

# *City of Brisbane*

## *Report from the Planning Commission*

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

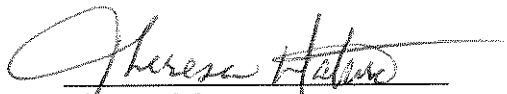
**DATE:** Meeting of April 20, 2009

**SUBJECT:** **3000-3500 Marina Blvd;** Appeal of the Planning Commission's Conditional Approval of the Sierra Point Opus Office Project- Cases Environmental Review ER-1-07, Design Permit DP-5-07, Tentative Parcel Map TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08. Opus West Corp, applicant; Sierra Point LLC owner; APN 007-165-020.

This report, in response to the appeal of the Planning Commission's approval of the above referenced applications, 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 submitted to the Planning Commission at and prior to its meeting of February 26, 2009.

The reasons for the Planning Commission's action are as stated in the attached Resolutions ER-1-07, DP-5-07/UP-3-08/V-1-08 and TPM-1-08, including the findings and conditions of approval, and as expressed in the attached Minutes.



Theresa Maturo  
Planning Commission Chair

Attachments:

Resolution ER-1-07,  
Resolution DP-5-07/UP-3-08/V-1-08  
Resolution TPM-1-08  
Planning Commission Agenda Reports  
December 18, 2008  
January 22, 2009  
February 26, 2009  
Planning Commission Minutes- dates above

RESOLUTION NO. ER-1-07

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

WHEREAS, Opus West Corporation, the applicant, applied to the City of Brisbane for approval of an office project totaling approximately 438,104 square feet in 2 buildings, a 5-level 1,175-space parking structure and 211 surface parking spaces on approximately 8.9 vacant acres located on the northwesterly side of 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, design permit application, parking modification use permit and variance, such applications being identified as Tentative Parcel Map TPM-1-08, Design Permit DP-5-07, Use Permit UP-3-08; and Variance V-1-08; and

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Brisbane:

FIND based on the record that the proposed Project will not have a significant effect on the environment subject to the recommended mitigation measures; and

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

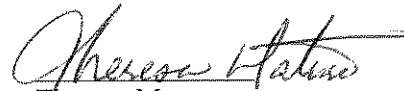
ADOPT the Mitigation Monitoring and Reporting Program attached as Exhibit A.

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

AYES: Hunter, Lentz, Maturo, Munir, Parker

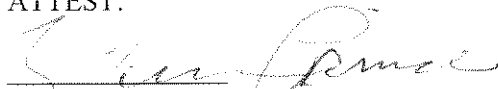
NOES: None

ABSENT: None



Theresa Maturo  
Chairperson

ATTEST:



WILLIAM PRINCE, Community Development Director

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

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>AIR-1 Continued</b></p> <ul style="list-style-type: none"> <li>Install base rock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and</li> <li>Suspend excavation and grading activity when sustained wind speeds exceed 25 mph. Sustained wind speed shall be determined by averaging observed values over a two-minute period. Wind monitoring by the construction manager shall be required at all times during excavation and grading activities.</li> </ul> <p><b>AIR-2:</b> Implement Mitigation Measure AIR-1 to reduce construction-period air quality impacts to sensitive receptors.</p>	Project Applicant/ Construction Manager	Brisbane Public Works Department	Periodically during demolition, grading and construction activities
<p><b>IV. Biological Resources</b></p>			
<p><b>BIO-1a:</b> Prior to initiation of grading and construction activities, a temporary construction fence shall be placed along the western edge of the project site along the row of toyon trees to restrict access of construction personnel and equipment into the salt marsh and drainage. A qualified biologist will assist construction personnel in the placement of the construction fencing and will monitor the site periodically during project construction.</p> <p><b>BIO-1b:</b> The project applicant shall construct a permanent fence adjacent to the pedestrian path and Bay Trail along the western and northern edge of the project site to restrict access of humans and dogs into the salt marsh. A qualified biologist shall advise the applicant regarding the location and design of the fence. The applicant shall receive approval of fence design, dimensions and location from BCD 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 Public Works Department	Prior to initiation of grading or construction activities
<p><b>BIO-2a:</b> Conduct pile-driving activities for the proposed project during the non-breeding season of the California clapper rail, September 1 through January 15. Pile-driving during this time frame would not impact the nesting activity of clapper rails if they are present in the small salt marsh adjacent to the project site and would reduce potential indirect impacts to California clapper rails to less-than-significant levels.</p>	Project Applicant/ Qualified Biologist	Brisbane Planning Department/San Francisco Bay Conservation and Development Commission	Prior to issuance of a certificate of occupancy permit for Phase 1
<p><b>BIO-2a:</b> Conduct pile-driving activities for the proposed project during the non-breeding season of the California clapper rail, September 1 through January 15. Pile-driving during this time frame would not impact the nesting activity of clapper rails if they are present in the small salt marsh adjacent to the project site and would reduce potential indirect impacts to California clapper rails to less-than-significant levels.</p>	Project Applicant/ Construction Manager	Brisbane Planning Department/Public Works Department	During the construction period

Table 1 *Continued*

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

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><b>BIO-4:</b> 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><b>BIO-5:</b> 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>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><b>V. Cultural Resources</b> <i>No mitigation required</i></p>			
<p><b>VI. Geology and Soils</b> <b>GEO-1a:</b> 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>



Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><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 grading, avoidance of settlement, and differential settlement of infrastructure and buildings. The recommendations shall be incorporated into all development plans submitted for the project.</p> <p><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:</p> <ul style="list-style-type: none"> <li>Information obtained from the California Division of Mines and Geology in its 1997 report "Guidelines for Evaluating and Mitigating Seismic Hazards in California" (which can be downloaded from the Division's home page at <a href="http://www.constrv.ca.gov">www.constrv.ca.gov</a>);</li> <li>"The Commercial Property Owner's Guide to Earthquake Safety," produced by the Seismic Safety Commission (SSC) and available at 1755 Creekside Oaks Drive, Suite 100, Sacramento, CA 95883 or at 916-263-5506); and</li> <li>"Peace of Mind in Earthquake Country" (Peter Yanev, 1991, Chronicle Books).</li> </ul>	<p>Project Applicant</p> <p>Project Applicant</p>	<p>City Engineer</p> <p>Planning Department</p>	<p>Prior to issuance of a grading permit</p> <p>Ongoing to be demonstrated upon request of Planning Department</p>
<p><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.</p>	<p>Project Applicant</p>	<p>Brisbane Planning Department/Building Official</p>	<p>Prior to issuance of a building permit</p>
<p><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.</p>	<p>Project Applicant</p>	<p>Brisbane Building Official/City Engineer</p>	<p>Prior to issuance of a grading permit</p>
<p><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).</p>	<p>Project Applicant</p>	<p>Brisbane Building Official/City Engineer</p>	<p>Prior to issuance of a grading permit. Ongoing implementation demonstrated via submission of required biannual report</p>
<p><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.</p>	<p>Project Applicant/Sierra Point Environmental Management Association</p>	<p>City Engineer</p>	<p>Ongoing yearly reports filed with City Engineer</p>

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><b>GEO-4:</b> 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>Project Applicant/Sierra Point Environmental Management Association</p>	<p>City Engineer</p>	<p>Prior to issuance of a certificate of occupancy permit</p>
<p><b>VII. Hazards and Hazardous Materials</b></p>			
<p><b>HAZ-1:</b> Any site development activities must comply with the requirements of the Water Board Order, applicable post-closure SR/WCB/CIWMB 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/ Construction Manager</p>	<p>Brisbane Public Works Department</p>	<p>Prior to issuance of a grading permit and full time inspection for all placement and clay cap 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><b>VIII. Hydrology and Water Quality</b></p>			
<p><i>No mitigation required</i></p>			
<p><b>IX. Land Use And Planning</b></p>			
<p><i>No mitigation required</i></p>			
<p><b>X. Mineral Resources</b></p>			
<p><i>No mitigation required</i></p>			
<p><b>XI. Noise</b></p>			
<p><b>NOISE-1:</b> The project shall comply with the following noise reduction measures:</p>			
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>			
	<p>Project Applicant/ Construction Manager</p>	<p>Brisbane Public Works Department</p>	<p>Periodically during grading and construction activities</p>

Table 1 *Continued*

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

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>Project Applicant</p>	<p>Department/City Engineer</p>	
<p>TRAF-4: 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>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>TRAF-5: 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 Planning Department/County Congestion Management Agency</p>	<p>Prior to issuance of building permit</p>

