


City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of June 23, 2011

FROM: Tim Tune, Senior Planner, via  John Swiecki, Community Development Director

SUBJECT: **3000-3500 Marina Boulevard;** Design Permit DP-2-11, Use Permit UP-7-11 and Variance V-2-11; Time Extensions for Design Permit DP-5-07 Approving Two Office Buildings and a Parking Structure with Related Site Grading, Use Permit UP-3-08 Accepting 1,373 Parking Spaces Including 1,175 “Universal” Spaces Located Off Site within the Parking Structure, and Variance V-1-08 for the Parking Structure’s Lot Coverage and East Side Setback; Don Little, Don Little Group, applicant; Sierra Point LLC, owner; APN 007-165-020

UPDATE: This item was originally continued from the meeting of May 26th so that a number of issues could be considered further.

Garage Design—At that meeting, the applicant explained that through muted coloring and columnar tree plantings, the parking structure as seen from the freeway could be downplayed as a secondary element of the overall project design. Per Conditions of Approval G. 4 and G.5, a darker accent color would be used on the upper level of the garage to help deemphasize it, subject to the approval of the Community Development Director, who indicated at the meeting that a dark blue would be appropriate, given the project’s overall color scheme. Condition G.4 also requires that trelliswork or similar popout elements be incorporated at the northwest corner, center and southwest corner of the west elevation of the garage, subject to the Community Development Director’s approval. Per Condition of Approval G.11.d, the details of the tree plantings will be subject to the Community Development Director’s approval of the final landscaping plans. It is expected that the species selected will be wind tolerant and fast growing, with non-deciduous foliage.

The garage’s design has been subject to lengthy discussion at the three Planning Commission hearings prior to the project’s original approval. To help screen and break up the expanse of rooftop parking, the previous applicant proposed a bank of trellises over the center two rows of rooftop parking at the Planning Commission meeting on January 22, 2009. The trellis structures would be designed to be strong enough to support photovoltaic panels, so panels could be installed on top of the garage in the future, regardless of which option may be chosen per Condition V (see below). The parking structure would be required to be pre-plumbed to accommodate future installation of solar panels on the roof to the maximum extent feasible.

For plans and elevations, see pages G.1.34, G.1.35, G.1.36, G.1.40 & G.1.42 of the agenda report for the May 26th meeting.

Garage Security—In response to concerns about personal safety in such a large parking structure, the applicant noted at the May 26th meeting that the building would have multiple entries, interior lighting, bright colors and other security measures. At the Planning Commission meeting of January 22, 2009, it was reported that the applicant was considering a push-button emergency telephone system, unmonitored surveillance cameras, restricted access systems, and motion-sensor lighting in some areas, in addition to standard lighting (as well as natural light through the open walls). Given that the garage would be open from one end to the other, with only one row of columns down the middle, it was noted that it would be generally possible to see down the entire length (600+ ft.), as well as width (128 ft.), of each level. In comparison, the existing parking structure at 8000 Marina Boulevard is approximately 50% wider (although, 40% as long). Condition G.13 requires that exterior lighting plans be approved by the Community Development and Police Departments. Mitigation Measure VIS-1 requires that these exterior lighting plans be designed to prevent off-site light spillage.

Shared Garage—The proposed parking structure would be shared between the two office buildings. Tentative Parcel Map TPM-1-08 Condition of Approval C requires 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.” This is in addition to the recorded CC&Rs required by TPM-1-08 Condition D “to ensure that the overall project shall be operated and be maintained as a unified whole in perpetuity, irrespective of property ownership.”

Although intended to be shared, the parking structure will be designed to be built in two phases. At the Commission’s meeting on December 18, 2008, the applicant explained that the project would be developed with the 8-story office building and the northern half of the parking structure first, followed by the 10-story office building and the southern half of the parking structure. Condition K requires that the landscaped improvements along the entire Marina Boulevard frontage be included within Phase 1 and that phasing be designed to ensure that the first phase can continue to operate in normal fashion during construction of Phase 2.

If the proposed parking structure were to be split in two, the floor plans of each would have to be reconfigured, and the required setbacks would have to be provided between them. The minimum length of a parking structure is based upon the slope of the ramp connecting the levels. With a relatively steep ramp, this length would be approximately 196 ft., including the cross aisles at both ends. With parking spaces laid out along these cross aisles, the minimum length would increase to approximately 232 ft. If the proposed parking structure were split in two, each half would be at least that long, while providing the standard 15 ft. side setbacks (30 ft. total) between

them. The proposed parking structure would have only 1 set of ramps; splitting it in two would require incorporating a second set of ramps. This would eliminate almost half of the spaces on one level of the southern structure. All tolled, staff estimates that splitting the parking structure in two would reduce the number of parking spaces by approximately 112 spaces. That would increase the parking shortfall from 88 spaces (providing 94% of the required spaces) to 200 spaces (providing 86% of the required spaces). Two hundred parking spaces would be the requirement for 60,000 sq. ft. of office

The comment was made that the parking structure should also be made narrower to increase the proposed 60+/- ft. setback from the west property line adjoining the wetlands along the freeway. For efficient functioning, spaces in a parking structure should be laid out so vehicles can circulate in at least one loop (two connected aisles). This means that the proposed parking structure is basically the minimum feasible width.

Public Space—To clarify where public spaces are proposed for the project, staff has attached an annotated version of the Site Circulation Plan, keyed to the Schematic Landscape Plan Enlargements and 1st Floor Office Floor Plans (each building will contain 2 entry lobbies, each with approximately 800 sq. ft. of indoor public space). Tables, chairs and benches are proposed to be provided on the east and north sides of the garage, which would provide some shelter from the winds that come around the southern slope of San Bruno Mountain, as well as on the north side of the 8-story office building. The street furniture and employee gathering area details will be incorporated into the landscape plans submitted with the Building Permit application per Condition G.11.e. The wind sheltering ability of the trellis/canopy elements required at all building entrances will be subject to the Community Development Director's review per Condition G.3. Note that the LEED core & shell rating system does not specifically award points for outdoor public spaces, except in terms of protecting indoor environmental quality by restricting smoking to designated outdoor areas away from building openings.

Wetland Protection During Grading—To protect the wetlands adjoining the site during grading and construction, Condition B requires that all grading be contained on the site. Conditions B and F require compliance with the provisions of the Grading Ordinance (Brisbane Municipal Code Chapter 15.01) and the statewide General Permit for Discharges of Storm Water Associated with Construction Activities (also see Mitigation Measure BIO-5). BMC Sections 15.01.092 & 15.01.093 specifically require submittal of a grading plan and interim erosion and sediment control plan for approval by the City Engineer prior to issuance of the Grading Permit, in addition to the Storm Water Pollution Prevention Plan required for construction activities on the site under the statewide permit. The temporary mesh construction fencing required by Condition D and Mitigation Measures BIO-1a and BIO-4 will prevent encroachment into wetlands by construction personnel and equipment, as well as protect the existing toyon trees.

At the Commission meeting on February 26, 2009, the applicant offered to clear debris from the wetlands to north and west of the site. This would require permission from the property owners (State Lands Commission and Caltrans). Particular care would have to be taken to avoid disturbing any protected species' habitat.

Landfill Development Regulation—Because the site is part of a former municipal refuse landfill, its development is subject to review and approval by San Mateo County Environmental Health Division as the local enforcement agency for the Department of Resources Recycling and Recovery (formerly the California Integrated Waste Management Board). Per Condition C and Mitigation Measure HAZ-1, clay cap maintenance, methane gas monitoring systems and other related requirements will be addressed by the County prior to issuance of Grading and Building Permits. Also see Mitigation Measures GEO-1a, GEO-1b, GEO-2a, GEO-2b, GEO-2c and GEO-3.

