

RESOLUTION 2008- 12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
AMENDING THE SIERRA POINT COMBINED SITE AND ARCHITECTURAL
DESIGN GUIDELINES, CONDITIONALLY APPROVING DESIGN PERMIT DP-6-05
AND
PARKING MODIFICATION USE PERMIT UP-12-07 FOR THE SIERRA POINT
BIOTECH PROJECT**

WHEREAS, HCP LS Brisbane, LLC., the applicant, applied to the City of Brisbane for approval of an biotech office complex totaling approximately 540,185 square feet in 5 buildings 15,000 square feet of retail and a 5- level, 961-space parking structure and 840 surface parking spaces on approximately 22.8 vacant acres 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 amendment of the Sierra Point Combined Site and Architectural Design Guidelines a design permit application and parking modification use permit, such applications being identified as Design Permit DP-6-05 and Use Permits UP-12-07; and

WHEREAS, on January 24, 2008 the Planning Commission adopted Resolution DP-6-05/UP-12-05 recommending the City Council to approve amending the Sierra Point Combined Site and Architectural Design Guidelines, Design Permit Application DP-6-05 and Use Permit UP-12-07 subject to the recommended conditions of approval

WHEREAS, the Brisbane City Council has adopted Resolution 2008-10 certifying a Final EIR and making the required CEQA findings; and

WHEREAS, on March 3, March 17, and May 12, 2008 the Brisbane City Council 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 Brisbane City Council reviewed and considered the staff memoranda relating to said applications, the plans and photographs, the written and oral evidence presented to the City Council in support of and in opposition to the applications; and

WHEREAS, the Brisbane City Council hereby makes the findings attached herein as Exhibit A in connection with the Amendment to the Sierra Point Combined Site and Architectural Design Guidelines, Design Permit and Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Brisbane City Council hereby resolves as follows:

Amendment to the Sierra Point Combined Site and Architectural Design Guidelines, Design Permit Application DP-6-05 and Use Permit UP-12-07 are approved per the conditions of approval attached herein as Exhibit A.

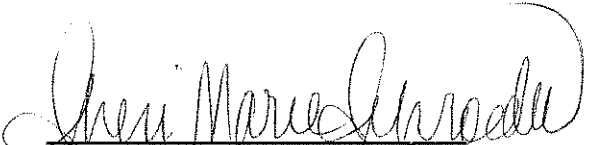

Michael G. Barnes, Mayor

I hereby certify that the foregoing Resolution 2008-12 was duly and regularly adopted at a special meeting of the Brisbane City Council on May 12, 2008.

AYES: Councilmembers Bologoff, Conway, Richardson, Waldo, and Mayor Barnes

NOES: None

ABSENT: None



Sheri Marie Schroeder, City Clerk

EXHIBIT A

Action Taken:

1. Amend the Sierra Point Design Guidelines to:
 - a. reflect the site plan and elevations in Design Permit DP-6-05; and
 - b. reallocate 89,815 square feet of office square footage from the site to Parcel 3, and 12,500 square feet of retail square footage to the site from Parcel R.
2. Conditional approval of Design Permit DP-6-05 and Use Permit UP-12-07 per recommended conditions of approval.

Findings:

Amendment to the Sierra Point Combined Site and Architectural Design Guidelines

1. Amendment to the Design Guidelines as proposed to accommodate the project proposed under Design Permit DP-6-05 is consistent with the underlying objectives of the Sierra Point Design Guidelines “to create a pleasant and functional working environment at Sierra Point,” and “making Sierra Point competitive with other developments in the area.”
2. The proposed amendment and implementing project would be consistent with the design guidelines objective to provide for public access to Bay edge via extension and improvement of the bay trail.
3. The project design changes proposed under the amendment maintain visual and physical access to the Bay as required under the adopted Design Guidelines.

Design Permit DP-6-05

1. The proposed development is consistent with the General Plan, including the General Plan’s land use designation for the site and policies and programs set forth in the Sierra Point Combined Site and Architectural Design Guidelines, as detailed in the staff memoranda.
2. 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.
3. 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.

4. 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.
5. 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.
6. The proposal promotes alternatives to travel by automobile through the provision of facilities for pedestrians and bicycles, extension of the Bay Trail, and the creation of on-site retail opportunities to serve the public as well as current and future employees at Sierra Point.
7. The project furthers the City's objectives to create a new public plaza at Sierra Point by providing a retail edge to the project which will promote public activity and help energize adjacent planned open spaces.
8. 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 create a campus-like setting within the project.
9. 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.
10. Provisions have been made to meet the needs of employees for outdoor space, through the provision that a number of landscaped patios and sitting areas will be provided adjacent to the office portions of the building.

