

# *City of Brisbane*

## *Report from the Planning Commission*

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** September 11, 2014

**SUBJECT: 7000 Marina Boulevard;** Appeal of the Planning Commission's Approval of Design Permit DP-2-14, for renovation of the existing building, primarily to include replacement and reconfiguration of the angled window systems and conference room bay windows, the main entrance, a new rooftop mechanicals screen and landscaping.; Westport Capital Partners, LLC, applicant; Marina Boulevard Property, LLC, owner; APN 007-165-120.

This report, in response to the appeal of the Planning Commission's approval of the above referenced application, is hereby presented to the City Council as required by Brisbane Municipal Code Section 17.52.030.

The facts pertaining to the decision of the Planning Commission are as stated in the attached materials and testimony, which were submitted to the Planning Commission at and prior to its meetings of April 10<sup>th</sup>, July 24<sup>th</sup> and August 7<sup>th</sup>, 2014. Note that there was no correspondence from the public on this matter prior to, or during the Planning Commission meetings. Also, the presentation provided during the August 7<sup>th</sup> meeting by the applicant was directly from the drawing set provided in the agenda report. The April 10<sup>th</sup> meeting constituted a pre-application workshop on the preliminary plans and the July 24<sup>th</sup> meeting was a tour of the site and no agenda report was provided for that meeting.

The reasons for the Planning Commission's action are as stated in the attached Resolution DP-2-14, including the findings, and as expressed in the attached minutes.



Karen Cunningham  
Planning Commission Chairperson

**Attachments:**

- Resolution DP-2-14
- Planning Commission Minutes for the Meetings of April 10<sup>th</sup>, July 24<sup>th</sup> and August 7<sup>th</sup>, 2014 (excerpts)
- Planning Commission Agenda Report for the Meeting of April 10<sup>th</sup> and August 7<sup>th</sup>, 2014

RESOLUTION DP-2-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING DESIGN PERMIT DP-2-14  
FOR A RENOVATIONS TO  
7000 MARINA BOULEVARD

WHEREAS, Westport Capital Partners, the applicant, applied to the City of Brisbane for Design Permit approval of renovations to the office building at 7000 Marina Boulevard; and

WHEREAS, on August 7, 2014, the Planning Commission conducted a hearing of the application, 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 memorandum relating to said application, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, minor alterations to an existing facility involving negligible or no expansion of use beyond that existing at the time of the lead agencies determination are categorically exempt from the provisions of the California Environmental Quality Act per Section 15301 of the State CEQA Guidelines and the exceptions to the categorical exemptions referenced in Section 15300.2 do not apply; and

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

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of August 7, 2014, did resolve as follows:

Design Permit Application DP-2-14 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this seventh day of August, 2014, by the following vote:

AYES: Commissioners Parker and Reinhardt and Chairperson Cunningham

NOES: Commissioner Munir

ABSENT: Commissioner Do



KAREN CUNNINGHAM  
Chairperson

ATTEST:



JOHN A SWIECKI, Community Development Director

## EXHIBIT A

**Action Taken:** Conditionally approve Design Permit DP-2-14 per the staff memorandum with attachments, via adoption of Resolution DP-2-14

### **Findings:**

- A. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.
- B. The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent.
- C. There are no proposed buildings or structures which would have potential impacts to adjacent land uses.
- D. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability, in that the changes to this existing structure would be anticipated to reduce energy consumption modernizing the glazing and allowing for more natural light to better reach the interior spaces and no further measures are practicable.
- E. The site does not constitute a hillside development and so the hillside development finding does not apply.
- F. The changes to the proposed site plan are minor, but would provide for improved pedestrian circulation while not reducing the off-street parking to less than that required for the site; and the proposal would not affect traffic on abutting streets. The existing circulation pattern, within the boundaries of the development, is not proposed to be significantly altered, nor are the existing parking facilities.
- G. The finding regarding the proposal encouraging alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation is not applicable. There are no changes to the site which would affect existing alternative transportation provisions.
- H. The previously approved site plan provides open areas and landscaping to complement the buildings and structures. Landscaping improvements are proposed to better separate and screen service and storage areas. Additional parking lot landscaping will provide minor way-finding improvements which will help to break up the paved area and existing landscaping already serves to breakup expanses of paved area and define areas for usability and privacy. New landscaping will be generally water conserving and appropriate to the location. The site is not within either habitat protection areas or wildland fire hazard areas.
- I. The proposal takes reasonable measures to protect against external and internal noise.