Emergency Egress—The Sierra Point peninsula has two means of vehicular access: Sierra Point Parkway and the northbound 101 Freeway off- and on-ramps. At the southwest corner of the parking lot at 7000 Shoreline Court in South San Francisco is a gated one-lane roadway that connects to Oyster Point (see attached aerial photos). Condition R states that “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 (within the City of South San Francisco).” Note that the Bay Trail footbridge runs parallel to this roadway, providing pedestrian access between Sierra Point and Oyster Point.

Renewable Energy—Condition V as amended by the City Council provides the applicant three options:

- 1.) install 4,500 square feet of photovoltaic panels on the north half of the garage roof and decorative trellises on the south half of the garage roof; or
- 2.) install wind power equipment having the capacity of generating electrical power at least equivalent to the solar panels described in Option 1, subject to approval as to the capacity, design and location of such equipment by the Planning Commission; or
- 3.) 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.

The third option was based upon the approach that was taken with the HCP Sierra Point Biotech Project, with the dollar amount being proportionate to the \$1,800,000 contribution approved by the City Council for the biotech project. Using information contained in the Environmental Impact Report for the Sierra Point Biotech Project and the Mitigated Negative Declaration for the Sierra Point Office Project, it was determined that the office project's projected power

requirement would be approximately 20% of the biotech project's projected power requirement. For details, see the attached Solar Panel Analysis.

At the Commission meetings in 2009, it was estimated that the trellises could accommodate 8,100 square feet of photovoltaic panels that could generate 3 to 4% of the project's energy. Given that that some portions of the roof would be too shady for solar energy or would also house mechanical equipment, 4,500 square feet of solar panels were proposed that would generate approximately 1.5% of the project's demand or 10% of the garage's energy usage.

The City Attorney advises that, in the absence of any change in circumstances such as adoption of new and stronger regulations or modification of the design in a manner that changes the environmental impacts of the project, there are no legal grounds to impose more requirements when the existing conditions already exceed the City's green building ordinance (in that the proposed project had already demonstrated compliance with the City's adopted standard of a LEED silver rating without any on-site energy generation). In his opinion, this would be "going too far."

In addition, it would be inconsistent with City Council Resolution No. 2009-06, establishing a policy only for projects subject to Development Agreements to include a renewable energy component, with "a goal of having a portion of the energy to be utilized by the project derived from renewable energy resources to the extent such use is reasonably feasible, taking into account the nature of the project, the physical characteristics of the site and the proposed improvements, and the availability, benefits, and cost of renewable energy resources." A Development Agreements is a mutually agreed upon contract between a developer and the City per California Government Code Section 65865 and City Council Resolution No. 88-10. The Sierra Point Office Project is not subject to a Development Agreement.

Expiration--Condition of Approval U in the attached updated resolution has been revised as previously requested by the applicant to time the expiration of the Design Permit, Use Permit and Variance to coincide with that of the Tentative Parcel Map (on April 20, 2013), unless the City or the State Legislature extends tentative map approvals further and the City amends the Municipal Code to synchronize planning approvals with subdivision approvals.

RECOMENDATION: Conditionally approve extensions of the previously approved Design Permit, Use Permit and Variance per the agenda report, via adoption of Resolution DP-2-11/UP-7-11/V-2-11 with Exhibit A containing the findings and conditions of approval. Note that July 12th is the deadline for the Planning Commission to act on this application per the State Permit Streamlining Act.

DP-2-11/UP-7-11/V-2-11
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ATTACHMENTS:

Updated Draft Resolution DP-2-11/UP-7-11/V-2-11
Site Circulation Plan, Keyed to the Schematic Landscape Plan Enlargements and 1st Floor
Office Floor Plans
Aerial Photos of 7000 Shoreline Court, South San Francisco
Opus Center Sierra Point Solar Panel Analysis, February 11, 2009
City Council Resolution No. 2009-14
Planning Commission Resolution DP-5-07/UP-3-08/V-1-08
Planning Commission Resolution TPM-1-08
Adopted Mitigation Monitoring and Reporting Program

draft
RESOLUTION DP-2-11/UP-7-11/V-2-11

A RESOLUTION OF THE CITY OF BRISBANE
PLANNING COMMISSION EXTENDING THE PREVIOUSLY APPROVED DESIGN PERMIT,
USE PERMIT AND VARIANCE FOR THE SIERRA POINT OFFICE PROJECT

WHEREAS, Don Little, the applicant, applied to the City of Brisbane for extension of the 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, such approval including a design permit and related grading, parking modification use permit, and variance, such extension applications being identified as Design Permit DP-2-11, Use Permit UP-7-11 and Variance V-2-11; and

WHEREAS, on May 26 and June 9, 2011 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 agenda report 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, a Mitigated Negative Declaration for the project had been adopted by the Planning Commission on February 26, 2009, and affirmed by the City Council on April 20, 2009.

NOW THEREFORE, based upon the findings set forth herein, the Planning Commission of the City of Brisbane, at its meeting of May 26, 2011, did resolve as follows:

Design Permit Application DP-2-11, Use Permit UP-7-11 and Variance V-2-11 are approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this 9th day of June, 2011, by the following vote:

AYES:
NOES:
ABSENT:

JAMEEL MUNIR
Chairman

ATTEST:

JOHN SWIECKI, Community Development Director

EXHIBIT A

Action Taken: Approve Design Permit DP-2-11, Use Permit UP-7-11 and Variance V-2-11 and recommend that the City Engineer issuance a grading permit, per the agenda report with attachments, via adoption of Resolution DP-2-11/UP-7-11/V-2-11.

Findings:

Design Permit DP-2-11

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 agenda report.
4. The orientation and location of buildings, structures, open spaces and other features maintain a compatible relationship to adjacent development, as detailed in the agenda report.
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 agenda report.
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 agenda report with attachments.
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.

9. Planning Commission review of the grading plan in conjunction with this application complies with the provisions of Municipal Code Sections 15.01.081 & 17.32.220.
10. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment, as detailed in the agenda report 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-7-11

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-2-11

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 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 BMC 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 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 previous 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 Director 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 how all roof-mounted equipment will 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 subject to Community Development Director approval.
4. The westerly garage elevation shall be revised to incorporate trellis/popout elements at the northwesterly corner, center and southwesterly corners to break the garage plane and roofline, subject to approval by the Community Development Director. A darker accent shall also be applied to the upper level of the garage to help further deemphasize its appearance. Vehicular and pedestrian entries shall incorporate architectural enhancements to promote wayfinding.
5. Final specifications regarding project materials, colors and finishes shall be subject to Community Development Director 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.
9. The applicant shall obtain BCDC 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, a minimum 15-foot wide planting area shall be provided 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 Director. 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 Marina Boulevard;
 - 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, consistent with the Sierra Point Design Guidelines;

