

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of November 29, 2018

FROM: Julia Ayres, Associate Planner, via John Swiecki, Community Development Director

SUBJECT: **3000-3500 Marina Boulevard;** Design Permit Modification DP-1-18, Variance V-1-18, Use Permit UP-1-18 and Environmental Review ER-1-18; Site plan and design modifications to a previously approved office project to allow development of a life sciences campus comprised of three 5-6 story buildings constructed above a two-level parking podium, totaling approximately 422,552 sq ft of floor area on a vacant 8.87 acre site; Michael Gerrity, P3-LSP II, LLC, applicant; Sierra Point LLC, owner; APN 007-165-020

REQUEST: The applicant has submitted applications to revise the previously approved Design Permit for development of the subject property with one 8-story building and one 10-story building containing approximately 445,000 sq ft of building area, and a five-level standalone parking structure.

The revised project design calls for two 5-story buildings and one 6-story building containing approximately 422,552 sq ft of building area constructed above a two-level parking podium. The site would provide 781 on-site parking spaces, including 654 spaces within a two-level parking podium and 127 spaces in a surface parking lot. Consistent with the previous proposal, the revised project also incorporates the extension of the regional San Francisco Bay Trail along the northerly and westerly perimeter of the site and site grading and final landfill closure in compliance with Title 27 of the California Code of Regulations.

A number of actions are required to implement the project as proposed, including:

1. Approval of a Design Permit and associated grading to modify the previously approved site and building design under Design Permit DP-5-07;
2. Approval of a Variance to modify the previously approved lot coverage Variance V-1-08 to allow 45% lot coverage where a maximum of 40% is allowed;
3. Approval of a Use Permit to provide 781 parking spaces where 1,409 parking spaces are required, modifying the previously approved Use Permit UP-1-08;
4. Adoption of the Addendum to the 2008 Initial Study and Mitigated Negative Declaration for the project.

RECOMMENDATION: That the Planning Commission approve Design Permit Modification DP-1-18, Variance V-1-18, Use Permit UP-1-18 and Environmental Review ER-1-18 via adoption of Resolution DP-1-18/V-1-18/UP-1-18/ER-1-18 containing the findings and conditions of approval.

APPLICABLE CODE SECTIONS: Development regulations for the Sierra Point Commercial District (SP-CRO) are contained in Brisbane Municipal Code (BMC) Chapter 17.18. The Combined

Site and Architectural Design Guidelines for Sierra Point, adopted by the City Council in 2001, guide the City's review of design applications in Sierra Point. Design Permits are governed by BMC Chapter 17.42. Variance procedures and findings for approval are outlined in BMC Chapter 17.46. Use Permit procedures and findings are contained in BMC Chapter 17.40, and parking Use Permits are additionally subject to the findings contained in BMC Chapter 17.34. The California Environmental Quality Act (CEQA) is codified in the California Public Resources Code, Division 13, and the CEQA Guidelines are codified in California Code of Regulations Title 14, Division 6, Chapter 3.

BACKGROUND:

In 2008, the City Council granted land use approvals for development of an office project ("Opus Office Center") on the subject property, encompassing approximately 445,000 square feet of building area in an eight and 10-story building, with a standalone five-level parking structure. The approvals consisted of a design permit, use permit, variance, and tentative parcel map to divide the site into three parcels.

In 2011, the City Council granted extensions of these approvals contingent upon construction of the project to LEED Gold standards. This requirement was formalized through the adoption of Development Agreement DA-1-11 approved by the City Council in 2012. In addition to formalizing this requirement, the approved DA extended the life of the project approvals for 10 years (until June 2022).

In 2017, the City Council adopted an amendment to the Development Agreement (DA-1-16) that retained the previous LEED Gold requirements, added a requirement for on-site solar energy production, and extended the life of the project approvals to 2027.

In 2018, the applicant and prospective buyer of the site submitted the subject applications to modify the approved site and building design, as discussed herein.

Project Description

The proposed project would modify the approved site and building design to reduce the total building area on the site to 422,552 sq ft, contained within three buildings as opposed to the previous approval for 445,000 sq ft within two buildings. The project design revisions are driven by the unique needs of the intended life science tenants, and include a blend of office and laboratory uses (research and development) as shown in the applicant's floor plans (Attachment 5). Included in the total building area is an approximately 12,000 sq ft gym, located in the northwestern corner of the site. The gym is intended to be primarily utilized by building tenants but would be available for public use. A tenant-serving café of approximately 1,500 sq ft is also included in the total proposed building area.

The three buildings would be grouped around a large interior courtyard with landscaping integrated with communal seating and gathering areas, as illustrated in the attached conceptual landscape plans. This courtyard would be open for public use as well as use by the building tenants. Below the buildings and the courtyard, a two-level parking podium would accommodate 654 parking spaces. An additional 127 spaces, including eight public parking spaces for shoreline access required by the San Francisco Bay Conservation and Development Commission (BCDC), would be provided in a surface parking lot along the southerly and westerly perimeter of the site.

Because the site is located within 100 feet of the shoreline, the revised project design will require permit approvals from BCDC. The applicant completed pre-application review with the BCDC Design Review Board in September of 2018 and the submitted plans address the Design Review Board's feedback. The design specifications of the Bay Trail will be encompassed in the project review by BCDC.