Use Permit UP-12-07

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, in that excess public parking available in the adjacent marina parking is more than adequate to accommodate the proposed retail.
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 availability of

adjacent underutilized marina parking and opportunities for employees elsewhere at Sierra Point to access the site by non-vehicular means such as sidewalks and trails.

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 on-street parking in proximity to the retail and planned plaza will calm vehicular traffic and help activate the public space by encouraging public usage.

Conditions of Approval:

- A. The project shall comply with the Mitigation Measures set forth in the certified Sierra Point Biotech Project Final Environmental Impact Report and adopted Mitigation Monitoring Program.
- B. The project shall comply with the provisions of Development Agreement DA-1-07.
- C. 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.
- D. Prior to any tree removal the applicant shall submit for Community Development Department review and approval a detailed plan for the relocation/disposition of trees, including a tree removal permit pursuant to BMC Chapter 12.12 as applicable.
- E. Prior to grading or building permit issuance plans shall be subject to review and approval by the San Mateo County Environmental Health Services Division.
- F. Prior to removal of existing structures on-site, the applicant shall obtain a demolition permit, including abatement of asbestos pursuant to state and BAAQMD regulations.
- 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 1,801 parking spaces;
 - b. Clearly show that back to back parking bays shall maintain a minimum 4' wide planter strip clear of vehicular overhang;
 - c. Clearly indicate that 28 feet of landscaping are provided between back of curb and surface parking (combination of parkway and on-site landscaping) along Shoreline Court and Sierra Point Parkway;
 - d. Incorporate a minimum of 18 bicycle parking spaces, design and location subject to staff review and approval;
 - e. Incorporate a permeable a/c sidewalk along Sierra Point Parkway

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. The easterly garage elevation shall be revised to incorporate an off-centered glass/trellis element and additional detailing as presented at the 24 January 2008 Planning Commission hearing.
4. Final specifications regarding project materials, colors and finishes shall be subject to Community Development Department review and approval.
5. Provide a Building Code analysis to the satisfaction of the Building Official calculating allowable building area based on type of construction and occupancy group.
6. Demonstrate adequate ventilation of parking structure to the satisfaction of the Building Official, including exterior exhaust fan termination as applicable.
7. The applicant shall process and record a lot line adjustment reflecting proposed parcelization of the site, including appropriate dedications/easements for street, sidewalks and other public improvements as deemed necessary by the City Engineer.
8. In the event phasing is proposed, the applicant shall submit for staff review and approval a phasing plan addressing issues including but not limited to site stabilization, interim parking and access, utilities, infrastructure, and public improvements.
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. Any phased development shall maintain Bay Trail connectivity and include interim improvements subject to City of Brisbane and BCDC review and approval. Full improvements shall be installed prior to occupancy of the third building, or 4 years from occupancy of the first building, whichever occurs first.
11. 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 the approximately 10 parking spaces proposed within BCDC's jurisdictional limits.
12. Provide plans specifying walls/fencing/grading/landscaping to Community Development Department review and approval to screen loading docks from public view, including the Bay Trail, as well as to screen utility boxes, meters and other above-ground infrastructure and equipment.

13. 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. Provision of diamond-shaped treewells or planter islands within perimeter parking rows along the southerly and easterly edge of the site; and
 - d. Landscaped screening of the first floor of the garage as conceptually shown on the plan submittal dated December 24, 2007.
 - e. Rooftop garden on the retail building as conceptually shown on the plan submittal dated December 24, 2007.
 - f. Details regarding hardscape, lighting, street furniture and employee gathering areas.
14. The property owner shall enter into a standard landscape maintenance agreement with the City to the satisfaction of the City Attorney.
15. Detailed plans for the retail plaza shall be subject to Community Development Department review and approval, incorporating landscaping, hardscape, street furniture, lighting, provisions for environmental comfort, bicycle parking, provision of future outdoor dining, and entry statement at the west end of the retail plaza. Potential options for this entry statement include public art, landscaping and/or a water element.
16. 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.
17. The plans submitted for a building permit shall comply with the requirements of the Brisbane Municipal Code (BMC), 2007 International Fire Code (CFC), 2007 California Building Code (CBC) and the California Code of Regulations (CCR).
18. 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.
19. Zoning Case RZ-3-05 shall be adopted.
- H. 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.

- I. 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.
- J. Minor modifications may be approved by the Community Development Director in conformance with all requirements of the Municipal Code.
- K. 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.
- L. 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.
- M. An encroachment permit shall be obtained prior to any work within the public right-of-way.
- N. 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.