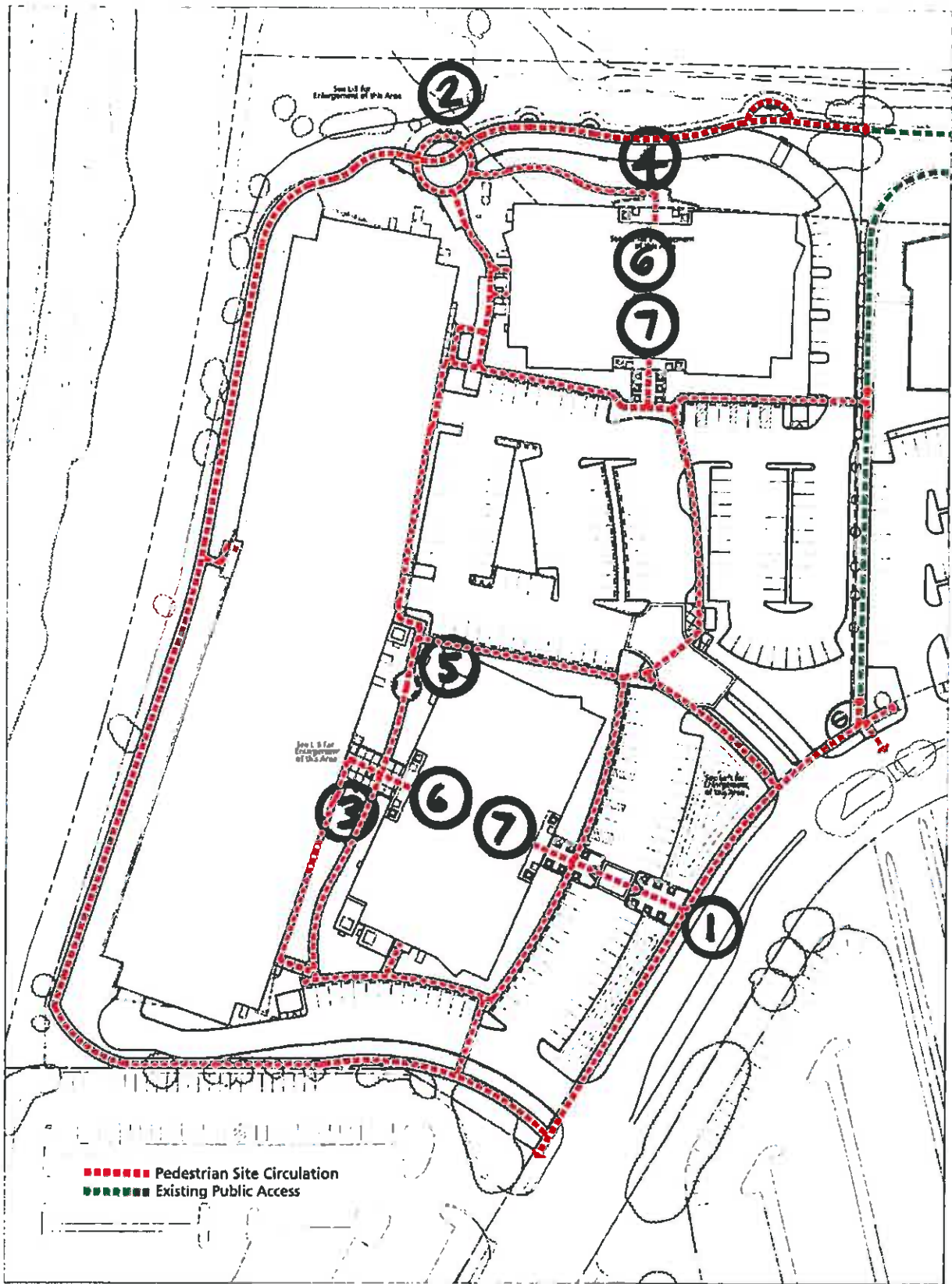
- f. details regarding how access to the emergency vehicle roadway along the north edge of the project will be restricted;
 - g. an integrated pest management plan prepared by a qualified professional acceptable to the City of Brisbane to eliminate fertilizer and/or pesticide runoff into the Bay.
 - 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 Sierra Point Design Guidelines.
 - 14. The plans submitted for a building permit shall comply with the requirements of the Brisbane Municipal Code, the California Fire Code, California Building Code and the California Code of Regulations.
 - 15. The applicant shall consult with the South San Francisco Scavenger Company to assure that the trash enclosure(s) 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 Director.
 - 16. Centralized mail facilities shall be provided 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 BMC 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 with 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 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 (within the City of South San Francisco).
- 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 request of the applicant, the City Engineer 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. Design Permit DP-2-11, Use Permit UP-7-11 and Variance V-2-11 shall expire on April 20, 2013, unless the City and/or the State Legislature extends tentative map approvals (including Tentative Parcel Map-1-08) further and the Brisbane Municipal Code is amended to extend zoning approvals concurrently with tentative map approvals.
- V. The applicant shall have the option to either:
- 1.) install 4,500 square feet of photovoltaic panels on the north half of the garage roof and decorative trellises on the south half of the garage roof; or
 - 2.) install wind power equipment having the capacity of generating electrical power at least equivalent to the solar panels described in Option 1, subject to approval as to the capacity, design and location of such equipment by the Planning Commission; or
 - 3.) 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 pre-plumbed to accommodate future installation of solar panels on the garage roof to the maximum extent feasible.



SITE CIRCULATION

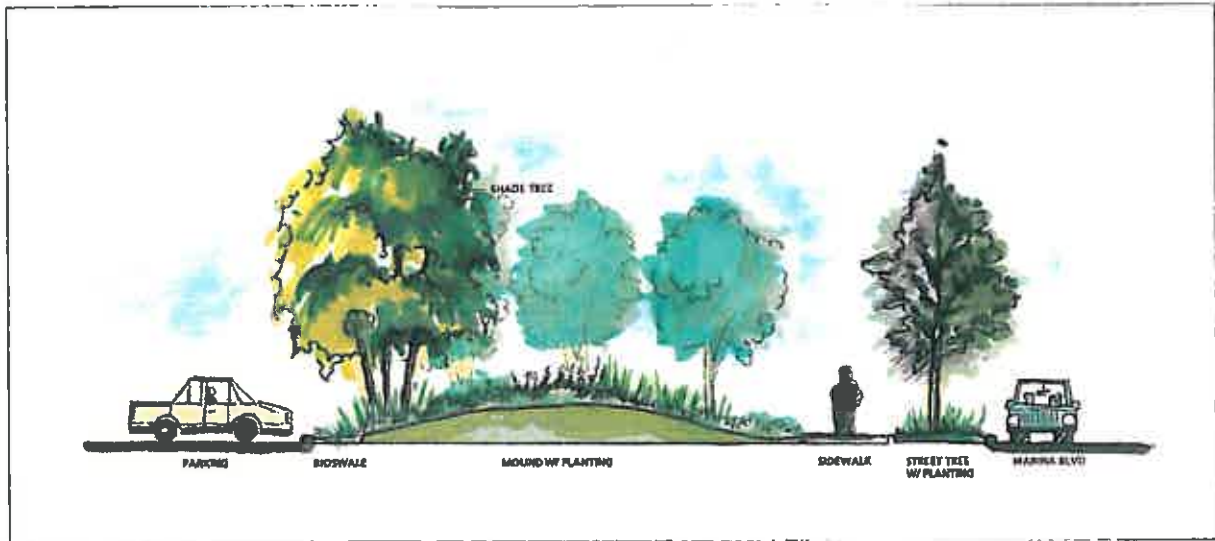
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Schematic Landscape Plan Enlargements

L-4

The Guzzardo Partnership Inc.