Sierra Point is a former municipal landfill. The subject site was closed on an interim basis in compliance with Title 27 of the California Code of Regulations. Consistent with the original project approvals, the revised project will include site grading and final landfill closure in compliance with Title 27, which is discussed in the project analysis below.

With the exception of the requested Variance (lot coverage), and Use Permit (nonconforming parking), the modified project complies with the development regulations of the SP-CRO District and Municipal Code, as summarized in the Project Data Table in Attachment 2. The project also complies with the development standards and guidelines contained in the Combined Site and Architectural Design Guidelines for Sierra Point ("Design Guidelines"), as summarized in the analysis section below.

ANALYSIS AND FINDINGS:

Key findings for each requested permit are summarized and discussed below, while a complete listing and detailed discussion of all required findings is provided in Exhibit A to the Resolution in Attachment 3.

Design Permit Modification and Compliance with Design Guidelines

The findings for Design Permit approval are contained in BMC Chapter 17.42. Design Permits for development within the SP-CRO District must also comply with the Sierra Point Design Guidelines. A detailed discussion of the modified project's compatibility with the 13 design permit findings and with the Design Guidelines is included in Exhibit A to Attachment 3. The key findings fall into five topic areas that are briefly discussed below:

1. Building Design Form and Details
2. Landscaping and Open Space
3. Site Circulation, Access, and Parking
4. Public Access and View Corridors
5. Sustainability

Building Design Form and Details. The revised design calls for two 5-story buildings and one 6-story building constructed on a podium above a two-level parking garage, in compliance with the allowable building height ranges established in the Combined Site and Architectural Guidelines for Sierra Point. The linear building forms are highly articulated and feature multi-level balconies, overhangs, and varied building materials to break up the building mass. By varying the length, width, and height of each building, the design approach results in individual and unique building designs that relate harmoniously to each other. The proposed exterior building materials, comprised of a mix of glass, sheet and perforated metal, and concrete, further aid in breaking up the visual massing of the buildings and allow for a consistent and attractive office campus design.

Compared to the 2008 Design Permit approval, which employed various design strategies to mitigate the aesthetic impacts of a standalone, five-level parking garage, the revised podium parking design allows for nearly all of the parking and loading areas serving the buildings to be screened from view and integrated with the building design. The concrete podium is screened alternately with attractive landscaped berms in areas most visible to the public (the easterly, northerly, and portion of southerly façades) and with functional metal paneling along less visible facades (westerly and portion of southerly façade).

Landscaping and Open Space. The revised landscape plans provides over 130,000 sq ft of landscaped area (35% of the site) within the surface parking lot, landscape berm at the base of the podium, stormwater biotreatment areas, interior courtyard, and adjacent to the San Francisco Bay Trail at the northerly portion of the site. This exceeds the minimum of 96,560 sq ft (25% of the site) required by the SP-CRO District regulations. The landscape areas serve dual aesthetic and functional roles, providing stormwater management, attractively screening paved parking areas and mechanical areas, and accommodating outdoor recreational uses and enjoyment by members of the public and building employees. All plant species will be low-water use. The final landscaping and irrigation plans submitted with the building permit application will comply with all provisions of BMC Chapter 15.70, the Water Conservation in Landscaping Ordinance (included as Condition of Approval A.5).

Site Circulation, Access, and Parking. A detailed site plan review for the revised project was conducted by Hexagon Consultants, Inc. and is included in Appendix C to the 2018 Addendum to the 2008 IS/MND. Per this analysis, the revised site plan design provides for safe circulation with limited dead-end aisles, driveway aisle widths that allow adequate space for two-way traffic, parking stall dimensions consistent with the previously approved Use Permit, and emergency access via a 26 ft wide emergency vehicle access path around the exterior of the podium.

The revised project proposes 781 parking spaces where 1,409 are required. This requires modification of the previously approved Use Permit for nonconforming off-street parking, the findings for which can be met as described in detail in the Use Permit analysis below.

Public Access and View Corridors. The revised orientation and location of the three buildings on the site preserve both on and off-site views of the San Francisco Bay and allow for continuous and uninterrupted sight lines through the length and width of the site. The two buildings closest to the shoreline angle outward to provide air and light between the buildings and direct interior site views toward the public trail and facilities located at the northerly edge of the site. A generous courtyard of approximately 109,000 sq ft, or nearly one-third of the total site area, is located between the three buildings above the podium to provide abundant open space for both building tenants and members of the public utilizing the Bay Trail or other public-private features of the campus.

Sustainability. As required by Development Agreement DA-1-16, the revised project will be designed to LEED Gold standards, including use of sustainable building materials as well as utilization of passive heating and cooling techniques. Additionally, the revised project will provide rooftop solar panels to generate electricity to help offset the energy demands of the buildings and satisfy the requirements of the Development Agreement for on-site renewable energy generation. Further, the revised landscape plan utilizes low-water use and native plants to minimize irrigation demands. Per the

mitigation measures contained in the Addendum to the 2008 IS/MND, the project will also be designed with the best available technology for low-flow plumbing fixtures.

