Barnes and Mayor Richardson opposed).

#### OLD BUSINESS

##### A. Consider approval of the proposed planting plan for San Mateo Lane

CM Bologoff recommended contacting the neighbors before planting trees along San Mateo Lane. He said he understood that some people had concerns about the size and species of the