

# CONSENT CALENDAR ITEM B

## RESOLUTION NO. 2009-14

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

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

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

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

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

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

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

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

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

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

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

1. The decision of the Planning Commission granting Environmental Review ER-1-07, Design Permit DP-5-07, Tentative Parcel Map TPM-1-08, Variance V-1-08 and Use Permit UP-3-08 was affirmed. The City Council ratified and approved the findings and determinations made by the Planning Commission, as set forth in Resolutions ER-1-07, DP-5-07/UP-3-08/V-1-08 and TPM-1-08, dated February 26, 2009, and the same are incorporated herein by reference, including all Findings and Conditions of Approval attached thereto, except as amended in Paragraph 2 of this Resolution.
2. Condition V of the Conditions of Approval attached to Resolution DP-5-07/UP-3-08/V-1-08 is amended to read as follows:
  - V. The applicant shall have the option to either: A) install 4,500 square feet of photo-voltaic panels on the north half of the garage roof and decorative trellises on the south half of the garage roof; or B) install wind power equipment having the capability of generating electrical power at least equivalent to the solar panels described in Option A, subject to approval as to the capacity, design and location of such equipment by the Planning Commission; or C) install decorative trellises on both the north and south halves of the garage roof and make a cash contribution in the amount of \$360,000 to the City of Brisbane to fund off-site renewable energy projects, as determined by the City. In any case, the parking structure shall be pre-plumbed to accommodate the future installation of solar panels on the garage roof to the maximum extent feasible.

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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A. Sepi Richardson, Mayor

ATTEST:

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Sheri Marie Spediacci, City Clerk