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/ Reporting Agency	Monitoring Schedule
<p>TRAF-5 <i>Continued</i></p> <ul style="list-style-type: none"> <li>• Provide for increased frequencies of existing dedicated shuttle service during the peak period to a rail station or residential area; coordinate with Caltrain shuttle services with respect to locations of stops and related amenities;</li> <li>• Participate in City programs (when and if they are available) aimed at reducing vehicular traffic trips;</li> <li>• Provide a location for a dedicated shuttle stop;</li> <li>• Provide secure bicycle parking;</li> <li>• Provide and operate an on-site commute assistance center to allow for one stop shopping for transit and commute alternatives information, preferably staffed with a live person to assist building tenants with trip planning;</li> <li>• Provide subsidized transit passes;</li> <li>• Provide less parking, charge for parking, and offer employees a parking cash-out program; and</li> <li>• Implement an alternate hours workweek program, also known as flextime.</li> </ul>			
<p>TRAF-7: 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
<p><b>XVI. Utilities And Services</b></p> <p><b>UTL-1a:</b> As a condition of approval and prior to issuance of building permits, the applicant shall incorporate a pressure reducing/pressure sustaining valve on the 16-inch interconnection between CalWater and the City of Brisbane Water Districts in a valve box located in the center median of Shoreline Court, or pay their fair share as determined by the Public Works Department if the improvement has already been completed. The valve shall be properly sized and have the ability to provide bidirectional fire flow to Sierra Point and the proposed project while concurrently maintaining the capacity to provide the required fire flow and pressure to the CalWater District. The new interconnection assembly shall comply with the City of Brisbane Public Works Department, CalWater and North County Fire Department specifications.</p>	<p>Project Applicant</p>	<p>Brisbane Public Works Department</p>	<p>Prior to issuance of a building permit</p>
<p><b>UTL-1b:</b> As a condition of approval and prior to issuance of building permits, an agreement must be made between CalWater and the City of Brisbane Water District and a program prepared that identifies and establishes responsibilities and operating ranges for the pressure reducing/pressure sustaining valve and the routine maintenance and testing of the facility. The applicant shall be responsible for the costs associated with preparation and implementation of the program, or pay their fair share as determined by the Public Works Director if the program is already in place.</p>	<p>Project Applicant</p>	<p>Brisbane Public Works Department</p>	<p>Prior to issuance of a building permit</p>
<p><b>UTL-1c:</b> The project applicant shall pay their fair share, as determined by the City of Brisbane Public Works Department, for the future development of a water storage tank sized to provide local fire and maximum day demands water volume to serve Sierra Point.</p>	<p>Project Applicant</p>	<p>Brisbane Public Works Department</p>	<p>Within 30 days of issuance of a certificate of occupancy permit for Phase 1</p>
<p><b>UTL-2:</b> The proposed project shall include a dedicated fire flow supply loop separate from the potable water system properly sized to handle project fire flow requirements and connected, through a double detector check valve assembly, directly into the street main at two separate locations in accordance with Public Works Department and Fire Authority specifications. Each fire supply loop connection to the street main shall include a double detector check valve. A fire loop system separated from the potable water system will allow for smaller water mains to serve the peak daily demand for the project, thereby allowing for quicker water turnover in the potable water system. Separate potable and fire supply systems will also allow for maintenance on either looped system without affecting the other. The separate potable water service shall be looped by connecting directly into the street main at two separate metered locations.</p>	<p>Project Applicant</p>	<p>Brisbane Public Works Department</p>	<p>Prior to issuance of a certificate of occupancy permit</p>

Table 1 *Continued*

Mitigation Measures	Mitigation Responsibility	Monitoring/Reporting Agency	Monitoring Schedule
<p><u>UTL-2</u> <i>Continued</i></p> <p>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.</p> <p>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	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

Table 1 *Continued*

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

Source: LSA Associates, Inc., 2008.



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

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

  
Theresa Maturo  
Chairperson

ATTEST:  
  
WILLIAM PRINCE, Community Development Director

## **EXHIBIT A**

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

### **Findings:**

#### **Design Permit DP-5-07**

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

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

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.

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



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 26<sup>th</sup> 2009, did resolve as follows:

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

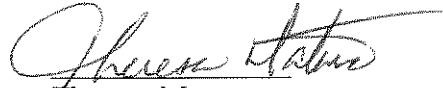
ADOPTED this 26th day of February, 2009, by the following vote:

AYES: Hunter, Lentz, Maturo, Munir, Parker

NOES: None

ABSTAINED: None

ABSENT: None



Theresa Maturo  
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.

**City of Brisbane  
Planning Commission Agenda Report**

**TO:** Planning Commission  
 For the Meeting of December 18, 2008

**FROM:** John Swiecki, Principal Planner, via William Prince, Community Development Director

**SUBJECT:** **Sierra Point Office Project:** Environmental Review ER-1-07, Design Permit DP-5-07, Tentative Parcel Map TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08. Proposal 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 vacant acres located on the northwesterly side of Marina Boulevard, easterly of Highway 101 at Sierra Point. Project elements include approval of a design permit and related site grading, a proposed parking modification use permit to allow both a reduction in the number of parking spaces and the use of universal parking stalls in lieu of standard and compact size stalls, and the proposed subdivision of the site into 3 parcels with related variances.

**Recommendation:**  
 That the Planning Commission:

- Find that that proposed project will not have a significant on the environment subject to the recommended mitigation measures and adopt a mitigated negative declaration via adoption of resolution ER-1-07.
- Approve DP-5-07, TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08 per adoption of the attached resolutions.

**Request:**  
 The applicant is proposing to construct 438,104 square feet of office space in 2 buildings and related parking on approximately 8.87 vacant acres on the northwest side of Marina Boulevard east of Highway 101 at Sierra Point. Proposed buildings are 8 and 10 stories with a maximum height of 125 feet. The proposed project includes 1,388 parking spaces, including a 5-level parking structure containing 1,175 spaces. The project also incorporates the extension of the regional Bay Trail along the northerly and westerly perimeter of the site.

A number of actions are required to implement the project as proposed. These include:

- Adoption of a mitigated negative declaration for the project.
- Approval of a Design Permit and associated grading permit for the project.

- Approval of a Parking Modification Use Permit to allow the use of uniform (8.5' x 18') parking stalls within the parking garage in lieu of compact and standard stalls, and to allow for a reduction in the number of parking spaces from 1,460 to 1,373.
- Approval of a tentative parcel map to subdivide the site into three parcels and related variances.

**Discussion:**

**Project Description**

The project proposes an 8-story, approximately 194,000 square foot office building along the north end of the site with a 10-story, approximately 244,000 square foot building closer to the center of the site. A field of surface parking (211 spaces) separates the two buildings, while a 5-level parking structure containing 1,175 parking spaces runs along the westerly project edge. The northerly office building is set back beyond the Bay Conservation and Development Commission's (BCDC's) jurisdictional limits, 100 feet from the Bay's edge. An extension of the Bay Trail wraps around the north, west and south edges of the site, ultimately connecting to Marina Boulevard. The northerly portion of the trail is combined with a required emergency access roadway. Internal open areas and patios are provided, along with connections to the larger Bay Trail network.

As a matter of information, the project has been reviewed by BCDC, and BCDC recommended several minor modifications to the site plan analyzed in the mitigated negative declaration. These include a reduction in the number of surface parking spaces by two, and minor changes to the internal driveway configuration. The plans presented for Planning Commission consideration at this meeting reflect BCDC's recommendations regarding the project.

**Environmental Determination**

A draft Mitigated Negative Declaration (MND) was prepared November 2008 for the project. As noted in the MND, the Sierra Point Biotech EIR previously certified by the City Council in May 2008 evaluated the cumulative buildout of Sierra Point, including the office project as proposed. Consistent with the objectives of CEQA, to avoid redundant analysis and as authorized under Section 15152 of the CEQA Guidelines, the project environmental analysis is tiered off the Biotech EIR and 1994 General Plan EIR. Through the tiering process, the MND incorporates pertinent impact analysis and mitigation from the previous EIR. New analysis is limited to site-specific aspects of this project which were not analyzed in the previous EIR.

As of the date of staff report publication, the 30-day comment period on the MND is underway. No comments have been received to date. Any comments received by the close of the comment period will be provided to the Planning Commission when available. A draft mitigation monitoring and reporting program (MMRP) is also attached for the Commission's consideration.

As noted above, several minor modifications to the site plan have been proposed to reflect BCDC recommendations. None of these modifications result in new or increased environmental impacts as compared to the site plan referenced in the MND, or changes to the mitigation measures as proposed.

Staff is recommending several minor changes to the recommended mitigation measures as presented in the draft MND. These changes are summarized below, and the revised mitigation language is incorporated into the attached MMRP.

Mitigation Measure B10 2b: Clarify that the required plan will be subject to Community Development Director review and approval.

**Parcel Map**  
The applicant is proposing to subdivide the site into three parcels, with each building (including the parking structure) located on a separate parcel. This allows the applicant the flexibility to phase the development and improvements and ultimately sell off the buildings separately. The 8-story building and northerly portion of the parking structure would encompass phase 1, while the 10-story building and remainder of the parking structure constitute phase 2. Trail improvements around the entire site would be included as phase 1. Specific details regarding phasing of infrastructure and improvements will be subject to City review and approval. Staff would recommend that landscaping along the entire Marina Boulevard frontage be installed in conjunction with phase 1 to enhance the streetscape and general overall appearance of the project site.

While approval of a parcel map allows for separate ownership of parcels, the project has been designed functionally and aesthetically as a unified whole, and will be built, operated and maintained as such, even if phased or built out under separate ownership. The conditions of approval include legally enforceable provisions to ensure that the project is constructed and maintained as intended, including provisions for mutual access and parking and cross lot drainage and utilities.

While designed as a unified project covering multiple parcels, the development standards established in the Zoning Code apply on a lot-by-lot basis, not to an overall project. This creates the need for two variances in conjunction with the project which would not be required if the project were constructed on a single parcel. The first relates to maximum lot coverage, which is 40%. While the overall project lot coverage is 33%, the lot coverage for proposed Parcel 1 (parking structure parcel) is 49%. A variance is also required to allow architectural projections on the garage to encroach 8 feet into the required 15-foot side yard setback. Inasmuch as the requested variances relate to the underlying parcels and the overall project complies with code requirements, staff supports the variances as requested. Findings in support of the requested variances are incorporated into the attached resolution.

BMC Section 16.16.160 requires that the Planning Director report to the Planning Commission regarding the conformance of the proposed subdivision with the General Plan, Zoning Ordinance and other adopted City policies, as well as regarding the proposed design of the subdivision in terms of the character of the land and its surroundings and a number of other factors. The project is consistent with the Sierra Point General Plan subarea and Sierra Point CRD zoning designation, except the variances noted above. As discussed below, the project is consistent with the Sierra Point Design Guidelines and compatible with development elsewhere within Sierra Point.

