

# *City of Brisbane*

## *Agenda Report*

**TO:** City Council via the City Manager

**FROM:** Community Development Director

**SUBJECT:** Appeal- Sierra Point Opus Office Project- Cases ER-1-07, DP-5-07, TPM-1-08, V-1-08

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

**Purpose:**

To consider an appeal of the Planning Commission's approval of the above-referenced cases.

**Recommendation:**

That the City Council deny the appeal and uphold the Planning Commission's action in approving 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 pursuant to the findings and conditions set forth in the Planning Commission-approved resolutions.

**Background:**

On February 26, 2009, the Planning Commission by unanimous vote approved the above-referenced cases to permit 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. The proposed project includes 1,388 parking spaces, including a 5-level parking structure containing 1,175 spaces, as well as the extension of the regional Bay Trail along the northerly and westerly perimeter of the site.

The Planning Commission's decision was reached after extensive discussions over several meetings. The attached report from the Planning Commission includes supporting background materials, agenda reports and minutes, as well as resolutions outlining the findings for approval and recommended conditions of approval.

**Discussion:**

The attached appeal raises several issues which are discussed below:

1. **Comment:** The appeal states that “trying to fit this new concept for Sierra Point based on 1980’s environmental review is not working.”

**Response:** Sierra Point has been planned since its inception as an office park, including office buildings on the parcel in question. While the original EIR for the Sierra Point project was approved in the late 1970’s, an EIR was prepared for the HCP biotech project and certified in 2008. This EIR evaluated the cumulative impacts of full buildout of Sierra Point, including this parcel. A site and project-specific environmental review was undertaken for this project, culminating in the preparation of a mitigated negative declaration (MND).

2. **Comment:** concerns over “the environmental traffic capacity and visual impacts of the mass of the project”

**Response:** As noted previously, an MND has been prepared for this project. The MND specifically evaluated traffic and visual impacts, along with a wide range of other potential impacts. The MND was circulated to a number of interested agencies including Caltrans and BCDC, which registered no objections to the project. The Planning Commission unanimously supported adoption of the MND.

3. **Comment:** concern over “the design placement which renders solar gain nearly impossible”

**Response:** Although not required under City ordinance or regulation, the applicant will pre-plumb the parking garage to allow for future solar installations on the roof. The applicant has also agreed to either install 4,500 square feet of solar panels on the garage or make a cash contribution of \$360,000 to the City for off-site city-sponsored renewable energy generation project(s). This amount is proportional to the contribution required by the City Council for the HCP Biotech project.

4. **Comment:** concerns over “the impacts to the aquatic bay environment of shading a natural feature”

**Response:** Assuming that the project shades a small area of open water at limited hours of the day during certain seasons, there is no evidence to support this would alter the bay temperature or impact the existing aquatic environment. The State Department of Fish Game, US Fish and Wildlife Service and BCDC all reviewed the initial study and had no objections to the project as proposed.

5. **Comment:** “the Design Guidelines for Sierra Point which supports the new heights and density have not been approved or fully investigated”

**Response:** The adopted Sierra Point Design Guidelines allow for the transfer of square footages between parcels within Sierra Point as long as the cumulative square footage is not exceeded. In approving the HCP Biotech Project in summer of 2008, the City Council approved the transfer of 89,815 square feet from the biotech site to this Opus parcel, thereby increasing the allowed buildable square footage on this site from 360,000 square feet to 449,815 square feet. The project as proposed includes 438,104 square feet. Incorporating the additional square footage is a project design issue within the Planning Commission’s purview. The Planning Commission

determined that accommodating allowable square footage via increased height (within the overall limits as set forth for Sierra Point) would be preferred to enlarging the building footprints and thereby increasing building bulk and mass.

**Fiscal Impact:**

Development would increase property value, possibly accommodate revenue-generating users, and at the City's discretion provide \$360,000 for a city-sponsored alternative energy generation project.

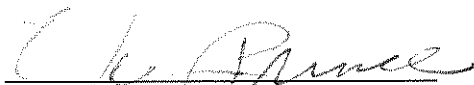
**Measures of Success:**

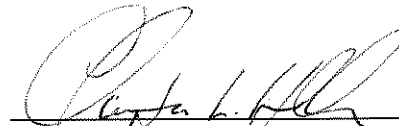
Further development of Sierra Point consistent with the City's General Plan and the Sierra Point Design Guidelines.

**Attachments:**

Appeal Letter

Planning Commission Appeal Report

  
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Department Head

  
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City Manager