Grading. Sierra Point is a former municipal landfill. 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, clay cap and soil cover above. The subject property (“Parcel 3”) was closed on an interim basis, which consists of a layer of clean soil over refuse. The applicant’s refuse grading and clay cap foundation plans (included in Attachment 5) have been reviewed by the LEA and Regional Water Quality Control Board. These agencies will also review the final plans submitted for the grading and building permit and will oversee the closure operations.

Final closure and site grading activities will require the removal of approximately 45 mature trees along the northerly project boundary near the boundary of the existing clay cap. Removal will be limited to minimum extent necessary to complete grading operations, and the revised landscaping plan calls for planting of 81 new trees on the site.

Variance

A Variance was approved for this project in 2008 to allow the then-proposed five-level parking structure to exceed the lot coverage maximum on the proposed separate parcel per the approved Tentative Map. The revised project has eliminated the standalone parking structure but requests modification of the approved Variance to allow 45% of the site to be covered by the footprint of the podium (largely driven by the footprint of the two-level parking structure), where a maximum of 40% lot coverage is permitted by the SP-CRO District regulations.

Per BMC §17.46.010, in order to approve a Variance, the Planning Commission must find that special circumstances are applicable to the property such that strict application of the Zoning regulation would deprive the property of privileges enjoyed by other properties in the vicinity in the same zoning district, and must impose conditions to assure that the adjustment does not constitute a grant of special privilege.

Due to the subject property’s location partially within a flood zone, as well as the required refuse grading and capping under Title 27 of the California Code of Regulations, the podium development approach allows for the site to be developed consistent with the provisions of the SP-CRO District and Combined Site and Architectural Design Guidelines for Sierra Point while reducing the apparent bulk and mass of the buildings compared to the 2008 Design Permit approval.

The podium design minimizes the visibility of structured parking compared to the approved design. Additionally, while the footprint of the podium technically qualifies as “lot coverage,” functionally it accommodates expansive open areas and landscaping throughout the site and minimizes the footprint of the individual structures compared to the previous approved design. The revised design further incorporates a variety of permeable pavers within the interior courtyard and exterior walking paths as well as active biotreatment landscaped areas to aid in stormwater infiltration, features which were not provided in the 2008 Design Permit approval. Additionally, the revised podium design achieves a reduction in the building heights, less than the maximum permitted by the Combined Site and

Architectural Design Guidelines and one to two stories less than the approved building heights in the 2008 Design Permit approval.

Parking Use Permit

A Use Permit was approved for this project in 2008 to allow the use of “universal” (8.5’ x 18’) parking stall dimensions to maximize the number of on-site parking spaces on the site. The revised project requests to modify the approved Use Permit to provide 781 “universal” parking spaces on the site where 1,409 parking spaces are required utilizing the parking ratio for office uses. In considering a parking Use Permit, the Commission must:

Consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.

Determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

The use applied for is a site-specific parking regulation modification which would not have detrimental or injurious impacts on properties or individuals with implementation of the Transportation Demand Management Plan, per Condition of Approval R.

The following additional findings are also required for approval of a parking Use Permit:

1. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site.

The BMC currently does not have parking standards tailored to life sciences land uses; instead the office standard of one parking space for every 300 square feet of building area has been applied. The office use standard does not recognize the different parking demand generation rates of traditional office development compared to life sciences development, due to the unique combination of office with laboratory spaces. As the Planning Commission has reviewed in recent cases in Sierra Point (UP-2-18, 7000 Marina Boulevard, approved May 2018), the parking demand for life sciences uses ranges from 1 parking space for every 500 to 1000 sq ft of building area. The subject proposal requests 781 parking spaces, a ratio of approximately 1 parking space for every 550 sq ft of building area.

The applicant provided a Transportation Demand Management plan prepared by Fehr & Peers (Appendix D to the 2018 Addendum) to analyze the parking demand of the proposed project and identify strategies to reduce the use of single-occupancy vehicles by employees. As detailed in the plan, the project will employ a variety of methods to reduce the use of single-occupancy car trips by site users and reduce parking demand to less than the provided 781 parking spaces. Condition of Approval R will require these strategies, in addition to others that may be identified in the future, to be utilized to encourage alternatives to travel by automobile, and for the applicant or future property manager to annually update the City on the program’s implementation.

2. The granting of the use permit will not create or intensify a shortage of on-street parking spaces, given, for example, the availability of existing or improved on/off-street parking which may not fully meet the requirements of this chapter.

The proposal compiles with this finding, inasmuch as there is no on-street parking available in the Sierra Point subarea and as indicated above, the parking need would be accommodated entirely on site.

3. Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints.

While the previous Design Permit included a standalone, five-story parking garage that met the parking demand generated by the prior office building proposal, the development footprint of that structure required significantly taller and more massive buildings and reduced the area available on-site for landscaping and public use improvements adjacent to the shoreline. The revised design not only reduces the building area square footage compared to the 2008 design, but reduces the profile of the buildings by breaking up the square footage into three buildings rather than two and enhances use of the site for public improvements, landscaping, and stormwater management rather than additional surface parking. The required emergency vehicle access required for the site also reduces the available area for on-site parking.