**Design Permit**  
The site plan complies site design criteria established in the zoning code, with the exception of the required variances as noted above discussed above, and the parking exceptions discussed below. The project also generally complies with the standards established in the Sierra Point Design Guidelines, with minor exceptions which are discussed below.

**Parking Modification Use Permit**  
A parking modification use permit has been requested for the following:  
A. To allow the use of a universal sized (8.5' x 18') parking stall within the parking structure in lieu of standard (9' x 20') and compact (8' x 16') spaces. As indicated in the supporting statements provided by the applicant, utilizing a universal-sized stall improves efficiency by optimizing the number of spaces that can be provided within the garage. The applicant indicates that utilizing all full size spaces or mix of compact and full size spaces as permitted by Code would result in the provision of 20-100 fewer spaces than if universal stalls are used. This allows for the size of the parking structure to be minimized. Staff

Mitigation Measures Bio 3a- 3c: Clarify the language to correspond to the Department of Fish and Game's adopted protocol pertaining to burrowing owls.

Mitigation Measure Ut1-5a: Clarify that there is flexibility in implementing Water Conservation Program, D, provided equivalent water savings are achieved. Also specify that landscaping may incorporate other low-water/drought resistant/non invasive plant species along with native plants.

Mitigation Measure Ut1-5b: Clarify that the referenced landscape irrigation retrofits will be located at Sierra Point.

The proposed changes are non-substantive and minor in nature and do not change the scope or effectiveness of the mitigation measures in addressing environmental impacts.

It should be clarified that the draft MND references the re-adoption of overriding findings of consideration for cumulative, long term regional traffic impacts on Highway 101 which were previously identified in the Sierra Point Biotech EIR as unmitigable and will occur with or without future development at Sierra Point. The City Council, in approving the biotech project, adopted a Statement of Overriding Considerations in regard to this impact, and re-adoption of these findings is not required. Section 15152(f)(1) of the CEQA Guidelines states that "where a lead agency determines that a cumulative effect has been adequately addressed in the prior EIR, that effect is not treated as significant for purposes of the later...negative declaration..." As discussed in the MND, the previous Biotech EIR identified the full extent of cumulative traffic impacts and this proposal does not result in additional impacts beyond those previously identified.

**Project Background**  
The 2001 Sierra Point Design Guidelines incorporated 360,000 square feet of space in 6 and 8 story office buildings and a parking structure on the subject site, identified as Parcel 3. In conjunction with the Sierra Point Biotech Project, the City Council approved the transfer of 89,815 square feet of development rights from the Biotech site to Parcel 3, thereby increasing the permitted buildable area to 449,815 square feet. The project as proposed includes 438,104 square feet.

Incorporating the allowable square footage onto the site involves either increasing the building footprint or building height. In evaluating these options it should be recognized that a prevailing design theme throughout Sierra Point is the use of slender, geometric office towers which maintains building separation and view corridors throughout the site. Increasing the building footprint would be inconsistent with this prevailing design theme. The midrise buildings at 8 and 10 stories as proposed fall within the overall height and story limits established for Sierra Point. The layout is also consistent with the established development pattern within Sierra Point, with taller buildings closer to the center of the site and lower buildings along the shoreline. As a matter of information, the building heights and conceptual footprint as proposed were incorporated into the updated Design Guidelines recommended for approval by the Planning Commission in November 2008.

There were several other Planning-Commission recommended changes to the Design Guidelines with implications to the project as proposed, and these are discussed in the "Design Permit" section of this staff report.



supports the requested modification and supporting findings are included in attached Resolution #DP-5-07/FP-3-08/V-1-08.

B. To provide a minimum of 1,373 parking spaces where 1,460 parking spaces are required pursuant to the zoning code. The site plan currently includes 1,386 spaces, and the applicant is proposing a fewer number in the event a small number of additional spaces are lost through the design process. The applicant's justifications are attached for the Commission's review. In summary, their request is based on a number of transportation demand management measures proposed for the project. These include the availability of the existing Sierra Point shuttle system which provides access to BART and Caltrain, as well as the provision of 41 carpool-only parking stalls, as well as 64 bicycle racks and on-site shower/changing facilities. Additionally, the site plan incorporates an on-site shuttle stop to enhance convenience for future employees. Studies indicate that a successful transportation demand management program can reduce commuter trips in excess of 10 percent, while the parking reduction proposed under this request is approximately 6 percent. Additionally, there is growing body of planning research which suggests that an abundance of free parking encourages single occupancy vehicle trips and discourages transit and alternate forms of travel. Sierra Point in general and this site in particular is uniquely served by Bay Trail access and shuttle service which provides alternate means of access. As such, staff is supportive of the requested parking modification.

C. Required parking must be located "on-site" which is defined in the Zoning Code as the same lot on which the building is located. Inasmuch as the parking structure which provides much of the required parking is located on a separate parcel, the project as designed does not technically comply with this requirement. The project will be conditioned to ensure that the parking structure is available in perpetuity for the exclusive use of the office buildings, and staff can support this modification.

#### *Other Site Design Issues*

The Sierra Point Design Guidelines require that main driveway entrances into projects be configured to include a center median. The northerly driveway entrance into the project should be redesigned accordingly. Additionally there are limited areas within the surface parking lot that are not configured to allow for the installation of trees. These areas shall be reconfigured accordingly. Additionally the plans should clearly specify how access to the emergency vehicle roadway along the north end of the project will be restricted.

In recommending approval of the updated Sierra Point Design Guidelines in November 2008, the Planning Commission made several recommendations which potentially relate to the project as proposed. For example, the Planning Commission recommended that decomposed gravel or other softer surface be integrated into the Bay Trail design, but the project does not incorporate this recommendation. In this instance, staff would note the trail is already wider than typically found due to the provision of emergency vehicle access. Widening the trail would reduce the area devoted to landscaping. Additionally, integrating this element into a small segment when the remainder of the trail throughout Sierra Point is designed with conventional surfacing may provide only limited utility and raises issues with design continuity and consistency. As a matter of information, BCDC has approved the trail design as presented.

The Planning Commission further recommended that no parking be permitted within the 100 foot shore band, while the site plan shows a portion of one public parking space for Bay Trail access within this area. Lastly, the Commission recommended no building encroachments into the 100 foot shore band. The project complies with this requirement, but as discussed below staff is recommending that entry canopies be integrated at building entrances, and it is likely that such a feature would encroach into the shoreband along the north side of the northerly building.

Another Planning Commission recommendation was to explore access and enhancement to the "beach area" located northwesterly of the site. This area does not lie within the project limits, and is under state ownership. Furthermore the draft MND recorded the presence of sensitive shorebirds (Clapper Rails) in this area. The recommended mitigation measures are intended to restrict movement from this site into that potentially sensitive habitat area. The extension of the bay trail along the northerly area provides an opportunity for educational and interpretative signage for the public's benefit.

Lastly, there has been an ongoing concern regarding the lack of secondary emergency access to Sierra Point. While this issue is not directly related to the proposed project, the applicant indicates that physical emergency access between Sierra Point and Oyster Point to the south within South San Francisco exists via a maintenance roadway traversing Caltrain's easement. Staff recommends an advisory condition that City staff work with the applicant to see if City emergency access can be formally established across this route.

#### *Building Design*

The office buildings are of contemporary style, characterized by strong geometric elements. A curved d blue glass skin with metal bands is accented by GFRC panels in shades of gray. Plane changes and curved and angled elements of the building add visual interest to the project. Staff believes the project is architecturally compatible with existing development at Sierra Point, and consistent with the Sierra Point Design Guidelines. Staff is recommending that additional architectural treatment such as a canopy or trellis be added to the building entries to create a stronger sense of entry and focus to the buildings.

#### *Parking Garage*

A five-level parking structure is proposed along the westerly boundary of the project. The Planning Commission is familiar with the design challenges associated with parking structures and the options available to address their aesthetic impacts. In evaluating the parking structure, context is an important consideration. For example, the HCP Biotech project parking garage was located directly on Sierra Point Parkway at a visually prominent roadway terminus, and would be subject to public exposure by pedestrians and slow speed vehicular traffic. In this case, as illustrated in the visual simulations contained within the draft MND, the visibility of the garage is based on its orientation and exposure to Highway 101. This means the garage will be glimpsed for short periods of time from vehicles traveling at highway speed, and will appear as a long and low building in the foreground of more prominent and visually interesting buildings. Given this context, staff believes the project's visual quality is best served if the garage blends into its surroundings and does not attract visual attention. Several design enhancements are proposed with this objective in mind. These would include adding trellis or popout elements on the north, middle and south ends of the westerly elevation to break up the building plane and roofing, which would visually break up the garage length. It is further recommended that a darker accent color be used along the upper levels of the garage, again to deemphasize the visibility of the garage face. Lastly, staff is recommending the installation of columnar trees along the west side of the building which would provide additional screening of the structure.

#### *Grading*

Sierra Point is a former municipal land fill. As part of its reclamation for development purposes the landfill was closed in conformance with State Title 27, subject to the regulatory oversight of the San Mateo County as LEA (Local Enforcement Agency) and the Regional Water Quality Control Board. Final closure of developed sites within Sierra Point typically consists of the installation of a foundation layer, soil cap and soil cover above. Parcel 3 was closed on an interim basis, which consists of a layer of clean soil over refuse. Final closure is proposed in conjunction with the proposed development, incorporating a minimum 2-foot thick foundation layer overlain by a one-foot thick clay cap with a

minimum 2-foot thick clean soil cover above the cap. The site's clay cap will be tied into adjoining existing segments of the clay cap to eliminate potential water infiltration into refuse.

Grading operations involve removal and stockpiling of the existing clean cover material which will be reused on site. Underneath this layer, approximately 2,500 cubic yards of refuse will be re-spread on the site to eliminate existing refuse peaks and valleys underlying the surface. During the period of grading operations when refuse is exposed, combined Regional Water Quality Control Board/California Integrated Waste Management Board regulations (State Title 27) require that exposed refuse be covered on a daily basis.