J. Consideration has been given to avoiding off-site glare from lighting and reflective building materials.

K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment in that additional landscaping is proposed to further screen trash and service areas and a new rooftop screen is proposed to enhance the penthouse screening.

L. Any future signage will be required to be appropriate in location, scale, type and color, and to be effective in enhancing the design concept of the site, through a separate sign permit application.

M. Provisions have already been made to meet the needs of employees for outdoor space through connection to the active and passive outdoor landscaping and connections to the Bay Trail.

### **Conditions of Approval:**

#### Prior to issuance of a Building Permit:

1. An application including detailed building plans, application forms and fees shall be submitted to the City for issuance of a Building Permit. The building shall be required to comply with all applicable state codes and applicable City of Brisbane Municipal Code provisions for new construction.
2. The building permit shall address noise requirements for the new windows, in accordance with the state building code.
3. No new building materials will be introduced which would result in significant off-site glare or reflection. New windows shall be of similar reflective and tint qualities to match existing, subject to Planning Director approval.
4. The final pathway configuration through the parking lot shall not reduce the total number of parking spaces for the site to less than that required, per BMC Chapter 17.34. Otherwise, a use permit for parking would be required, via separate application.
5. Detailed landscaping and irrigation plans shall be provided to the Planning Director for approval prior to installation and shall comply with the following requirements:
  - a. Replacement landscaping shall comply with the Water Conservation in Landscaping Ordinance, BMC Chapter 15.70, as applicable.
  - b. Landscaping shall be provided to better screen the east-side service area, which is adjacent to the front entry.
  - c. All landscaping shall be appropriate to its context to the satisfaction of the Planning Director.

6. No work shall be done within the Bay Conservation and Development Commission (BCDC) jurisdiction, 100 ft shoreline band, without prior approval from BCDC.
7. New and replacement exterior building and landscaping materials shall be consistent with those submitted as part of this application. Any minor modifications are subject to Planning Director approval. Additional materials samples may be required at the discretion of the Planning Director prior to building permit or landscaping approval.
8. Grading, which may be associated with the proposed landscaping, shall be subject to approval through the City Engineer. Grading shall not be 50 cubic yards or more of exported material, nor 250 cubic yards or more of total grading (cut and fill), without first obtaining a separate grading permit through the Planning Commission, per BMC Section 15.01.081 and 17.32.220.
9. Drainage shall comply with the National Pollutant Discharge Elimination System (NPDES) permit issued by the San Francisco Bay Regional Water Control Board including any applicable C.3 requirements, under the Regional Municipal Stormwater Permit, which may be imposed through the building permit process. The property owner(s) shall be responsible for ongoing operation and maintenance of any permanent structural stormwater controls.
10. Advertising sign review is not included in the application, but would be subject to separate application, per BMC 17.36.050 and the Sierra Point sign program.

During Construction:

11. The project shall comply with the stormwater Best Management Practices, as provided in the applicable state regulations (see Condition No. 8 above).

Prior to Final Inspection:

12. Prior to final inspection the applicant shall demonstrate conformance with all of the above design permit conditions of approval.
13. All landscaping shall be installed.

Other Conditions:

14. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
15. This Design Permit shall expire two years from its effective date (at the end of the appeal period) if a Building Permit has not yet been issued for the approved project.

There being no other members of the public present to speak regarding the application, Commissioner Munir moved and Commissioner Reinhardt seconded to close the public hearing. The motion carried 5-0. Commissioner Munir moved and Commissioner Do seconded to approve the application. The motion passed 5-0.

## WORKSHOP

### **5000 & 7000 MARINA BLVD:** Presentation of Preliminary Plans for Exterior Modifications

Senior Planner Johnson presented the agenda report on the preliminary plans for the two sites.

Eric Clapp of Westport Capital Partners, the prospective owner, presented their preliminary plans.

For 5000 Marina Boulevard, their preliminary plans included recladding the Kalwall on the north side of the building, to open up the views with new glazing and changes to the entry sequence to update its appearance and address settlement issues.