SECTION THROUGH MOUNDING

Scale 1/16" = 1'-0"



MOUNDING ALONG MARINA BLVD

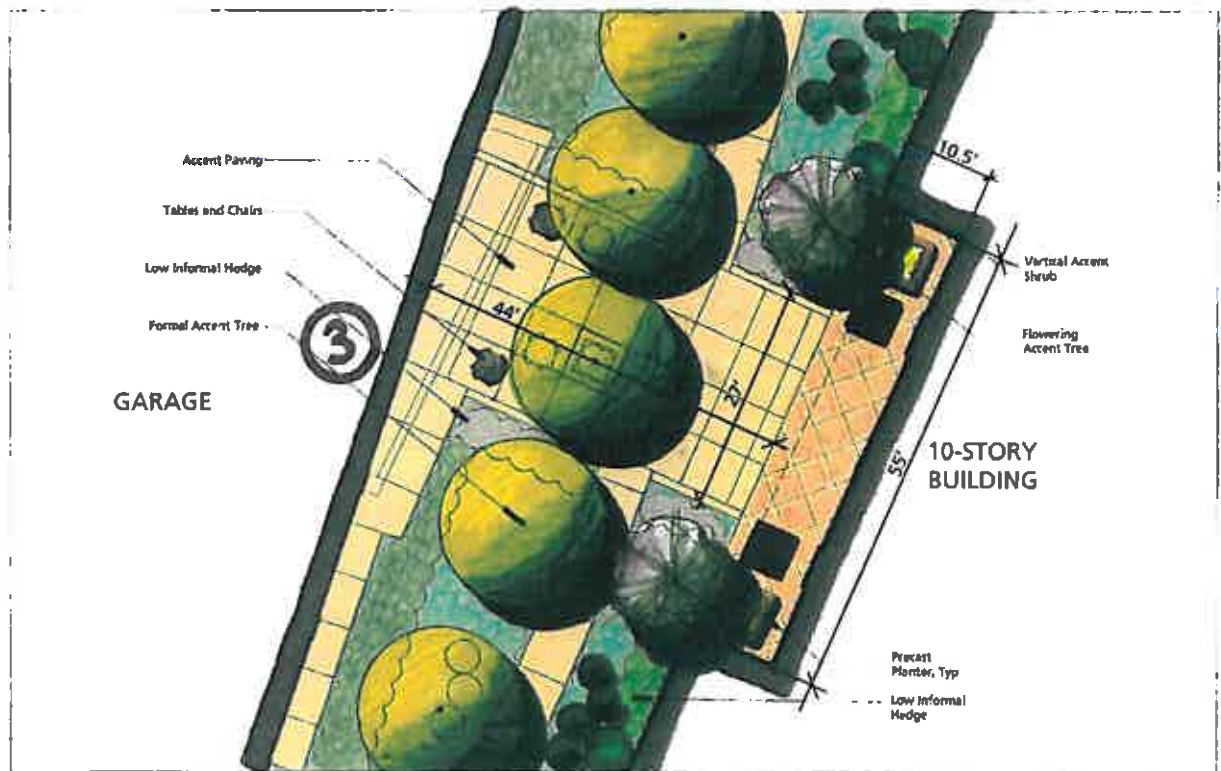
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NORTH WEST SITE AREA

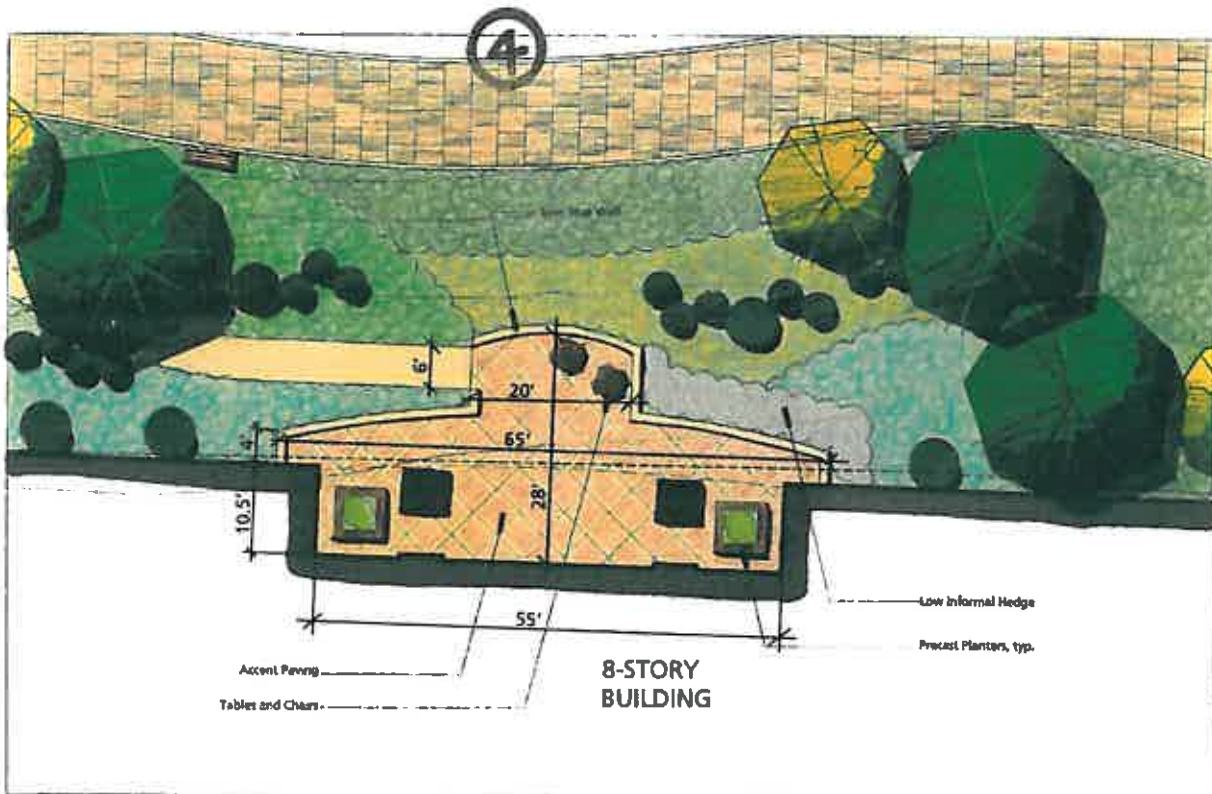
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PLAZA BETWEEN GARAGE AND 10-STORY BLDG

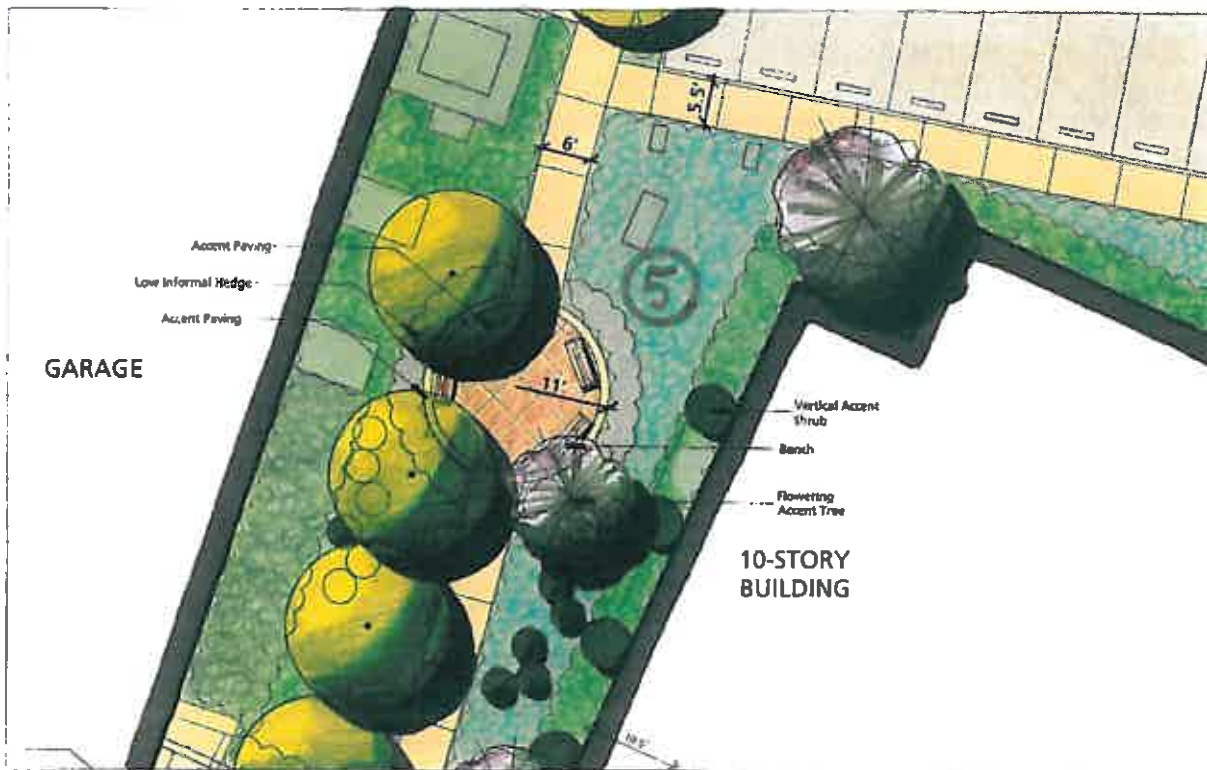
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01/09/09
12/05/08
09/21/07