ENVIRONMENTAL DETERMINATION: In 2008 an Initial Study (IS) and Mitigated Negative Declaration (MND) was prepared for the “Opus Office Center” project at the subject property. This IS/MND was also used for the approval of the subsequent development agreement (DA-1-11) which extended the life of the project’s discretionary approvals. In 2017, an Addendum to the IS/MND was prepared in conjunction with the City’s approval of amendments to the development agreement (DA-1-16).

Section 15164 of the California Environmental Quality Act (CEQA) Guidelines allows for the preparation of an Addendum to an adopted MND “if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR (or MND) have occurred.” CEQA Guidelines Section 15162 identifies the following conditions that would require preparation of a subsequent MND:

- Substantial changes in the project are proposed which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
 - The project will have one or more significant effects not discussed in the MND;
 - The project will result in impacts substantially more severe than those disclosed in the MND;

- Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or
- Mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

Pursuant to these guidelines, an evaluation was performed to determine if the revised project would result in any of the above-noted conditions triggering the preparation of a new or supplemental MND. This analysis, contained in the attached Addendum to the 2008 IS/MND, concluded that the revised project DP-1-18/V-1-18/UP-1-18 does not result in any of the conditions set forth in CEQA Guidelines Section 15162. An Addendum to the 2008 “Opus Office Center” IS/MND has been prepared by LSA Associates for the subject project and is attached to this staff report.

ATTACHMENTS:

1. Vicinity Map
2. Project Data Table
3. Draft Planning Commission Resolution DP-1-18/V-1-18/UP-1-18 (Exhibit A containing the detailed Design Permit, Variance, and Use Permit findings)
4. October 2018 MND Addendum and Technical Appendices prepared by LSA Associates
5. 2008 approved project site plan and building elevations
6. 2018 proposed revised project plans

ATTACHMENT 1

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Vicinity Map



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ATTACHMENT 2

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Project Data Table

ADDRESS	3000-3500 Marina Blvd				
APN	007-165-020				
ZONING	SP-CRO District				
PROJECT DESCRIPTION	Design Permit modification, Use Permit for nonconforming parking, and Variance for lot coverage for 3 building biotech campus on vacant site				
Development Standard	Existing	Proposed	Min/Max	Complies	Does not comply
Lot Area	386,239 SF	n/a	43,560 SF	X	
Lot Slope	2% per BMC	n/c	n/a	n/a	
Lot Coverage	-	172,357 SF or 45%	40% or 154,495 SF		X Variance
Floor Area		12,075 SF - fitness	449,815 sq ft or 1.17 FAR in Design Guidelines (as modified by Council in 2008)	X	
		410,477 SF- office/lab			
		Total FA: 422,552 SF or 1.09 FAR			
Setbacks					
Ext Side Lot Line	-	143' 4"	20'	X	
Int Side Lot Line	-	48' 8"	15'	X	
Rear Lot Line	-	118' 3"	15'	X	
Front Lot Line	-	30' 3"	25'	X	
Height	-	Bldgs 1 & 2: 5 stories above 2-level pkg podium; 107' 6" roofline	5-12 stories (not incl mech penthouse)	X	
		Bldg 3: 6 stories above 2-level pkg podium; 119' 6" roofline	5-12 stories (not incl mech penthouse)	X	
Parking	-	781 (~1/550 sq ft)	1409 (1/300 sq ft)		X Use Permit
Landscaping	-	133,750 SF or 35%	25% of site or 96,560 SF	X	

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ATTACHMENT 3

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RESOLUTION DP-1-18/V-1-18/UP-1-18

A RESOLUTION OF THE BRISBANE PLANNING COMMISSION
CONDITIONALLY DESIGN PERMIT MODIFICATION DP-1-18, VARIANCE V-1-18, AND
USE PERMIT UP-1-18 FOR THE 3000-3500 MARINA BOULEVARD PROJECT

WHEREAS, in 2009, the City Council upon appeal upheld the Planning Commission's approval of Design Permit DP-5-07 and related applications for the development of two office buildings and a parking garage on a vacant 8.87-acre property in Sierra Point known as 3000-3500 Marina Boulevard, the approval including 438,104 square feet of office space in two buildings (8 and 10 stories), 1,388 parking spaces accommodated in a 5-level parking structure and in surface lots, and improvements to the Bay Trail; and

WHEREAS, in 2011, City Council granted extensions of these approvals contingent upon construction of the project to LEED Gold standards as formalized through the adoption of Development Agreement DA-1-11 approved by the Council in 2012, such development agreement extending the life of the project approvals until June 2022; and

WHEREAS, in 2017, City Council adopted an amendment to the Development Agreement (DA-1-16) that retained the previous LEED Gold requirements, added a requirement for on-site solar energy production, and extended the life of the project approvals to 2027; and

WHEREAS, in 2018, Michael Gerrity of P3-LSP II, LLC, the applicant, applied to the City of Brisbane for approval of an office project totaling approximately 422,522 square feet in three buildings constructed above a two-level 654-space parking garage, with 127 surface parking spaces on approximately 8.9 vacant acre site located on the northwesterly side of Marina Boulevard, east of Highway 101, in the Sierra Point Commercial- SP-CRO District ("the Project"), such application including a modified design permit and related grading, Variance to lot coverage, and Use Permit for nonconforming parking, such applications identified as Design Permit Modification DP-1-18, Variance V-1-18, and Use Permit UP-1-18; and