For 7000 Marina Boulevard, Mr. Clapp indicated that there were significant leakage problems with the angled window systems and this also provides a narrow glass line, without very good natural light. He indicated that they would like to address these issues with new glazing, removing the angled window systems, which would allow for an expanded glass line to make it a more inviting building. He outlined their plans for the outdoor spaces to allow for outdoor seating and to open up the entrance.

The Commission asked various questions of the prospective owner and staff. Commissioner Parker asked about the 7000 Marina Building being referred to as the “Luke Skywalker” building and asked about its history. Senior Planner Johnson noted that the building was the “Dakin” building and had been recognized for its unique architecture and was also nicknamed the “Luke Skywalker” building, in contrast the black “Darth Vader” building at the entrance to Sierra Point, as an indicator of their times. Chair Cunningham asked about the settlement impacts and solutions. Cameron Bassett, of Sentinel Development, spoke on behalf of the prospective owner and outlined their plans for settlement, which is especially an issue on the 5000 Marina Blvd. building. Mr. Clapp also answered the Commission’s questions about the penthouse level screen and the energy efficiency improvements with the new windows.

Commissioner Munir expressed concern over removing the angled window systems and the flattening of the building front degrading its unique architectural character. Mr. Clapp indicated that the building would still have significant architectural interest, especially from its primary view as seen from the north, of the atrium, from the Candlestick Park side. A lengthy discussion of the primary change to the building of the angled window systems ensued. Commissioner Reinhardt indicated that he would like to

make sure that the building retains character, possibly through the use of colors or other elements. Commissioner Do expressed her desire to balance the unique architecture with allowing light to come in to the building. Mr. Clapp indicated that they would look at ways to keep the building interesting.

Chair Cunningham expressed a desire to incorporate outdoor elements which would provide for passive and/or active recreational opportunities, especially for shared public uses.

Chamber of Commerce President, Mitch Bull addressed the Commission and related his knowledge of the history of the building as the Dakin building and that the purpose of the angled windows was to protect the stuffed toy animals, which they produced, from sunlight exposure.

With no other questions or comments the Commission closed the workshop.

#### STUDY SESSION

**2015 – 2022 Housing Element Update Study Session #4:** Chapter I, “Preparation of the Housing Element”, Appendix A, Building Permits Issued 1/1/07 – 12/31/14, Appendix B, “Review of the 2007-2014 Housing Element”, Appendix C, “The 2007-2014 Housing Element’s Compliance with Gov’t code Section 65584.09”

Mr. Tune presented the agenda report and answered the Commission’s various questions, including questions about the Regional Housing Needs Allocation (RHNA) requirements and the number of housing units that will be required to be zoned to accommodate housing.

#### ITEMS INITIATED BY STAFF

None.

#### ITEMS INITIATED BY THE COMMISSION

Presentation by Chair Cunningham: Planning Commissioner’s Academy Highlights:  
Chair Cunningham presented highlights from the Planning Commissioner’s Academy, including a session on collaborative governance and Disruptive Technologies. She also presented portions of the presentation from the keynote speaker on Disruptive Technologies.

#### Planning Commission Schedule:

Chair Cunningham open the Planning Commission schedule for discussion. The Commission agreed that meetings should not be held unless there are items to bring forward to the Commission. This item may be further discussed with the City Council liaison subcommittee.

BRISBANE PLANNING COMMISSION  
Action Minutes of July 24, 2014  
Regular Meeting

CALL TO ORDER

Chairperson Cunningham called the meeting to order at 6:05 p.m. in front of 5000 Marina Boulevard

ROLL CALL

Present: Commissioners, Do, Cunningham, Munir, and Chairperson Parker  
Absent: Commissioner Reinhardt  
Staff Present: Community Development Director Swiecki and Senior Planner Johnson

ADOPTION OF AGENDA

Commissioner Do moved to adopt the agenda. The motion was seconded by Commissioner Parker. The motion carried 4-0.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

WORKSHOP

**5000 & 7000 MARINA BLVD:** Walking tour and discussion of plans for exterior modifications.

Senior Planner Johnson introduced the topics of the walking tour, the preliminary proposals for renovations to the 5000 and 7000 Marina Boulevard buildings, prior to the finalization of the design plans, for pending design permits for the two properties.

Representatives from the owner's design team (Cameron Bassett of Sentinel Development, Eric Clapp of Westport Capital Partners, Seth Hanley of Design Blitz, et al.) provided a walking tour, first of the exterior of 5000 Marina Boulevard, then of the exterior and interior of 7000 Marina Boulevard.