PLAZA BEHIND 8-STORY BLDG

Scale 1/8"=1'-0



SEATING AREA BEHIND 10-STORY BLDG

Scale 1/8"=1'-0

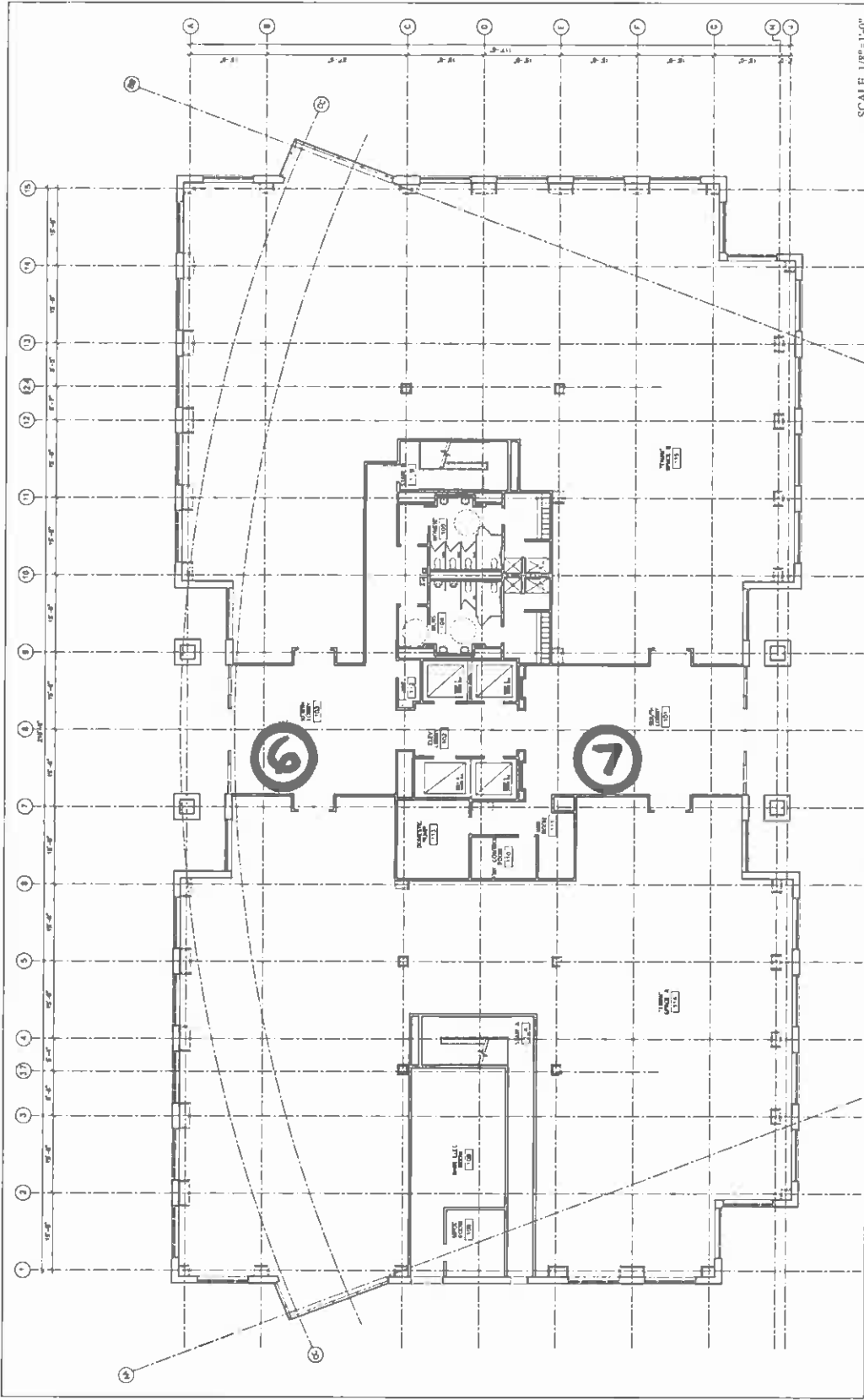
Schematic Landscape Plan Enlargements

L-5

The Guzzardo Partnership Inc.



G.1.19.



SCALE 1/8" = 1'-0"
1st Floor

G.1.20.

12/05/08
09/21/07

OPUS
a Development of Opus West Corporation

OPUS CENTER SIERRA POINT
Brisbane, California

Office Floor Plans
Hoover Associates
A5.1





Opus Center Sierra Point

Solar Panel Analysis

February 11, 2009

Industry Factors:

Source: HCP Sierra Point Energy Performance Preview by Zinner Consultants dated 5/8/08
(Included in HCP EIR)

Power: 1 KW-ac Solar System = 1,400 KWh/year or 1 W-ac Solar = 1.4 KWh/year

Cost: \$8,000/KW-ac or \$8/W-ac

Size: 1 KW-ac = 100 SF or 10 W-ac = 1 SF

Comparison of Renewable Energy Commitment:

HCP Power Usage: 22,676,801 KWh/year (Per Brisbane Staff Report dated 5/12/08)

Opus Power Usage: 4,581,247 KWh/year (Per CB Engineers Letter dated 7/10/08)
(Included as Appendix G in Opus MND)

Power Usage Ratio: $4,581,247 \text{ KWh} / 22,676,801 \text{ KWh} = 20\%$
Opus project uses 20% of total power required for HCP project

HCP Renewable Energy Commitment: $\$1,800,000 / \$8,000 \text{ KW-ac} = 225 \text{ KW-ac Solar System}$
 $225 \text{ KW-ac} * 100 \text{ SF/KW-ac} = 22,500 \text{ SF of Panels}$

Proposed Opus Renewable Energy Commitment: $20\% * \$1,800,000 = \$360,000$ **OR**
 $20\% * 22,500 \text{ SF} = 4,500 \text{ SF of Panels}$

Opus Renewable Energy Commitment Applied to Solar Panels on Garage:

Cost: $\$360,000 / \$8,000 \text{ KW-ac} = 45 \text{ KW-ac Solar System}$

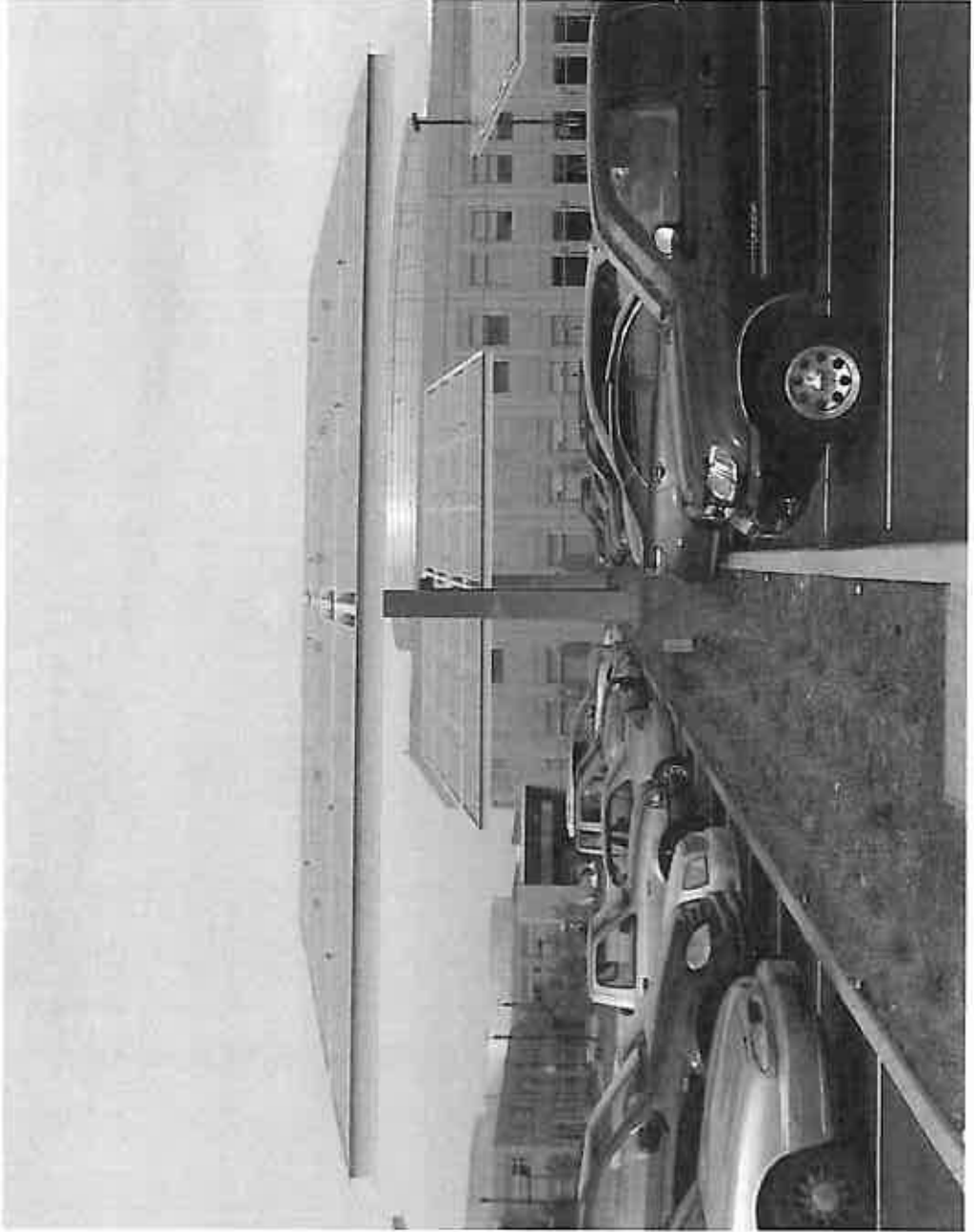
Size: $45 \text{ KW-ac} * 100 \text{ SF/KW-ac} = 4,500 \text{ SF of Solar Panel}$

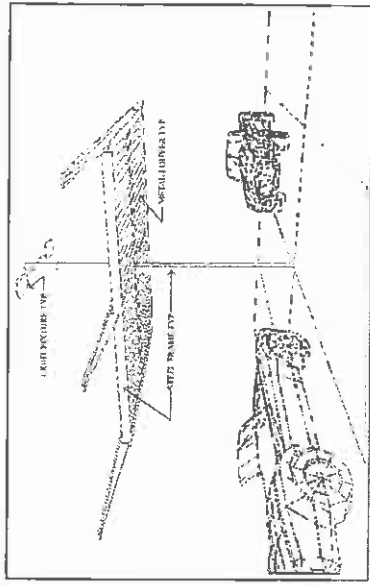
Power: $45 \text{ KW-ac} * 1,400 \text{ KWh/year} = 63,000 \text{ KWh/year Generated}$

Analysis: Spending \$360,000 on renewable energy will afford for solar panels on approximately 6 trellises measuring 25' x 30' (4,500 total SF). The power produced by these panels will generate enough electricity to offset 1.5% of the total project electrical demand or enough power to offset 10% of the total parking garage electrical demand.

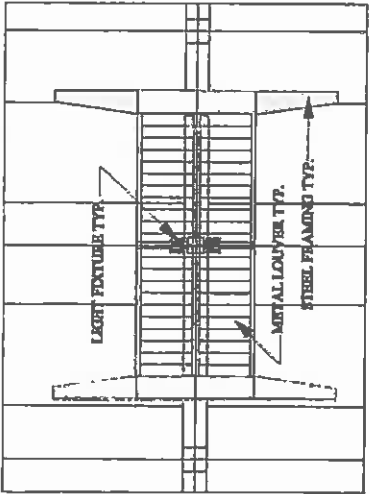
Opus Center Sierra Point **February 11, 2009**

The following picture was taken in Vacaville, CA on 2/4/09. This picture shows an example of the type of solar panel trellises proposed on top of the Opus Center Sierra Point parking garage.



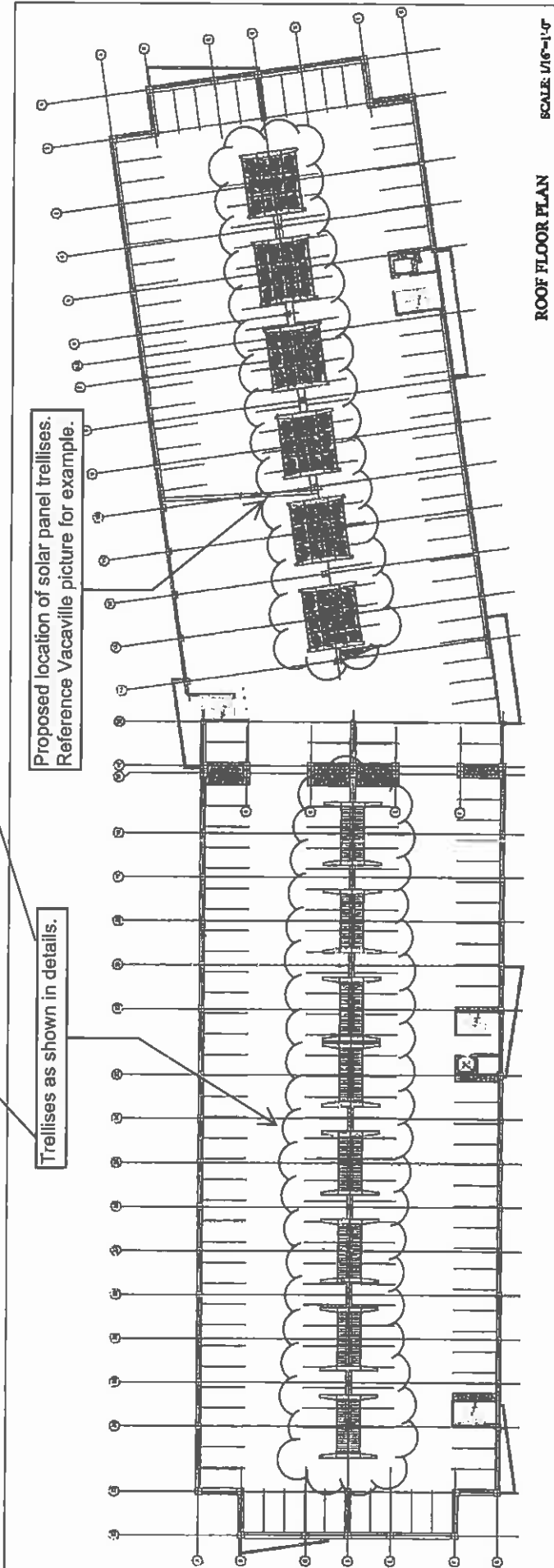


PERSPECTIVE



TRELLIS PLAN

SCALE: 1/4"=1'-0"



ROOF FLOOR PLAN

SCALE: 1/16"=1'-0"

Proposed location of solar panel trellises.
Reference Vacaville picture for example.