WHEREAS, an Addendum to the Opus Office Center Initial Study/Mitigated Negative Declaration (Addendum) dated October 2018 has been prepared demonstrating that Design Permit Modification DP-1-18, Variance V-1-18, and Use Permit UP-1-18 does not result in any new or substantially greater significant effects or require new mitigation measures not identified in the 2008 Initial Study (IS) and Mitigated Negative Declaration (MND) prepared for the Opus Office Center project and therefore the proposed amendment does not meet the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent MND; and

WHEREAS, on November 29, 2018, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, 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 Addendum, 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 determined that DP-1-18/V-1-18/UP-1-18 does not result in any new or substantially greater significant effects or require new mitigation measures not identified in the 2008 Initial Study (IS) and Mitigated Negative Declaration (MND) prepared for the Opus Office Center project and therefore does not meet the conditions described in CEQA Guidelines Section 15162 for preparation of a subsequent MND; and

WHEREAS, the Planning Commission hereby makes the findings attached herein as Exhibit A in connection with the Design Permit and related grading, Variance, and Use Permit;

NOW THEREFORE, based upon the findings set forth herein, the Planning Commission of the City of Brisbane, at its meeting of November 29, 2018, did resolve as follows:

Design Permit Modification DP-1-18, Variance V-1-18, and Use Permit UP-1-18, are approved per the findings and conditions of approval attached herein as Exhibits A and B.

ADOPTED this 29th day of November, 2018, by the following vote:

AYES:

NOES:

ABSENT:

Coleen Mackin
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT
Exhibit A

Action Taken: Approval of Design Permit Modification DP-1-18, Variance V-1-18, and Use Permit UP-1-18, per the staff memorandum with attachments, via adoption of Resolution DP-1-18/V-1-18/UP-1-18/ER-1-18.

Findings of Approval:

Design Permit Modification DP-1-18 (Per BMC Section 17.42.040)

A. The proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project.

The proposal meets this finding. The design calls for two 5-story buildings and one 6-story building constructed on a podium above a two-level parking garage, in compliance with the allowable building height ranges established in the Combined Site and Architectural Guidelines for Sierra Point. The linear building forms are highly articulated and feature multi-level balconies, overhangs, and varied building materials to break up the building mass. By varying the length, width, and height of each building, the design approach results in individual and unique building designs that relate harmoniously to each other. The proposed exterior building materials, comprised of a mix of glass, sheet and perforated metal, and concrete, further aid in breaking up the visual massing of the buildings and allow for a consistent and attractive office campus design. The concrete podium in the middle of the site upon which the buildings are constructed is screened alternately with attractive landscaped berms in areas most visible to the public (the easterly, northerly, and portion of southerly façades) and with functional metal paneling along less visible facades (westerly and portion of southerly façade).

B. The orientation and location of buildings, structures, open spaces and other features integrate well with each other and maintain a compatible relationship to adjacent development.

The proposal meets this finding. The orientation and location of the three buildings on the site preserve both on and off-site views of the San Francisco Bay and allow for continuous and uninterrupted sight lines through the length and width of the site. The two buildings closest to the shoreline of the Bay are angled away from each other to enhance the feeling of openness, air and light between the buildings and toward the public trail and facilities located at the northerly edge of the site. A generous courtyard of approximately 109,000 sq ft, or nearly one-third of the total site area, is located between the three buildings above the podium to provide abundant open space for both building tenants and members of the public utilizing the Bay Trail or other public-private features of the campus. The podium is well buffered from the closest adjacent structure at 5000 Marina Boulevard to the east, with just over 81 feet of distance between the two structures, and the easterly wall of Building 2 (the eastern-most building) is located over 90 feet from the front façade of the office building at 5000 Marina Boulevard, staggering the building facades on the adjacent properties to preserve light, air, and openness between the two properties. The proposed landscape plan (discussed in more detail in Finding H below) further buffers and screens the site's built structures and surface parking lot from adjacent development, consistent with the overall landscaped development pattern in the Sierra Point subarea and the landscaping provisions of the Combined Site and Architectural Guidelines for Sierra Point.

C. Proposed buildings and structures are designed and located to mitigate potential impacts to adjacent land uses.

The proposal meets this finding. As described in detail in Finding B above, the proposed buildings and podium structure are located to preserve view and light corridors between the subject property and the adjacent property at 5000 Marina Boulevard to the east. Development at 1000 Marina Boulevard to the south of the subject property will be generously buffered from the proposed development by a significant portion of its own surface parking lot and landscaping, supplemented by the podium's nearly 49 ft setback from the shared lot line. The podium design includes a generous pedestrian stairway and ramp connecting the interior courtyard to the improved San Francisco Bay Trail facilities, integrating the public use facilities into the site and enhancing the experience of recreational trail users in Sierra Point. As required by the mitigation measures contained in the 2018 Addendum to the 2008 Initial Study/Mitigated Negative Declaration (IS/MND), potentially sensitive habitats adjacent to the westerly site perimeter will be buffered with biologically appropriate fencing to minimize conflicts between trail users and habitat areas.