Final grading operations will result in the export of approximately 25,000 cubic yards of excess clean soil material from the site. Additionally, a number of trees about the site along the north, west and southerly boundaries. All mature trees should be protected in place to the extent feasible, and all arborist recommendations to protect adjacent trees during grading operations shall be implemented as included in the conditions of approval. The cluster of trees along the northerly project boundary is located near the boundary of the existing clay cap, and it is unknown how many of these trees will need to be removed in conjunction with installation of the clay cap. Removal will be limited to minimum extent necessary to complete grading operations, and the project landscaping plan will need to account for the replacement of mature trees in this area of the site.

**Green Building Ordinance**

The project is subject to the City's Green Building Ordinance, which requires the project to achieve 28-33 points to qualify as LEED Silver. As indicated in the "LEED scorecard" page of the project submittal packet, the applicant indicates they plan to achieve a minimum of 28 points, with another 13 points identified as potentially achievable as the design process moves forward. Water efficiency, energy efficiency, transportation demand management are some of the categories LEED points are proposed for the project. Additionally, although it does not result in LEED credits, the applicant is designing the parking structure to be Photo-voltaic (PV) ready to accommodate the possible future installation of solar panels.

**Attachments:**

Applicant's Design Submittal Packet

TPM-1-07

Applicant's Parking Modification Use Permit Justifications

~~Draft Resolution PR-1-07 and MMRP~~

~~Draft Resolution DP-5-07/HP-3-08TV-1-08~~

~~Draft Resolution TPM-1-08~~

*Superseded*

**Project Summary**

General Plan: Sierra Point Commercial/Retail/Office (SP C/R/O)

Zoning: Sierra Point Commercial (SP-CRO)

Lot Area: 8.9 acres (overall)

Building Coverage (overall)--

Permitted: 40% (154,496 sq. ft.)

Proposed: 33% ( 126,329 sq. ft.)

Landscaping--Amount (overall)

Required: 25% (96,559 sq.ft.)

Proposed: 42% (161,942 sq.ft.)

Landscaping--Setbacks (overall)

Required: 20 ft.

Proposed: 20 ft.

Building Setbacks (overall)

Required

25 ft.

Proposed

100 ft.

Front

Side: 15 ft.

Rear: 15 ft.

Height--

Permitted: 12 stories

Proposed: 8 & 10 stories

Parking (overall)

Required: 1,460

Proposed: 1,373



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## Memo

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

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

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

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

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

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

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

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

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

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



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

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

### Universal Stall Sizes:

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

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

Consider this example for the project's parking garage:

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

Full Stalls Only = 1,080 stalls

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

Universal Stalls Only = 1,180 Stalls

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

### In Conclusion:

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

<sup>2</sup> Opus West, "Opus Center Sierra Point", <http://www.sierra-point.com/transportation.htm>, December 2, 2008.  
<sup>3</sup> Compass Transportation, enclosed daily ridership reports for Sierra Point shuttle service, August 2008 thru October 2008.  
<sup>4</sup> LSA Associates, Opus Office Center Initial Study/Mitigated Negative Declaration, 2008, page 104.  
<sup>5</sup> LSA Associates, Opus Office Center Initial Study/Mitigated Negative Declaration, 2008, page 106.  
<sup>6</sup> City of Burbank, "Council Agenda", [http://www.ci.burbank.ca.us/agendas/ag\\_council/2006/032106\\_9.html](http://www.ci.burbank.ca.us/agendas/ag_council/2006/032106_9.html), December 2, 2008.  
<sup>7</sup> City of Redwood City, Municipal Code Article 30.5.A, [http://www.ci.redwoodcity.ca.us/codes/redwoodcity\\_municipal\\_code.html](http://www.ci.redwoodcity.ca.us/codes/redwoodcity_municipal_code.html), December 2, 2008.  
<sup>8</sup> City of Walnut Creek, Municipal Code Section 10-2.3.207, [http://www.ci.walnutcreek.ca.us/codes/redwoodcity\\_municipal\\_code.html](http://www.ci.walnutcreek.ca.us/codes/redwoodcity_municipal_code.html), December 2, 2008.  
<sup>9</sup> City of San Jose, Municipal Code Chapter 20.90.100, <http://www.municipalcode.com/Resources/gateway.asp?pid=14367&sid=5>, December 2, 2008.  
<sup>10</sup> City of Mountain View, Municipal Code Section A36.37.090 C.1, [http://www.ci.mountainview.ca.us/codes/mtnview\\_DATA/TITLE36/ARTICLE\\_IV\\_GENERAL\\_AND\\_SPECIAL.html#56](http://www.ci.mountainview.ca.us/codes/mtnview_DATA/TITLE36/ARTICLE_IV_GENERAL_AND_SPECIAL.html#56), December 2, 2008.  
<sup>11</sup> Opus Architects & Engineers, enclosed parking garage floor plans for different stall size scenarios, December 2, 2008.



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

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

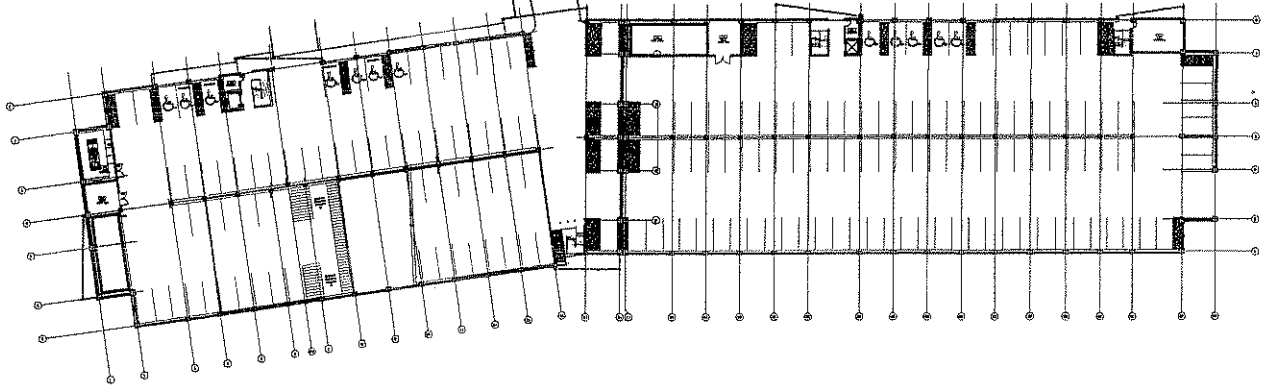
*How will the requested modification of the parking regulations not affect on-street parking, in terms of the number and location of existing spaces or increased demand for on-street parking?*

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

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

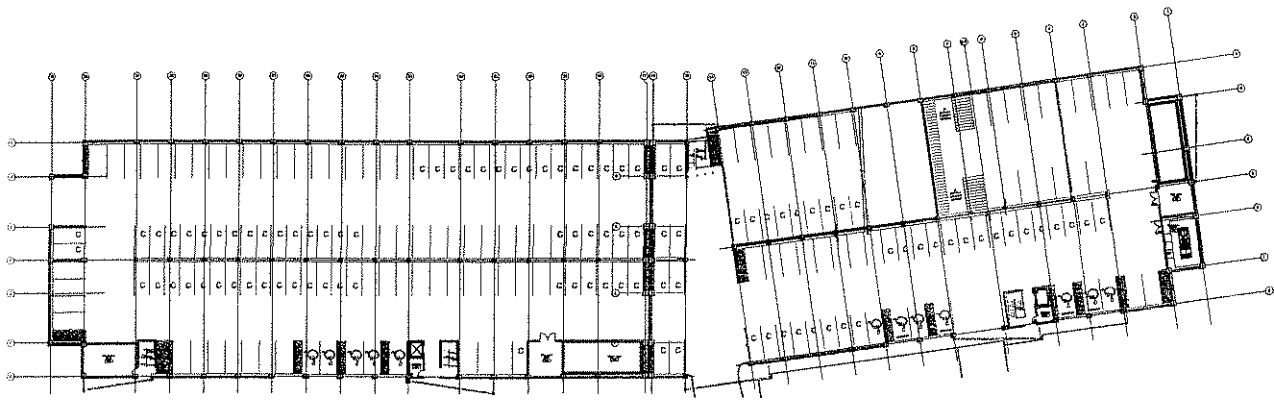
As outlined above, with the incorporation of the projects TDM measures, the amount of parking provided will be adequate for the parking demand. As such, all occupants and visitors will either park on site or take alternate methods of transportation.