Trellises as shown in details.

01/09/09
09/21/07



a Development of Opus West Corporation

OPUS CENTER SIERRA POINT

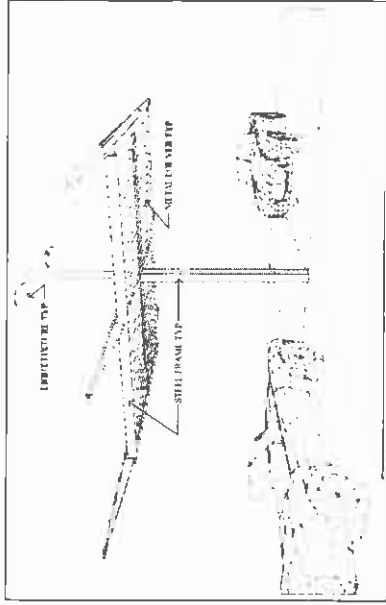
Brisbane, California

Option 1 Garage Plans

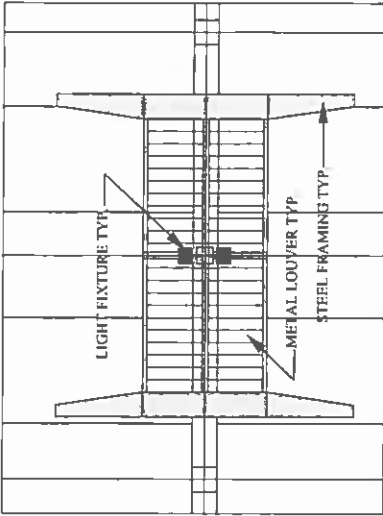
Hoover Associates

A7.2



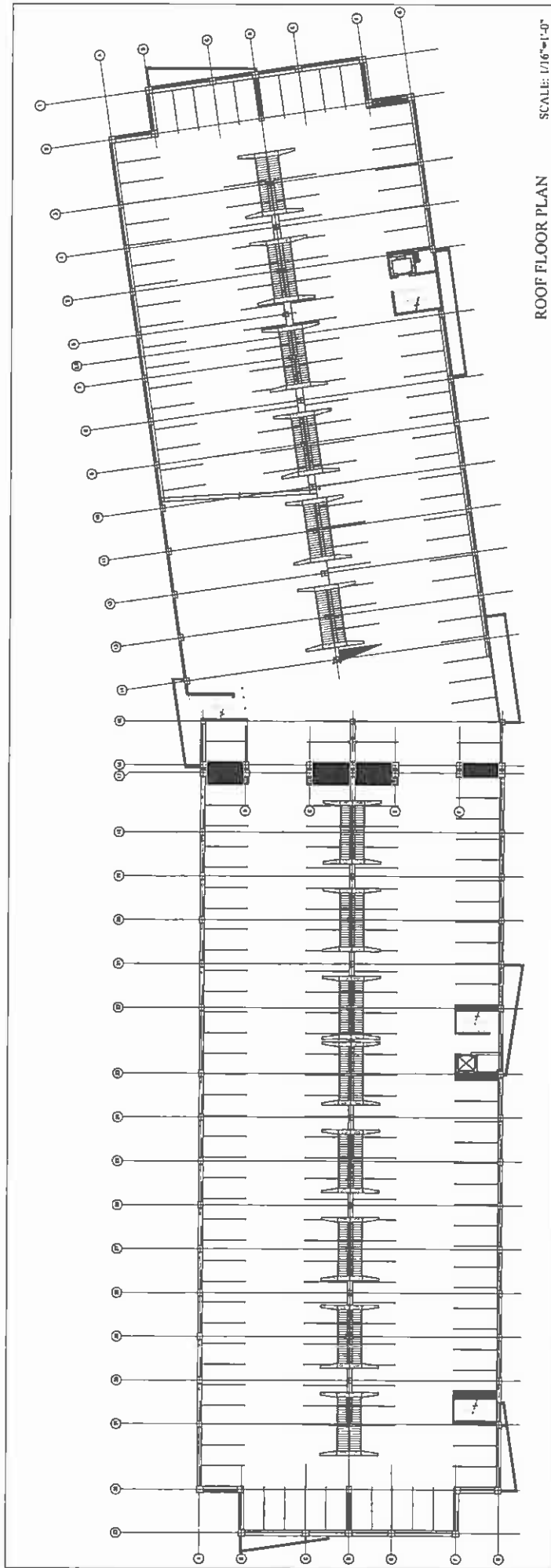


PERSPECTIVE



TRELLIS PLAN
SCALE: 1/4"=1'-0"

G.1.25.



01/09/09
09/21/07



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 an 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 permitted 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 4th 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

G1.26

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 Line 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 26th 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. I. 27.

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 issue 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 with 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.

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.

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

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.

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 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 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 26th 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, Lentz, Maturro, Mumir, Parker

NOES: None

ABSTAINED: None

ABSENT: None



Theresa Maturro
Chairperson

ATTEST:



WILLIAM PRINCE, 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 new 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.

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>I. Aesthetics</p> <p>VIS-1: 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>II. Agricultural Resources</p> <p><i>No mitigation required</i></p>			
<p>III. Air Quality</p>			
<p>AIR-1: 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"> • 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; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • 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; • 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; • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Apply non-toxic soil stabilizers to inactive construction areas; • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible. 	<p>Project Applicant/ Construction Manager</p>	<p>Brisbane Public Works Department</p>	<p>Periodically during demolition, grading and construction activities</p>

5.1.35

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>AIR-1 Continued</p> <ul style="list-style-type: none"> 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 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. 	Project Applicant/ Construction Manager	Brisbane Public Works Department	Periodically during demolition, grading and construction activities
<p>AIR-2: 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
<p>IV. Biological Resources</p>			
<p>BIO-1a: 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>	Project Applicant/ Qualified Biologist	Brisbane Public Works Department	Prior to initiation of grading or construction activities
<p>BIO-1b: 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>	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
<p>BIO-2a: 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/ Construction Manager	Brisbane Planning Department/Public Works Department	During the construction period

5.136

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>BIO-2b: 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>	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Game/U.S. Fish and Wildlife Service	Prior to issuance of a building permit to allow pile driving
<p>BIO-3a: 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>	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	Prior to issuance of grading permit/report completed for surveys
<p>BIO-3b: 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>	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	CDFG clearance required prior to grading/ construction permit issuance for affected areas
<p>BIO-3c: 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>	Project Applicant/ Qualified Biologist	Brisbane Planning Department/California Department of Fish and Game	Approved mitigation agreement prior to grading/construction permit issuance for affected areas

G.1.37.