D. The project design takes advantage of natural heating and cooling opportunities through building placement, landscaping and building design to the extent practicable, given site constraints, to promote sustainable development and to address long term affordability.

The proposal meets this finding. As required by Development Agreement DA-1-16, the project will be designed to LEED Gold standards, including use of sustainable building materials as well as utilization of passive heating and cooling techniques. Additionally, the project will provide rooftop solar panels to generate electricity to help offset the energy demands of the buildings. Further, the landscape plan utilizes low-water use and native plants, where feasible, to minimize irrigation demands. Per the mitigation measures contained in the Addendum to the 2008 IS/MND, the project will also be designed with the best available technology for low-flow plumbing fixtures. Thus, given the provisions of the Development Agreement and the mitigation measures contained in the Addendum to the IS/MND, the project design maximizes sustainable development strategies and approaches.

E. For hillside development, the proposal respects the topography of the site and is designed to minimize its visual impact. Significant public views of San Francisco Bay, the Brisbane Lagoon and San Bruno Mountain State and County Park are preserved.

This finding is not applicable as the subject property is not a hillside development.

F. 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. Parking facilities are adequately surfaced, landscaped and lit.

The proposal meets this finding. A detailed site plan review for the project was conducted by Hexagon Consultants, Inc. and is included in Appendix C to the 2018 Addendum to the 2008 IS/MND. The review included analysis of access on and off-site by passenger cars, trucks, and

emergency vehicles, as well as internal vehicular circulation on the site and in the parking garage, in accordance with generally accepted traffic engineering standards. Per this analysis, the project site shows good circulation with limited dead-end aisles, driveway aisle widths that allow adequate space for two-way traffic, adequate parking stall dimensions consistent with the previously approved Use Permit to allow uniform parking stall dimensions, and emergency access via a 26 ft wide emergency vehicle access path around the exterior of the podium. The analysis identifies discrete recommendations for modifications to the site plan to improve site circulation, which have been embedded into the project conditions of approval (Condition of Approval A.1).

Plans submitted for the building permit application for the two-level parking garage and surface parking lot shall be demonstrate surfacing, landscaping, and lighting in compliance with all applicable Municipal Code requirements contained in Titles 10, 12, 15, and 17, as required by Condition of Approval A.10.

The project proposes 781 parking spaces where 1,409 are required. This requires approval of a Use Permit for nonconforming off-street parking, the findings for which can be met as described in detail in the Use Permit findings section below.

G. The proposal encourages alternatives to travel by automobile where appropriate, through the provision of facilities for pedestrians and bicycles, public transit stops and access to other means of transportation.

The proposal meets this finding. As indicated on the site plan, the project development will include extensive improvements to the San Francisco Bay Trail which allows for pedestrian and bicycle access throughout Sierra Point and to other communities to the north and south. As required by Chapter 17.34 of the Municipal Code, the project will provide 39 short-term bicycle parking spaces and 39 long-term bicycle parking spaces (included in Condition of Approval A.11). Additionally, as required by the City/County Association of Governments for San Mateo County, future building tenants shall join the commuter shuttle program managed by C/CAG and Commute.org which provides free employee shuttle service to and from the Bayshore Caltrain Station and Balboa Park BART Station (included in Condition of Approval R).

Additionally, the project's Transportation Demand Management (TDM) plan prepared by Fehr & Peers outlines a variety of methods in addition to shuttle service participation to reduce the use of single-occupancy car trips by site users, including a parking cash-out, subsidized public transportation passes, subsidized shared-ride car service trips, carpool matching and incentives, motorcycle cash incentives, and subsidized bike and car share memberships. Condition of Approval R will require these strategies, in addition to others that may be identified in the future, to be utilized to encouraged alternatives to travel by automobile.

H. The site provides open areas and landscaping to complement the buildings and structures. Landscaping is also used to separate and screen service and storage areas, break up expanses of paved area and define areas for usability and privacy. Landscaping is generally water conserving and is appropriate to the location. Attention is given to habitat protection and wildland fire hazard as appropriate.

The proposal meets this finding. The site design provides over 130,000 sq ft of landscaped area (35% of the site) within the surface parking lot, landscape berm at the base of the podium, biotreatment areas, interior courtyard, and adjacent to the San Francisco Bay Trail at the northerly portion of the site. This exceeds the minimum of 96,560 sq ft (25% of the site) required by the SP-CRO District regulations. As designed, the landscape areas serve dual aesthetic and functional roles, providing stormwater management services, attractively screening paved parking areas and mechanical areas, and accommodating outdoor recreational uses and enjoyment by members of the public and building employees. As required by the 2018 Addendum to the 2008 IS/MND, all plant species will be low-water use as rated by the WUCOLS rating system (included as Condition of Approval A.5). Additionally, the final landscaping and irrigation plans submitted with the building permit application shall comply with all design provisions required by Chapter 15.70 of the BMC, the Water Conservation in Landscaping Ordinance, to ensure maximum efficiency in site irrigation design and operation (included as Condition of Approval A.5).

The 2018 Addendum to the 2008 IS/MND evaluated the project's potential impacts to adjacent habitat and found potential impacts would be sufficiently mitigated through implementation of the mitigation measures contained in the 2008 IS/MND (included as Condition of Approval D).