For 5000 Marina Boulevard the team presented the proposed change of adding windows to the Kalwall on the north side of the building, the proposed changes to the entry sequence to better address settlement and create a more inviting entrance, and an update of the overall color palette. The team pointed out the proposed connections between the



5000 and 7000 Marina Blvd buildings to create a campus-like relationship between these two buildings and thereby enhance their marketability. Commissioner Munir suggested more landscaping plantings to better screen the existing mechanical equipment on the west side of the building and along the foundation edge.

The group then went across the parking lot to 7000 Marina Boulevard and further discussed the preliminary proposal for enhanced connections and improving pedestrian safety through the parking lot, between the two buildings.

At 7000 Marina Boulevard, the tour focused primarily on the proposed changes to the window systems on the south faces of the building, as well as on the entry sequence, roof-top screen and tying the colors and forms of this building to the 5000 Marina Blvd. building. The proposed changes to the window systems were suggested by the team to rationalize the building and better tie the north and south sides of the building, as well as to address maintenance concerns associated with the angled glazing.

The group entered the building, to view both the atrium on the north side and related proposed improvements and the office space on the south-side.

Within the atrium the design team presented their proposal to open up the space to the outdoors by adding doors and a balcony on the north edge of the building.

Within the south-side office space, the design team stressed that the new windows, to replace the angled windows, would provide for better daylighting of the space and enjoyment of views, as well as ease of maintenance.

The Commission asked questions about the size of the proposed windows and the energy improvements for the building. The architect indicated that the new glazing systems would provide for improvements in the energy use, given the current code requirements. Chair Cunningham questioned whether additional landscape improvements might be made to further enhance the outdoor enjoyment of the space around the building. The design team indicated that their intent was to open the atrium to the outdoors with new doors and a balcony and that further changes might then be made by the future tenant, based on their specific needs.

Commissioner Munir expressed his concern over the proposed change to the angled windows systems, indicating that he felt they should be preserved. There was discussion about the character of the building and its past architectural design recognition, but that the purpose of the windows design was to accommodate the specific needs of the original tenant. The applicant suggested the existing design would not meet the needs of the current market for this type of building and posed significant maintenance issues.

There being no members of the public to address the Commission, the Commission closed the workshop.

Commissioner Munir asked for clarification on the reasons for the proposed changes to the Kalwall systems. Mr. Bassett indicated that the reasons would be to open the views from the interior and to add more natural light to the building. Commission Cunningham asked about energy efficiency for the new glazing. Mr. Bassett indicated that the new glazing would be required to comply with the new state energy code and so it would be more efficient, but no calculations have been made to quantify the improvement. Commissioner Parker asked for clarification on the color changes and settlement. Chair Cunningham encouraged the applicant to consider addition of outdoor seating in the final landscape plan.

There being no members of the public to address the Commission, Commissioner Munir moved to close the public hearing. The motion was seconded by Commissioner Parker and was approved 4-0.

Commissioner Munir moved to approve the application and Commissioner Reinhardt seconded the motion. The motion passed 4-0.

**PUBLIC HEARING: 7000 Marina Boulevard;** Design Permit DP-2-14 for renovation of the existing building, primarily to include replacement and reconfiguration of the angled window systems and conference room bay windows, the main entrance, a new rooftop mechanicals screen and landscaping.; Westport Capital Partners, LLC, applicant; Marina Boulevard Property, LLC, owner.

Senior Planner Johnson presented the agenda report. Commissioner Munir asked about the history of the building. Senior Planner Johnson indicated that the building was originally built by Dakin Co. and the windows were to protect their product line from being degraded by sun exposure. It had architectural recognition for its unusual design. The purpose of the proposal was to better rationalize the design from the exterior, allow for better light into the building, allow for better views and easier maintenance.

Cameron Bassett of Sentinel Development, presented the plans for 7000 Marina Bldg. Mr. Bassett further addressed Commissioner Munir's questions about the architecture and indicated that their intent was to square off the glass on the south side of the building while holding the strong geometric form of the building. This would increase the utility of the building which is dark on the south side and quite difficult to maintain. He indicated that a cost analysis was done on maintaining the windows in their current form and it was found to be a very large cost due to their condition and the ability to access the windows. The conference room pop-outs would be kept and refined to reinforce the unique geometric form of the building.