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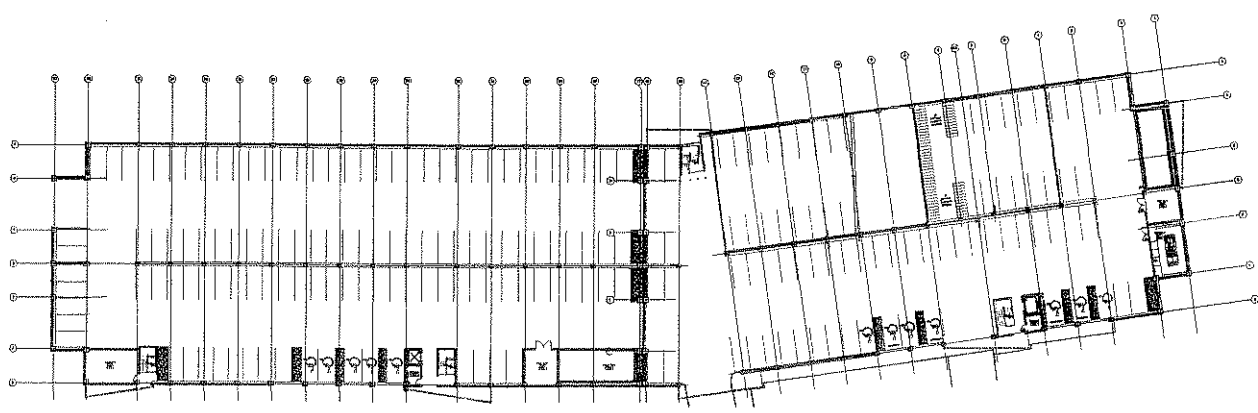


ALL FULL SIZE

DCSP - Level 1 Garage Floor Plan  
Total Stalls = 1,080  
12/2/08



FULL SIZE + 50% COMPACT  
OCSP - Level 1 Garage Floor Plan  
Total Stalls = 1,160  
12/2/08



ALL UNIVERSAL  
OCSP - Level 1 Garage Floor Plan  
Total Stalls = 1,180  
12/2/08

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Oct-08

Route Name SIERRA POINT-CALTRAIN

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	5-Oct	152	3	24	18.99	231	201	0.22
Week Ending	12-Oct	383	5	40	31.65	385	335	0.20
Week Ending	19-Oct	384	5	40	31.65	385	335	0.20
Week Ending	26-Oct	407	5	40	31.65	385	335	0.21
Week Ending	31-Oct	406	5	40	31.65	385	335	0.21
Monthly Totals		1732	23	184	145.59	1771	1541	0.61

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

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

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Sep-08

Route Name SIERRA POINT-CALTRAIN

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	7-Sep	80	5	40	31.65	385	335	0.04
Week Ending	14-Sep	375	5	40	31.65	385	335	0.19
Week Ending	21-Sep	373	5	40	31.65	385	335	0.19
Week Ending	28-Sep	331	5	40	31.65	385	335	0.17
Week Ending	30-Sep	372	2	16	12.66	154	134	1.21
Monthly Totals		1531	22	176	139.26	1694	1474	0.56

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

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

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Aug-08

Route Name SIERRA POINT-CALTRAIN

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	3-Aug	76	1	8	6.33	77	67	0.99
Week Ending	10-Aug	394	5	40	31.65	385	335	0.20
Week Ending	17-Aug	395	5	40	31.65	385	335	0.21
Week Ending	24-Aug	394	5	40	31.65	385	335	0.20
Week Ending	31-Aug	348	5	40	31.65	385	335	0.16
Monthly Totals		1607	21	168	132.93	1617	1407	0.61

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

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

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Oct-08

Route Name BALBOA PARK-BART

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	5-Oct	389	3	24	16.99	231	201	0.56
Week Ending	12-Oct	929	5	40	31.65	385	335	0.48
Week Ending	19-Oct	918	5	40	31.65	385	335	0.48
Week Ending	26-Oct	823	5	40	31.65	385	335	0.43
Week Ending	31-Oct	930	5	40	31.65	385	335	0.48
Monthly Totals		3989	23	184	145.59	1771	1541	1.39

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

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

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Sep-08

Route Name BALBOA PARK-BART

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

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

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

Date \_\_\_\_\_

Sam Trans Shuttle Ridership Report

Shuttle Provider: SFO Airporter, Inc.

Monthly Totals for: Aug-08

Route Name BALBOA PARK-BART

	Date	# of Boardings	# of Operating Days	Operating Hours	Service Hours	Operating Miles	Service Miles	Passenger Mileage
Week Ending	3-Aug	148	1	8	6.33	77	67	1.92
Week Ending	10-Aug	825	5	40	31.65	385	335	0.43
Week Ending	17-Aug	880	5	40	31.65	385	335	0.46
Week Ending	24-Aug	813	5	40	31.65	385	335	0.42
Week Ending	31-Aug	778	5	40	31.65	385	335	0.40
Monthly Totals		3444	21	168	132.93	1617	1407	1.31

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

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

Date \_\_\_\_\_



**City of Brisbane  
Planning Commission Agenda Report**

**TO:** Planning Commission  
 For the Meeting of January 22, 2009

**FROM:** John Swiecki, Principal Planner, via William Princek, Community Development Director

**SUBJECT:** **Sierra Point Office Project:** Environmental Review ER-1-07, Design Permit DP-5-07, Tentative Parcel Map TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08. Proposal 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 vacant acres located on the northwesterly side of Marina Boulevard, easterly of Highway 101 at Sierra Point. Project elements include approval of a design permit and related site grading, a proposed parking modification use permit to allow both a reduction in the number of parking spaces and the use of universal parking stalls in lieu of standard and compact size stalls, and the proposed subdivision of the site into 3 parcels with related variances.

**Recommendation:**

That the Planning Commission:

- Find that that proposed project will not have a significant effect on the environment subject to the recommended mitigation measures and adopt a mitigated negative declaration via adoption of resolution ER-1-07.
- Approve DP-5-07, TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08 per adoption of the attached resolutions.

**Request:**

The applicant is proposing to construct 438,104 square feet of office space in 2 buildings and related parking on approximately 8.87 vacant acres on the northwest side of Marina Boulevard east of Highway 101 at Sierra Point. Proposed buildings are 8 and 10 stories with a maximum height of 125 feet. The proposed project includes 1,388 parking spaces, including a 5-level parking structure containing 1,175 spaces. The project also incorporates the extension of the regional Bay Trail along the northerly and westerly perimeter of the site.

A number of actions are required to implement the project as proposed. These include:

- Adoption of a mitigated negative declaration for the project;
- Approval of a Design Permit and associated grading permit for the project;

- Approval of a Parking Modification Use Permit to allow the use of uniform (8.5' x 18') parking stalls within the parking garage in lieu of compact and standard stalls, and to allow for a reduction in the number of parking spaces from 1,460 to 1,373.
- Approval of a tentative parcel map to subdivide the site into three parcels and related variances.

**Discussion:**

This matter was continued from the Planning Commission meeting of December 18, 2008. The December 18 staff report is attached for information. The applicant has submitted a packet of materials to supplement the original submittal in response to the issues raised at the previous meeting. Several issues raised at the last hearing are not addressed in the supplemental materials, but the applicant will be presenting information at the January 22 meeting for the Planning Commission's consideration.

The outstanding issues are summarized below:

**Information Clarification**

The Commission raised concerns that the LEED scorecard included in the original design submittal was extremely difficult to read. It has been reprinted as a separate attachment for the Commission's use. A question was also raised regarding how much of the site's interior was landscaped as compared to the landscaped area within BCDC's jurisdictional limits (100 feet from the Bay's edge). Sheet A4.1 from the supplemental packet shows that interior landscaping encompasses approximately 49,400 square feet of the total landscaped area of 161,942 square feet provided within the entire project.

**Garage design**

Concerns were expressed regarding the appearance of the garage, as well as the aesthetic appearance of the vast expanse of rooftop parking. In regard to the rooftop parking, the applicant is proposing a bank of trellises over the center two rows of rooftop parking, thereby breaking up the expanse of rooftop parking. This is shown on Sheet A.7.2 of the supplemental design package. The photo simulation attached to the back of the supplemental packet shows the screening effect of additional columnar trees along the west face of the garage. Another area of concern was the appearance of the north face of the garage when viewed from the Bay Trail. The applicant is still considering options to address this concern, and will be presenting potential design solution(s) at the January 22 meeting.

**Site Plan**

The applicant has submitted additional information (Sheets L-1, L-4, L-5) showing the location of on-site outdoor gathering areas for employees and guests, as well as to demonstrate how pedestrians can navigate the site with limited conflicts with autos. Additional berming has also been added to the landscaped areas along Marina Boulevard to further restrict visibility of the surface parking area from the street.

**On-site Energy Generation**

The Planning Commission expressed a desire that the project incorporate an on-site energy generation component. While this is not a requirement of the City's adopted Green Building Ordinance, or other adopted City Ordinance, the applicant is exploring this issue and will provide an update to the Commission at the January 22 meeting.

**Mitigated Negative Declaration**

The only comment received was the letter from Caltrans which was provided to the Planning Commission at the December 18 meeting. In response to these comments, the City's traffic



LEED SCORECARD

THIS FACILITY WILL ACHIEVE AN OVERALL LEED RATING AT A MINIMUM OF 29 LEED-PTS POINTS AS WELL AS MEET THE CITY OF BRISBAKE REQUIRED LEED CERTIFICATION LEVEL. THE POINTS ARE PLANNED TO BE EARNED TO BE DESIGNATED AS AN ADDITIONAL LEED-PTS POINT TO BE EARNED BY THE OWNER. SEE APPENDIX FOR THE DESIGNATED LEED-PTS POINTS. THE AGREEMENT OF ADDITIONAL LEED-PTS POINTS TO BE EARNED BY THE OWNER, SEE APPENDIX FOR THE DESIGNATED LEED-PTS POINTS. THE AGREEMENT OF ADDITIONAL LEED-PTS POINTS TO BE EARNED BY THE OWNER, SEE APPENDIX FOR THE DESIGNATED LEED-PTS POINTS. THE AGREEMENT OF ADDITIONAL LEED-PTS POINTS TO BE EARNED BY THE OWNER, SEE APPENDIX FOR THE DESIGNATED LEED-PTS POINTS.

LEED REQUIREMENTS

Category	Requirement	Points Available	Points Earned	Notes
LEED - C A S	1.1	1	1	...
	1.2	1	1	...
	1.3	1	1	...
	1.4	1	1	...
	1.5	1	1	...
	1.6	1	1	...
	1.7	1	1	...
	1.8	1	1	...
	1.9	1	1	...
	1.10	1	1	...
	1.11	1	1	...
	1.12	1	1	...
	1.13	1	1	...