I. The proposal takes reasonable measures to protect against external and internal noise.

The proposal meets this finding. The 2018 Addendum to the 2008 IS/MND evaluated the potential traffic noise impacts on the development from the adjacent traffic on Highway 101, and found that the development would not expose persons to or generate noise levels in excess of standards established in the general plan or noise ordinance, or other applicable standards. Building tenants would be exposed to noise levels of up to 70 dBA Ldn, which is considered acceptable for commercial/retail/office uses. Standard California Building Code requirements applicable to exterior building materials, windows and window casings, and ventilation systems will ensure the structure is designed in compliance with all mandated noise-reduction features appropriate to the building construction type.

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

The proposal meets this finding. As a Condition of Approval A.7, all on-site lighting shall be downlit and shall not result in off-site glare. While the building design utilizes various glass materials in exterior finishes, the manufacturer's specifications for the chosen glass products include "low-e" coatings that reduce exterior glare. Per Condition of Approval A.12, all exterior glass products identified in the building permit plans shall be manufactured or treated to reduce exterior glare and reflectivity.

K. Attention is given to the screening of utility structures, mechanical equipment, trash containers and rooftop equipment.

The proposal meets this finding. The podium design allows for the majority of utilities and mechanical equipment to be located inside the podium, screened from exterior views. In addition, all rooftop equipment will be screened from view. As a Condition of Approval A.8, the plans submitted for building permit shall identify the location of trash enclosures and shall

incorporate screening with landscaping or fencing if the trash enclosures will be located outside of the parking podium.

L. Signage is appropriate in location, scale, type and color, and is effective in enhancing the design concept of the site.

This finding is not applicable as the subject applications do not include sign approvals. Any future sign programs or applications shall be subject to review in compliance with the adopted Sign Program for Sierra Point.

M. Provisions have been made to meet the needs of employees for outdoor space.

The proposal meets this finding. As described in detail in Finding H above, the project includes significant outdoor areas available for use by employees as well as members of the public within the interior courtyard, pedestrian stairs, northerly landscaped recreational areas, and the improved San Francisco Bay Trail.

Variance V-1-18 (Per BMC Section 17.46.010)

A. ...Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized 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.

The proposal meets this finding. A Variance was approved for this project in 2008 to allow the then-proposed five-level parking structure to exceed the lot coverage maximum on the proposed separate parcel per the Tentative Map. The revised project requests a Variance to allow 45% of the site to be covered by the footprint of the podium (including the two-level parking garage below and three buildings above), where a maximum of 40% lot coverage is permitted by the SP-CRO District regulations. The podium design minimizes the visibility of structured parking compared to the approved design. Additionally, while the footprint of the podium technically qualifies as “lot coverage,” functionally it accommodates expansive open areas and landscaping throughout the site and minimizes the footprint of the individual structures compared to the previous approved design. The revised design further incorporates a variety of permeable pavers within the interior courtyard and exterior walking paths as well as active biotreatment landscaped areas to aid in stormwater infiltration, features which were not provided in the 2008 Design Permit approval.

Additionally, the revised podium design achieves a reduction in the building heights, less than the maximum permitted by the Combined Site and Architectural Design Guidelines and one to two stories less than the approved building heights in the 2008 Design Permit approval. A variety of conditions of approval will apply to this project, as contained in Exhibit B to this Resolution.

B. ...Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The proposal meets this finding. Due to the subject property's location partially within a flood zone, as well as the required refuse grading and capping under Title 27 of the California Code of Regulations, the podium development approach allows for the site to be developed consistent with the provisions of the SP-CRO District and Combined Site and Architectural Design Guidelines for Sierra Point while reducing the apparent bulk and mass of the buildings compared to the 2008 Design Permit approval.

Use Permit UP-1-18 (Per BMC Section 17.40.060 and BMC Section 17.34.050.I)

A. In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.

The proposal meets this finding. The use applied for is a site-specific parking regulation modification which would not have detrimental or injurious impacts on properties or individuals with implementation of the Transportation Demand Management Plan, per Condition of Approval R.

B. The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city.

The proposal meets this finding. The use applied for is a site-specific parking regulation modification which would not have detrimental or injurious impacts on properties or individuals with implementation of the Transportation Demand Management Plan, per Condition of Approval R.

1. Strict enforcement of the specified regulation is not required by either present or anticipated future traffic volume or traffic circulation on the site.

The proposal meets this finding. The BMC currently does not have parking standards tailored to life sciences land uses, and instead the office standard of one parking space for every 300 square feet of building area has been applied. This standard does not recognize the distinct difference between parking demand generation rates of traditional office development compared to life sciences development, which range from 1 parking space for every 500 to 1000 square feet of building area (reference: Use Permit UP-2-18, 7000 Marina Boulevard).

As detailed in the Transportation Demand Management plan prepared by Fehr & Peers, and discussed in Finding G of the Design Permit analysis above, the project will employ a variety of methods to reduce the use of single-occupancy car trips by site users, including shuttle service participation a parking cash-out, subsidized public transportation passes, subsidized shared-ride car service trips, carpool matching and incentives, motorcycle cash incentives, and subsidized bike and car share memberships. These reductions will reduce parking demand to less than the provided 781 parking spaces. Condition of Approval R will require these strategies, in addition to others that may be identified in the future, to be utilized to encouraged alternatives to travel by

automobile, and for the applicant or future property manager to annually update the City on the program's implementation.