Mr. Bassett also provided an overview of the other proposed changes to the building, which would include opening up the landscaping and front entry sequence, tying the two buildings 5000 and 7000 Marina Boulevard together through the use of colors both at the entry, the proposed new roof screen, window pop-out surrounds and the new pedestrian pathway. Opening the rear atrium to the outdoors with new doors and a balcony was

proposed as an enhancement to the existing assembly space and that could be further customized by a tenant by improvements to the landscaping on the north side, based on tenant needs.

Commissioner Parker asked about improvements to the parking lot to address the expanse of parking. Mr. Bassett indicated that the improvements will include replacement of some of the trees that are dead or dying along with the improvement of the path through the lot.

Chair Cunningham asked about entrance improvements to address high winds and the ability to open the front doors. Mr. Bassett indicated that he would work with the glazing contractor to make sure the door is weighted properly so that it can open properly in high winds and they will also look closer at the landscaping plans to see if anything else might be done to address winds.

Commissioner Munir indicated that he wanted more data on why the existing windows couldn't be maintained and felt the proposal was destroying the architecture of the building, both the window changes and removal of the round front entrance.

Eric Clapp, of Westport Capital, representing the ownership of the building indicated that the building did receive an award from the Architecture Institute of America (AIA) in 1992 and that, with that award, it was specifically mentioned that the reason was for the iconic nature of the atrium on the north side which can be seen from U.S 101 and Candlestick. The atrium would be retained on the north side of the building and would be embraced and emulated on the south side as well with the proposed design.

Mr. Bassett expressed that their intent was not to change the building without first exploring the possibility of maintaining the building in its original state. The proposed change in this case is necessary to gain additional building views, add the glass line that is more functional for an office use and leave it in a geometric shape that's still interesting and to embrace the prominent part of the building, which is the atrium.

There being no members of the public present to address the Commission regarding the application, Commissioner Cunningham moved and Commissioner Munir seconded to close the public hearing. The motion carried 4-0.

The Commission entered into discussion of the building's architecture, with Commissioners Parker and Reinhardt acknowledging a certain fondness for the past design, but appreciating the design changes as improvements to meet modern demands. Commissioner Reinhardt indicated that he appreciated the need to modify the building to keep it useful, contrary to its current state, and the design kept the heart of the building and would help this dead building live. Commissioner Munir reiterated his concerns about the changes and indicated that he thought the changes would not help attract tenants. Chair Cunningham commented on the darkness of the building interior and indicated that she felt that changes would significantly enhance the building. She re-

iterated the need for the final front entry door design to address the high winds at Sierra Point. Commissioner Parker moved and Commissioner Reinhardt seconded to approve the application. The motion passed 3-1, with Commissioner Munir voting no.

**DISCUSSION: Proposed Ordinance to Establish an Art in Public Places Program for Brisbane.**

Director Swiecki presented the agenda report on the proposed ordinance and answered the Commission's questions. He reminded the Commission that the document was provided on an informational basis only for the Commission's feedback, but not in an official decision making capacity.

Director Swiecki along with current and past Parks and Recreation Commission members who were present, Karen Lentz and Kevin Fryer, answered the Commission's questions.

The Commission recommended a change to Section A of the draft ordinance, regarding the selection of public art pieces, to make the jury selection more inclusive and less prescriptive. Both Commissioner Lentz and Mr. Fryer agreed with the suggestion and Commissioner Lentz indicated that they will bring forward the Commission's suggestion. Commissioner Munir moved and Commissioner Parker seconded to recommend the change to Section A. The motion passed 4-0.

ITEMS INITIATED BY STAFF

Staff reminded the Commission that the Housing Element will be coming to the Planning Commission for public hearing on August 28<sup>th</sup>.

ITEMS INITIATED BY THE COMMISSION

Commissioner Parker requested that staff check the monochromatic color palette of the new building at 3836 Bayshore Boulevard relative to the design permit.

For subcommittee updates, Commissioner Reinhardt stated that the next Green Building Update subcommittee is scheduled to meet on September 3<sup>rd</sup>.

ADJOURNMENT

There being no further business, Chairperson Munir moved and Commissioner Parker seconded to cancel the meeting of August 14<sup>th</sup> and adjourn to the meeting of August 28<sup>th</sup>, 2014. The motion carried 4-0 and the meeting adjourned at 9:54 p.m.