Category	Requirement	Points Available	Points Earned	Notes
LEED - C A S	2.1	1	1	...
	2.2	1	1	...
	2.3	1	1	...
	2.4	1	1	...
	2.5	1	1	...
	2.6	1	1	...
	2.7	1	1	...
	2.8	1	1	...
	2.9	1	1	...
	2.10	1	1	...
	2.11	1	1	...
	2.12	1	1	...

Category	Requirement	Points Available	Points Earned	Notes
LEED - C A S	3.1	1	1	...
	3.2	1	1	...
	3.3	1	1	...
	3.4	1	1	...
	3.5	1	1	...
	3.6	1	1	...
	3.7	1	1	...
	3.8	1	1	...
	3.9	1	1	...
	3.10	1	1	...
	3.11	1	1	...
	3.12	1	1	...

subconsultant (Hexagon) made minor modifications to the traffic analysis, and a formal response was sent to Caltrans. No changes to the MND's conclusion in regard to the significant of traffic impacts resulted from Caltrans comments, nor did this information result in any changes to the recommended mitigation measures. No additional correspondence has been received from Caltrans.

Attachments:

- Supplemental Design Packet
- Draft Resolution ER-1-07 and MMRP
- Draft Resolution DP-8-07/UP-3-08/V-1-08
- Draft Resolution TPM-1-08
- December 18, 2008 Planning Commission Report
- Caltrans Comment Letter and Consultant Response

Mr. John Swiecki  
December 17, 2008  
Page 2

156+97+146=399. There does not appear to be an exit from the roadway between the two intersections for the volumes to disperse. Please verify.

**Encroachment Permit**

Please be advised that any work or traffic control that encroaches onto the state right of way (ROW) requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating state ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information: <http://www.dot.ca.gov/hq/traffic/development/permits/>

Michael Condie, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,

*Lisa Carboni*

LISA CARBONI  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

Mr. John Swiecki  
December 17, 2008  
Page 2

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**Encroachment Permit**

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Michael Condie, District Office Chief  
Office of Permits  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

Please feel free to call or email Sandra Finegan of my staff at (510) 622-1644 or [sandra\\_finegan@dot.ca.gov](mailto:sandra_finegan@dot.ca.gov) with any questions regarding this letter.

Sincerely,

*Lisa Carboni*

LISA CARBONI  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

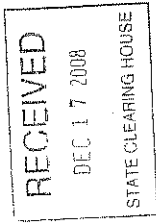
STATE OF CALIFORNIA - BUSINESS TRANSPORTATION AND LOGISTICS AGENCY



**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5513  
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SCH# 2008112070

12-17-08

December 17, 2008

Mr. John Swiecki  
Community Development Department  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Dear Mr. Swiecki:

**OPUS CENTER SIERRA POINT - MITIGATED NEGATIVE DECLARATION**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed OPUS Center Sierra Point. The following comments are based on the Mitigated Negative Declaration (MIND). Our previous comments still apply and are incorporated here by reference.

**Traffic Impact Study (TIS)**

Please address the following concerns about intersection volumes:

1. TIS, Year 2030 Cumulative without Project, page 36, Figure 10, Intersection #2, Congdon Street northbound (NB) AM movement, provides a volume of 288, however, Year 2030 Cumulative with Project, page 37, Figure 11, Intersection #2, only provides a volume of 15. Please check the difference.
2. TIS, Year 2030 Cumulative without Project, page 36, Figure 10 and Year 2030 Cumulative with Project, page 37, Figure 11, Intersections 9 and 10: The volumes on Sierra Point Parkway do not add up. The AM eastbound (EB) departure volume on intersection #9 shows volumes of 281+1017=1298, but the AM EB approaching volume on intersection #10 shows volumes of 156+97+146=399. There does not appear to be an exit from the roadway between the two intersections for the volumes to disperse. Please verify.
3. TIS, Year 2030 Cumulative without Project, page 36, Figure 10 and Year 2030 Cumulative with Project, page 37, Figure 11, Intersections 9 and 10: The volumes on Sierra Point Parkway do not add up. The AM westbound (WB) departure volume on intersection #9 shows volumes of 281+1017=1298, but the AM WB approaching volume on intersection #10 shows volumes of



MEMORANDUM

TO: Lisa Carboni, California DOT  
FROM: Jill Hough & Matt Nelson  
DATE: January 7, 2009  
SUBJECT: Response to Comments Received from Caltrans Regarding the OPUS Center at Sierra Point Development

The purpose of this memorandum is to respond to comments received from Caltrans on December 17, 2008.

Regarding Caltrans comment #1:

There was a typo on the figure in the report for the northbound left-turn volume between the 2030 cumulative without and with project traffic volumes. The 288 vehicles shown in the "without project" scenario is correct. Since no project trips were added to this movement under the "cumulative with project" scenario, the volume should be shown as 288 (not 15). With this revision, there would be no change in the LOS at the intersection and would not result in any impacts that may require mitigation measures.

Regarding Caltrans comments #2 & #3:

Under "cumulative without project" conditions, the westbound departure volume at intersection #10 was redistributed to 248 trips for the AM peak hour and 705 trips for the PM peak hour, resulting in balanced volumes between intersections #9 and #10. At intersection #10 during the AM peak hour, the southbound right turn volume was increased (from 26 to 46); the westbound through volume was increased (from 38 to 67); and the northbound left turn volume was increased (from 77 to 135). At intersection #10 during the PM peak hour, the southbound right turn volume was decreased (from 553 to 330); the southbound through volume was increased (from 4 to 182); the southbound left turn volume was increased (from 0 to 43); the westbound right turn volume was increased (from 2 to 73); the westbound through volume was decreased (from 335 to 127); the westbound left turn volume was increased (from 4 to 141); the northbound right turn volume was increased (from 0 to 19); the northbound through volume was increased (from 11 to 226); and the northbound left turn volume was decreased (from 482 to 248).

Under "cumulative without project conditions", the eastbound approach volume at intersection #10 was redistributed to 1,298 trips during the AM peak hour and 499 trips during the PM peak hour. At intersection #10 during the AM peak hour, the eastbound through volume was increased (from 97 to 996). At intersection #10 during the PM peak hour, the eastbound through volume was increased (from 80 to 348).

Based on these redistributed volumes for intersection #10, the resulting LOS under "cumulative without project conditions" would change from LOS A to LOS C during the AM peak and from LOS F to LOS C during the PM peak hour. The LOS under "cumulative without project conditions" for intersection #9 would remain the same (see attached Table 17).

Under "cumulative with project" conditions, project trips were added to "cumulative without project" volumes for both intersections #9 and #10, resulting in balanced approach and departure volumes between the two intersections. Based on these redistributed volumes for intersection #9, the resulting LOS under "cumulative with project" conditions would remain the same during the AM and PM peak hours. For intersection #10, the resulting LOS under "cumulative with project" conditions would change from LOS B to LOS F during the AM peak and remain the same during the PM peak hour.

The following conclusions can be made for intersection #9 based on the redistributed volumes:

- Under "cumulative without project" conditions the intersection would continue to operate at LOS F during the AM peak hour and LOS B during the PM peak hour.
- Under "cumulative with project" conditions the intersection delays would increase, however the intersection would continue to operate at LOS F during the AM peak hour and LOS C during the PM peak hour.
- The mitigation proposed for intersection #9 in the IS/MND would reduce the impacts to a less-than-significant level. With the proposed mitigation measures intersection #9 would operate at LOS C during the AM peak hour and LOS B during the PM peak hour.

The following conclusions can be made for intersection #10 based on the redistributed volumes:

- Under "cumulative without project" conditions the intersection would change from LOS A to LOS C during the AM peak hour and from LOS F to LOS C during the PM peak hour.
- Under "cumulative with project" conditions the intersection would change from LOS B to LOS F during the AM peak hour and remain at LOS F during the PM peak hour, with a decreased delay.
- The mitigation proposed for intersection #10 in the IS/MND would reduce the impacts to a less-than-significant level. With the proposed mitigation measures intersection #10 would operate at LOS B during the AM peak hour and LOS C during the PM peak hour.



Under year 2030 (cumulative) conditions, the results show that, measured against the City of Brisbane level of service guidelines, two intersections would operate within acceptable LOS, four intersections would operate at an unacceptable LOS but would not exceed intersection impact criteria, and four intersections would operate at an unacceptable LOS and would exceed the City of Brisbane intersection impact criteria. The intersections of Alemany Boulevard and Congdon Street (#2) and Tunnel Avenue and Lagoon Way (#7) would operate at an acceptable LOS. The intersections of Bayside Boulevard and Sister Cities/Oyster Point Boulevard (#1), Alemany Boulevard and Geneva Avenue (#3), Mission Street and Geneva Avenue (#4), and Bayside Boulevard and Geneva Avenue (#5) would operate at unacceptable levels of service but would not meet the City of Brisbane intersection impact criteria. The intersections of and Bayside Boulevard and Old County Road (#6), Sierra Point Parkway and Lagoon Way (#8), Sierra Point Parkway and US 101 NB Ramp (#9) and Sierra Point Parkway and Shoreline Court (#10) would operate at unacceptable levels of service and would meet the City of Brisbane intersection impact criteria, thus requiring mitigation.

Implementation of Mitigation Measures TRAF-1, TRAF-2, and TRAF-3 would allow Sierra Point Parkway and US 101 NB Ramps (#9) to operate at LOS C during the AM peak hour and LOS B during the PM peak hour; Sierra Point Parkway and Lagoon Way (#8) to operate at LOS B during the AM and PM peak hours; Sierra Point Parkway and Shoreline Court (#10) to operate at LOS B during the AM peak hour and LOS C during the PM peak hour.

Implementation of the following mitigation measure would reduce the LOS deficiencies experienced in the cumulative plus project condition to a less-than-significant level.

**Mitigation Measure TRAF-4:** The applicant shall be responsible for mitigating the impacts at the intersection of Bayside 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.