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>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.</p>	<p>Project Applicant/ Qualified Biologist</p>	<p>Brisbane Planning Department/California Department of Fish and Game</p>	<p>Prior to issuance of a grading permit</p>
<p><u>BIO-4:</u> 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.</p>	<p>Project Applicant</p>	<p>Brisbane Planning Department/City Engineer</p>	<p>Prior to issuance of a grading permit</p>
<p><u>BIO-5:</u> 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.</p>			
<p>V. Cultural Resources</p>			
<p><i>No mitigation required</i></p>			
<p>VI. Geology and Soils</p>			
<p><u>GEO-1a:</u> 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.</p>	<p>Project Applicant</p>	<p>City of Brisbane Building Official</p>	<p>Prior to issuance of a building permit</p>

G.1.38

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<u>GEO-1b</u> : 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 gradings, avoidance of settlement, and differential settlement of infrastructure and buildings. The recommendations shall be incorporated into all development plans submitted for the project.	Project Applicant	City Engineer	Prior to issuance of a grading permit
<u>GEO-1c</u> : The applicant shall provide information to prospective building occupants regarding earthquake safety. The information shall include one or more of the following publications: <ul style="list-style-type: none"> 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 www.constrv.ca.gov); "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 "Peace of Mind in Earthquake Country" (Peter Yaney, 1991, Chronicle Books). 	Project Applicant	Planning Department	Ongoing to be demonstrated upon request of Planning Department
<u>GEO-2a</u> : 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.	Project Applicant	Brisbane Planning Department/Building Official	Prior to issuance of a building permit issuance
<u>GEO-2b</u> : 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.	Project Applicant	Brisbane Building Official/City Engineer	Prior to issuance of a grading permit
<u>GEO-2c</u> : 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).	Project Applicant	Brisbane Building Official/City Engineer	Prior to issuance of a grading permit. Ongoing implementation demonstrated via submission of required biannual report
<u>GEO-3</u> : 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.	Project Applicant/Sierra Point Environmental Management Association	City Engineer	Ongoing yearly reports filed with City Engineer

G.1.39

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>GEO-4: The applicant shall coordinate with the Sierra Point Environmental Management Association to ensure that the Post-Earthquake Inspection and Corrective Action Plan (Action Plan) is updated to reflect the changes in conditions at the project site since its initial preparation in 1996. The Inspection and Repair Plan (see Mitigation Measure GEO-2c) should work cooperatively with the Action Plan. The revised Action Plan shall be submitted to the City prior to site occupancy.</p> <p>VII. Hazards and Hazardous Materials</p> <p>HAZ-1: Any site development activities must comply with the requirements of the Water Board Order, applicable post-closure SR WCB/C1WMB Title 27 CCR requirements enforced by the LEA, including, but not limited to: ensuring landfill cover and integrity; drainage and erosion control systems; a means to address differential settlement; gas control and monitoring, including installation of a geomembrane (or equivalent system); and development of a post-closure emergency response plan. Construction activities must also comply with San Mateo County requirements for proposed excavation activities on former landfills for worker health and safety, and the requirements of the Brisbane General Plan and other City requirements (Grading Permit, Building Permit).</p>	<p>Project Applicant/Sierra Point Environmental Management Association</p>	<p>City Engineer</p>	<p>Prior to issuance of a certificate of occupancy permit</p>
<p>VIII. Hydrology and Water Quality</p> <p><i>No mitigation required</i></p>	<p>Project Applicant/Construction Manager</p>	<p>Brisbane Public Works Department</p>	<p>Prior to issuance of a grading permit and full time inspection for all grading and clay cap placement. Full time inspection for placement of below slab geomembrane material, for all pile penetration sealing operations, for placement of all below slab utilities, and for pile cap, grade beam, and floor slab concrete pours.</p>
<p>IX. Land Use And Planning</p> <p><i>No mitigation required</i></p>			
<p>X. Mineral Resources</p> <p><i>No mitigation required</i></p>			
<p>XI. Noise</p> <p>NOISE-1: The project shall comply with the following noise reduction measures:</p> <ul style="list-style-type: none"> General construction activities shall be allowed only between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and 9:00 a.m. and 7:00 p.m. on weekends and holidays. Pile driving shall be limited to Monday through Friday 8:00 a.m. to 5:00 p.m. and prohibited on Saturdays and Sundays. Construction outside of these hours may be approved through an exception permit issued by the Planning Director. The exception permit shall include appropriate conditions to minimize noise disturbance of affected hotel, office and commercial uses. All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust mufflers that are in good condition. 	<p>Project Applicant/Construction Manager</p>	<p>Brisbane Public Works Department</p>	<p>Periodically during grading and construction activities</p>

G.1.40.

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>AIR-1 Continued</p> <ul style="list-style-type: none"> All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines. Post signs prohibiting unnecessary idling of internal combustion engines. 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. Utilize air compressors that are designated as "quiet" and other "quiet" construction equipment sources where such technology exists. 			
XII. Population And Housing			
<i>No mitigation required</i>			
XIII. Public Services			
<i>No mitigation required</i>			
XIII. Recreation			
<i>No mitigation required</i>			
XV. Traffic			
<p>TRAF-1: 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 nd 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>TRAF-2: 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>TRAF-3: Based on the Second Amendment document, the applicant shall be responsible for</p>	Project Applicant	Brisbane Public Works	See TRAF-1

G.I.A.I.

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>signalizing the intersection of Sierra Point Parkway and Shoreline Court (#10) and the addition of a second eastbound left-turn lane and the conversion of the northbound through lane to a left-turn lane (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 improvement. This mitigation measure would allow the intersection to operate at LOS B during the AM peak hour and LOS C during the PM peak hour.</p> <p><u>TRAF-4:</u> The applicant shall be responsible for mitigating the impacts at the intersection of Bayshore Boulevard and Old County Road (#6) to the satisfaction of the City Engineer. Potential mitigations that would result in a satisfactory LOS include: adding a second southbound left-turn lane, or adding a second eastbound left-turn lane and converting the existing shared-through-left to a through lane; or adding a westbound through lane; and/or adjusting the signal timing. The applicant shall pay their fair share of the approved mitigation measure should it be completed prior to construction of the proposed Opus Office project.</p> <p><u>TRAF-5:</u> In accordance with CMP requirements, the project applicant shall identify and implement Travel Demand Management (TDM) measures to reduce project impacts and shall ensure that the TDM measures are implemented by the project applicant or tenants, per the approval of the City Engineer regarding the specific measures and the implementation timing. A list of TDM measures are provided in the San Mateo County Final Congestion Management Program. In coordination with the City and prior to issuance of a building permit, the applicant shall prepare and provide the City with a Traffic Reduction Plan that identifies specific TDM measures to be implemented. Specific measures that could be included in the Plan to reduce trips associated with the project are listed below:</p>	<p>Project Applicant</p>	<p>Brisbane Public Works Department/City Engineer</p>	<p>As required by the City Engineer or prior to issuance of certificate of occupancy permit for Phase 2</p>
<p>Project Applicant</p>	<p>Brisbane Planning Department/County Congestion Management Agency</p>	<p>Prior to issuance of building permit</p>	

G.1.42

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><u>TRAF-5 Continued</u></p> <ul style="list-style-type: none"> • 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; • Participate in City programs (when and if they are available) aimed at reducing vehicular traffic trips; • Provide a location for a dedicated shuttle stop; • Provide secure bicycle parking; • 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; • Provide subsidized transit passes; • Provide less parking, charge for parking, and offer employees a parking cash-out program; and • Implement an alternate hours workweek program, also known as flextime. 			
<p><u>TRAF-7:</u> 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

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
XVI. Utilities And Services			
<p>UTL-1a: 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>UTL-1b: 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>UTL-1c: 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 I
<p>UTL-2: 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

G 1.44.

Table 1 Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><u>UTL-2 Continued</u> 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><u>UTL-3:</u> 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><u>UTL-4:</u> 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 shop 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><u>UTL-5a:</u> 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><u>UTL-5b:</u> 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

G.1.4C.

Table I Continued

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p>demand reduction goals.</p> <p><u>UIL-5c:</u> 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>	<p>Project Occupants</p>	<p>Brisbane Public Works Department</p>	<p>During occupancy, as required</p>

Source: LSA Associates, Inc., 2008.

G.1.46.