2. The granting of the use permit will not create or intensify a shortage of on-street parking spaces, given, for example, the availability of existing or improved on/off-street parking which may not fully meet the requirements of this chapter.

This finding is not applicable, since there is no on-street parking available in the Sierra Point subarea and as indicated above, the parking need would be accommodated entirely on site.

3. Full compliance with the parking requirements is not reasonably feasible due to existing structural or site constraints.

The proposal meets this finding. While the previous Design Permit included a standalone, five-story parking garage that met the parking demand generated by the prior office building proposal by utilizing universal parking stall dimensions, the development footprint of that structure required significantly taller and more massive buildings and reduced the area available on-site for landscaping and public use improvements adjacent to the shoreline. The revised design not only reduces the building area square footage compared to the 2008 design, but reduces the profile of the buildings by breaking up the square footage into three buildings rather than two and enhances use of the site for public improvements, landscaping, and stormwater management rather than additional surface parking. The required emergency vehicle access required for the site also reduces the available area for on-site parking.

Exhibit B

Conditions of Approval:

- A. Prior to issuance of a building permit, the building permit plans shall address the following:
1. Site plan shall address the circulation and site plan issues identified in Appendix C to the 2018 Addendum to the 2008 IS/MND;
 2. Final specifications regarding project materials, colors and finishes shall be subject to Community Development Department review and approval.
 3. 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.
 4. 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.
 5. Detailed water-efficient landscaping and irrigation plans shall be submitted for approval by the Community Development Department in compliance with BMC Chapter 15.70, the Water Conservation in Landscaping Ordinance. The final landscaping plans shall be consistent with the conceptual landscape plan including in the Design Permit application, and shall 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. Details regarding hardscape, lighting, fencing, street furniture and employee gathering areas. These design elements shall be consistent with the Sierra Point Design Guidelines.
 - e. Details regarding how access to the emergency vehicle roadway along the north edge of the project will be restricted (e.g., removable bollards), subject to approval by the North County Fire Authority.
 - f. Incorporate an integrated pest management prepared by a qualified professional acceptable to the City of Brisbane to eliminate fertilizer and/or pesticide runoff into the Bay.
 6. Provide for centralized mail facilities to the specifications of the U.S. Postal Service.
 7. 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. All on-site lighting shall be downlit and shall not result in off-site glare.

8. 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. 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.
 9. Plans submitted for the building permit shall demonstrate compliance with all provisions of the Development Agreement, as amended by Ordinance 616, pertaining to LEED design and the provision of solar panels.
 10. Plans submitted for the building permit application for the two-level parking garage and surface parking lot shall be demonstrate surfacing, landscaping, and lighting in compliance with all applicable Municipal Code requirements contained in Titles 10, 12, 15, and 17.
 11. Plans submitted for the building permit shall demonstrated compliance with the requirements for 39 long-term and 39 short-term bicycle parking requirements for the project as established by BMC Chapter 17.34.
 12. Plans submitted for the building permit shall demonstrate that all exterior glass products identified in the building permit plans shall be manufactured or treated to reduce exterior glare and reflectivity.
 13. Utility plans submitted for the building and grading permit shall demonstrate compliance with the requirements of the Sierra Point Master Utility Plan for Public Facilities for the proposed water and sewer systems.
 14. The plans submitted for a building permit shall comply with the requirements of the Brisbane Municipal Code (BMC), California Fire Code (CFC), California Building Code (CBC) and the California Code of Regulations (CCR).
- B. Prior to issuance of a building permit, the property owner shall enter into a standard landscape maintenance agreement with the City to the satisfaction of the City Attorney.
- C. The project shall comply with all terms of the Development Agreement, as amended by Ordinance 616.
- D. The project shall comply with the Mitigation Measures set forth in the adopted mitigated negative declaration and adopted Mitigation Monitoring and Reporting Program, as modified by the 2016 and 2018 Addendums to the 2008 Initial Study/Mitigated Negative Declaration for the Opus Office Center Project.
- E. 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.
- F. 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.

- G. Prior to grading or building permit issuance, plans shall be subject to review and approval by the San Mateo County Environmental Health Services Division.
- H. Prior to grading or building permits issuance, the 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.
- N. 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.
- O. Minor modifications may be approved by the Community Development Director in conformance will all requirements of the Municipal Code.
- P. 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.

- Q. An encroachment permit shall be obtained prior to any work within the public right-of-way.
- R. Following issuance of the Certificate of Occupancy, the property manager shall submit a report to the Community Development Department annually to document implementation of the Transportation Demand Program consistent with the strategies outlined in the Transportation Demand Management Plan prepared by Fehr & Peers and included in this Design Permit approval, including membership in the Commute.org shuttle programs serving Sierra Point.
- S. 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.
- T. 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.
- U. 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.
- V. Applications DP-1-18, UP-1-18 and V-1-18 shall expire in the term specified by the Development Agreement adopted by the City Council via Ordinance 616, as may be amended over time.

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