Table 18 shows the cumulative freeway level of service analysis. In the cumulative condition, project traffic would constitute 1.0 percent or more of freeway capacity on the following three directional freeway segments studied that would operate at LOS F with or without the project:

- US 101 southbound Harney Way and Sierra Point Parkway - AM
- US 101 southbound between Sierra Point Parkway and Oyster Point Boulevard - PM
- US 101 northbound between Oyster Point Boulevard and Sierra Point Parkway - AM

Therefore, based on the CMP criteria for significant impacts on freeways, the project would contribute to cumulatively significant impacts on freeways. The other study area freeway segments would operate at an acceptable LOS E or better.

Table 17: Cumulative Intersection Levels of Service

Intersection	Cumulative				Cumulative Plus Project			
	AM Delay (sec)	LOS	PM Delay (sec)	LOS	AM Delay (sec)	LOS	PM Delay (sec)	LOS
1. Bayside Boulevard and Sister Cities/Oyster Point Boulevard	133.5	F	21.4	C	127.7	F*	21.3	C
2. Alemany Boulevard/Congdon Street	11.9	B	10.7	B	10.3	B	10.6	B
3. Alemany Boulevard/Geneva Avenue	314.9	F	65.3	E	317.4	F*	67.4	E
4. Mission Street/Geneva Avenue	160.9	F	70.5	E	191.7	F*	72.5	E
5. Bayside Boulevard/Geneva Avenue	295.2	F	72.7	E	295.5	F*	75.4	E
6. Bayside Boulevard/Old County Road	31.6	C	34.8	C	42.0	D	36.5	D
7. Tunnel Avenue/Lagoon Way	21.3	C	27.7	D	25.5	D	33.4	D
8. Sierra Point Parkway/Lagoon Way	14.5	B	85.3	D	16.5	C	220.7	F
9. Sierra Point Parkway/US 101 NB Ramps	157.2	F	13.2	B	711.3	F	18.8	C
10. Sierra Point Parkway/Shoreline Court	18.8	C	24.3	C	82.9	E	33.2	F
	80.7		84.0		49.6		220.8	

\* Per City of Brisbane level of service guidelines, intersection must remain at LOS C or better.  
 † Intersection does not exceed Brisbane impact criteria threshold because increase in critical delay is less than four seconds and/or the demand-to-capacity ratio (V/C) is increased by less than 0.01  
 Source: Hexagon Transportation Consultants, Inc., 2008.

Table 18: Cumulative Freeway Levels of Service

Freeway Segment	Direction	Peak Hour	# of Lanes	Total Capacity	Cumulative			Project Trips	
					Volume <sup>a</sup>	V/C	LOS	Volume	Capacity
US 101 Harney Way to Sierra Point Parkway	SB	AM	4	9200	9,274	1.01	F	299	3.3%
		PM	4	9200	10,305	1.11	F	55	0.6%
US 101 Sierra Point Parkway to Oyster Point Boulevard	SB	AM	4	9200	7,436	0.81	D	31	0.3%
		PM	4	9200	10,073	1.09	F	205	2.2%
I-280 Alemany Boulevard to San Jose Avenue	SB	AM	4	9200	5,460	0.59	A	1	0.0%
		PM	4	9200	11,536	1.25	F	6	0.1%
US 101 Oyster Point Boulevard to Sierra Point Parkway	NB	AM	4	9200	10,261	1.12	F	226	2.5%
		PM	4	9200	9,443	1.03	F	42	0.5%
US 101 Sierra Point Parkway to Harney Way	NB	AM	4	9200	9,388	1.02	F	41	0.4%
		PM	4	9200	8,844	0.96	F	272	3.0%
I-280 San Jose Avenue to Alemany Boulevard	NB	AM	4	9200	11,003	1.20	F	6	0.1%
		PM	4	9200	7,380	0.80	D	1	0.0%

<sup>a</sup> Total capacity is equal to 2,300 vehicles per lane per hour multiplied by the number of lanes.  
<sup>b</sup> Volume calculated from CACAG 2030 Travel Demand Forecasting Model plus project trips.  
 Bold indicates freeway impact per CMP guidelines.  
 Source: Hexagon Transportation Consultants, Inc., 2008.

Mitigation Measure TRAF-5: 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

**City of Brisbane  
Planning Commission Agenda Report**

**TO:** Planning Commission  
For the Meeting of February 26, 2009

**FROM:** John Swiecki, Principal Planner, via William Prince, Community Development Director

**SUBJECT:** **Sierra Point Office Project:** Environmental Review ER-1-07, Design Permit DP-5-07, Tentative Parcel Map TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08. Proposal to construct 438,104 square feet of office space in two buildings (8 and 10 stories), 1,388 parking spaces, including a 5-level parking structure, and improvements to the Bay Trail on approximately 8.87 vacant acres located on the northwesterly side of Marina Boulevard, easterly of Highway 101 at Sierra Point. Project elements include approval of a design permit and related site grading, a proposed parking modification use permit to allow both a reduction in the number of parking spaces and the use of universal parking stalls in lieu of standard and compact size stalls, and the proposed subdivision of the site into 3 parcels with related variances.

**Recommendation:**  
That the Planning Commission:

- Find that that proposed project will not have a significant effect on the environment subject to the recommended mitigation measures and adopt a mitigated negative declaration via adoption of resolution ER-1-07.
- Approve DP-5-07, TPM-1-08, Variance V-1-08, and Parking Modification Use Permit UP-3-08 per adoption of the attached resolutions.

**Request:**  
The applicant is proposing to construct 438,104 square feet of office space in 2 buildings and related parking on approximately 8.87 vacant acres on the northwest side of Marina Boulevard east of Highway 101 at Sierra Point. Proposed buildings are 8 and 10 stories with a maximum height of 125 feet. The proposed project includes 1,388 parking spaces, including a 5-level parking structure containing 1,175 spaces. The project also incorporates the extension of the regional Bay Trail along the northerly and westerly perimeter of the site.

A number of actions are required to implement the project as proposed. These include:

- Adoption of a mitigated negative declaration;
- Approval of a Design Permit and associated grading permit;

- Approval of a Parking Modification Use Permit to allow the use of uniform (6.5' x 18') parking stalls within the parking garage in lieu of compact and standard stalls, and to allow for a reduction in the number of parking spaces from 1,460 to 1,373; and
- Approval of a tentative parcel map and related variances to subdivide the site into three parcels.

**Discussion:**

This matter was continued from the Planning Commission meeting of December 18, 2008 and January 22, 2009. Previous staff reports are attached for information.

The outstanding issues are summarized below:

**On-site Energy Generation**

The applicant is proposing to either install 4,500 square feet of solar panels on the garage roof, or make a cash contribution in the amount of \$360,000 to the City of Brisbane for off-site, city-sponsored renewable energy projects. The proposed amount is based upon the ratio of energy usage/alternative energy contribution approved by the City Council for the HCP biotech project. It is estimated that the proposed solar panel installation would offset 10% of the parking garage electrical demand. This agreement is reflected in the recommended conditions of approval.

**Treatment along the Bay's Edge**

At the last Planning Commission meeting, there was discussion regarding the landscape treatment along the northerly edge of the project, particularly as it relates to the use of bay native species, potential habitat areas, and the retention of existing landscaping.

These issues are already addressed to some extent in the project's mitigation measures and recommended conditions of approval. Mitigation Measure B10-1b requires the construction of a permanent fence along the western and northern edges of the site to restrict access into the sensitive salt marsh habitat. The measure further recommends that the upland areas between the fence and salt marsh be landscaped with native shrub species to enhance the function of this area as a buffer and improve its habitat value.

The recommended conditions of approval further require the submission of landscape plans for the entire project area (including the northerly boundary area) for City review and approval. The applicant's conceptual landscape plans showed the retention of existing landscaping along the northerly project boundary. Staff's observation is that the existing upland groundcover is functional as erosion control of an undeveloped site, but this material is not compatible with finished development of the site, nor does it enhance the Bay Trail experience. As such it is recommended that the majority of this material be replaced, unless it serves an identified habitat purpose. While staff encourages the use of bay native plant materials, the final choice of materials should be made as part of an integrated landscape plan factoring in biological, aesthetic, and design considerations, along with water conservation. Design Permit condition of approval G.11 has been modified accordingly to address these issues.

**Attachments:**

- Applicant-Prepared Solar Panel Analysis
- Draft Resolution ER-1-07 and MMBP
- Draft Resolution DP-5-07(TP-08)V-1-08
- Draft Resolution TPM-1-08

- Provided Separately

December 18, 2008 and January 22 2009 Planning Commission Reports

**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 \$9/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 KWh / 22,676,801 KWh = 20%

Opus project uses 20% of total power required for HCP project

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

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

**Opus Renewable Energy Commitment Applied to Solar Panels on Garage:**

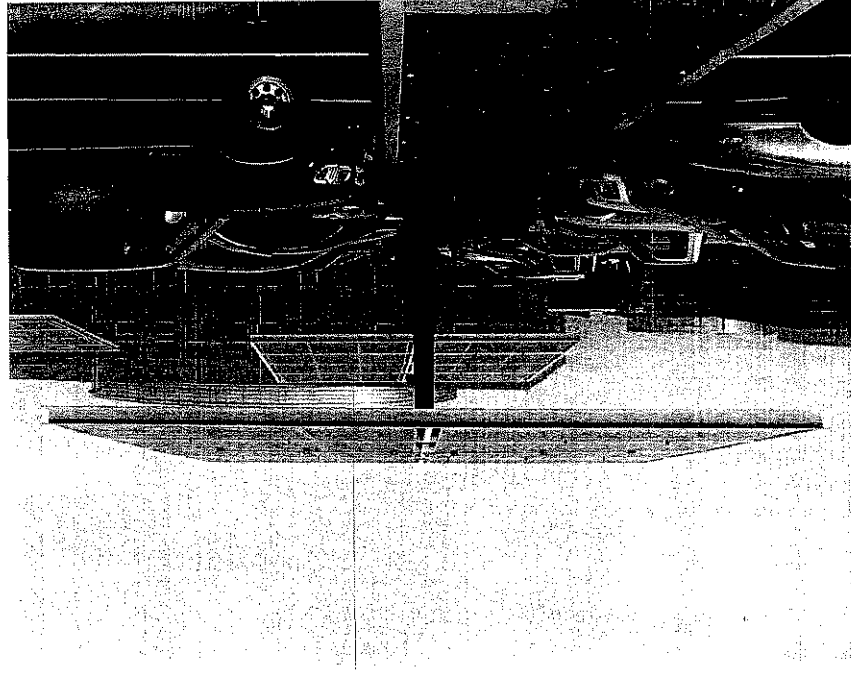
Cost: \$360,000 / \$8,000 KW-ac = 45 KW-ac Solar System

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

Power: 45 KW-ac \* 1,400 KWh/year = 63,000 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.

The following picture was taken in Yacaville, 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.



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



operation is good for the environment. Other Commissioners agreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Munir urged the applicant to provide a certain percentage of the project's energy on-site, citing the precedent of the HCP biotech campus. Community Development Director Prince noted that the City and the biotech developer negotiated a dollar amount devoted to alternative energy as part of the development agreement to help offset the higher demand for electricity compared to the original office use. Commissioner Munir recalled that a similar requirement was imposed on a warehouse project in Crocker Park. He expressed his opinion that the City should insist on some on-site alternative energy generation component for every major project. He noted the technology is available, but developers are reluctant to spend money unless they have to.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Ankelly said the water systems in the buildings are designed to reduce water usage.

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

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

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

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

Commissioner Munir proposed continuing this matter to the next meeting.

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

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

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

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

#### ITEMS INITIATED BY STAFF

None.

#### ITEMS INITIATED BY THE COMMISSION

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

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

#### ADJOURNMENT

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



BRISBANE PLANNING COMMISSION  
Minutes of January 22, 2009  
Regular Meeting

CALL TO ORDER

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

ROLL CALL

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

ADOPTION OF AGENDA

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

CONSENT CALENDAR

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

ORAL COMMUNICATIONS

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

WRITTEN COMMUNICATIONS

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

OLD BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Ackerman invited comments and questions from Commissioners.

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

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

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

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

eliminate glare.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

Chairperson Maturo encouraged the applicant to further improve energy efficiency and

explore alternative energy generation possibilities.

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

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

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

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

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

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

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

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

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

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

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

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

#### CONSENT CALENDAR (Continued)

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

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

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

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

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

#### NEW BUSINESS

None.

#### ITEMS INITIATED BY STAFF

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

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

#### ITEMS INITIATED BY THE COMMISSION

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

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

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

#### WRITTEN COMMUNICATIONS

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

#### OLD BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

work on this project.

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

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

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

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

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

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

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

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

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

motion was seconded by Commissioner Lentz and unanimously approved.

The Planning Commission took a short recess.

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

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

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

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

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

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

February 26, 2009  
RO: Planning Commissioners  
FROM: Dana Dillworth  
Re: Sierra Point Office Project 3000-3500 Marina Boulevard

File Copy  
**RECEIVED**  
FEB 26 2009  
Comm. Dev. Dept. Brisbane

Dear Planning Commissioners,

While I am pleased that you are engaged in discussion about the Bay Trail and Energy Use for this building, I am wondering if you are looking at the big picture.

First, the Design Guidelines for this area are currently in draft form and the heights and locations of these buildings are currently not allowed under the old Sierra Point Design Guidelines. As best I can tell, you are an advisory body, not a legislative body. The Council has not approved the recommendations that you have made that this proposal relies upon for the height and densities proposed. You should wait until it is a legal document and folks have had a chance for an appeal before you adopt the changes.

Secondly, the recommendations for the Bay Trail are absurd. Put up a fence??? What happened to the open design, meaningful public access to the Bay that BCDC claims they require? These buildings and their additional parking lots will shade the area and render it a dead zone. I have observed small fish fry in that slough, so know life forms utilize it. Is it possible to relocate smaller buildings in a fan shape or require sheer first floors so that natural light can make its way to the Western edge of the property in the future?

Thirdly, it is clear that nobody takes care of the tidal zone, this Bay resource on the western edge. There should be some mechanism to require cleanup and stewardship of this area by the three adjacent landowners. Markers identifying the plants and animals would be beneficial, but you also need to study what is out there first. This hasn't been done and therefore the environmental site conditions are inadequate. In fact, in an earlier document by Fish and Game, they indicate that the Diablo Sunflower is present out at Sierra Point. This fact is not reflected in any of your environmental documents. Is special care required in this case? Has it been extirpated? What have you done to protect it?

I am enclosing pictures of tires and debris that have accumulated in this slough. I would hope that you deny this application as being premature and inadequate. It is not allowed under the current General Plan and Design Guidelines and it does not adequately reflect the environmental conditions. Better knowledge of the conditions may produce a better product.

Thank you for your time.

Dana Dillworth  
415-468-8587  
earthhelp@earthlink.net

*"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."*

Margaret Mead



## DEPARTMENT OF FISH AND GAME

POST OFFICE BOX 47  
 OAKLAND, CALIFORNIA 94612  
 (707) 944-5500

October 20, 1993



Ms. Carole G. Nelson  
 City of Brisbane  
 150 North Hill Drive, Suite 40  
 Brisbane, California 94005

Dear Ms. Nelson:

## Draft 1993 General Plan and 1990-1995 Housing Element

Department of Fish and Game personnel have reviewed the Draft 1993 General Plan and 1990-1995 Housing Element. We offer the following comments for your consideration:

1. In addition to the rare plants listed in the Draft General Plan, City staff should be aware that the species listed below are known to occur in or near the planning area.

White-rayed pentachaeta, Pentachaeta bellidiflora  
 State endangered

San Francisco campion, Silene verecunda ssp. verecunda  
 Federal Candidate Category 2

Pacific manzanita, Arctostaphylos pacifica  
 State endangered

San Francisco owl's-clover, Orthocarpus floribundus  
 Federal Candidate Category 2

The Diablo helianthella, which is listed in the General Plan, has also been found at Sierra Point.

2. It is our policy to oppose projects which would result in a net loss in either quality or area of wetland habitat. Replacement of habitat on an acre-for-acre basis is acceptable if the revegetation is completed far enough in advance of the impact to permit growth to a habitat quality comparable to that of the habitat being lost. In most cases, the impact occurs either concurrent with or prior to mitigation, resulting in a temporal loss of habitat during the growth of the new plantings. If replacement habitat can not be completed in advance of the impact, the Department requires mitigation at a 3:1 ratio to compensate for the temporal loss.

3. Areas used as mitigation for project impacts must be protected in perpetuity. This includes the on-site ecological preserves and any off-site areas used for riparian mitigation. This may be done by conservation easement or other deed restriction to run with the property. Areas for which protection cannot be guaranteed are not acceptable as mitigation.

Ms. Carole G. Nelson  
October 20, 1993  
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Thank you for the opportunity to review and comment on this plan. If you have any questions, please contact Jeannine M. DeWald, Associate Wildlife Biologist, at (408) 429-9252; or Carl Wilcox, Environmental Services Supervisor, at (707) 252-3547.

Sincerely,

*Kim Casen*  
*for*


Brian Hunter  
Regional Manager  
Region 3

944-5525



DEPARTMENT OF FISH AND GAME

POST OFFICE BOX 47  
YOUNTVILLE, CALIFORNIA 94599  
(707) 944-5500

RECEIVED PETE WILSON  
MAY 10 1994  
Planning Dept. Brisbar 

March 24, 1994

Ms. Carole Nelson  
City of Brisbane  
150 North Hill Drive, Suite 40  
Brisbane, California 94005

Dear Ms. Nelson:

City of Brisbane 1993 General Plan

Department of Fish and Game personnel have reviewed the subject project in Brisbane, San Mateo County. Due to personnel and time limitations for project review, we are unable to identify specific concerns to be addressed in the Draft Environmental Impact Report (DEIR).

The DEIR should address all potential impacts to biotic resources and mitigation measures, as well as alternatives which would avoid impacts. We request that subsequent documents related to this project be submitted for our review.

The Department recommends the following overall measures to lessen or minimize impacts.

1. Avoidance or minimization of impacts to important wildlife habitats; i. e., oak woodland, wetlands, streams, riparian corridor, and habitat for sensitive plant and animal species.
2. Revegetation using native species.
3. Conformance with the Department Wetland Policy which requires no net loss of either wetland acreage or habitat value for unavoidable impacts.

The Department has direct jurisdiction under Fish and Game Code sections 1601-03 in regard to any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream. We recommend early consultation since modification of the proposed project may be required to avoid impacts to fish and wildlife resources. Formal notification under Fish and Game Code Section 1603 should be made after all other permits and certifications have been obtained. Work cannot be initiated until a streambed alteration agreement is executed.

The U. S. Army Corps of Engineers also has jurisdiction over the discharge of fill to streams and wetlands under Section 404 of the Clean Water Act. We recommend that the Corps be contacted to determine if they have jurisdiction and require a permit.

Ms. Carole Nelson  
March 24, 1994  
Page Two

If you have any questions concerning our comments, please contact Carl Wilcox, Environmental Services Supervisor, at (707) 944-9925.

Sincerely,

A handwritten signature in cursive script that reads "Brian Hunter". The signature is written in black ink and is positioned above the typed name.

Brian Hunter  
Regional Manager  
Region 3