



# CITY of BRISBANE

## Planning Commission Meeting Agenda

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Thursday, April 08, 2021 at 7:30 PM • Virtual Meeting

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**This virtual meeting is compliant with the Governor's Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. Consistent with the Order, this virtual meeting provides a safe environment for staff, Planning Commissioners, and the public while allowing for public participation. The public may address the Commission using exclusively remote public comment options which are detailed below.**

*The Commission may take action on any item listed in the agenda.*

The Planning Commission Meeting will be an exclusively virtual meeting. Members of the public may view the meeting by logging into the Zoom webinar listed below or on Comcast Channel 27 and the City's YouTube channel at [www.youtube.com/Brisbaneca](http://www.youtube.com/Brisbaneca). The agenda materials may be viewed online at [www.brisbaneca.org/meetings](http://www.brisbaneca.org/meetings).

**Join Zoom Webinar:** [www.brisbaneca.org/webinar-pc](http://www.brisbaneca.org/webinar-pc)

**Meeting ID:** 970 0458 3387

**Passcode:** 215153

### **TO ADDRESS THE COMMISSION:**

Members of the public are encouraged to submit written comments before the meeting to the project planner. See posted public notices at <https://www.brisbaneca.org/cd/page/public-notices> for planner contact information. For items that are not public hearings, refer to the staff report for planner contact information. Members of the public who join the live Zoom webinar may address the Commission in the meeting when called upon by the Chairperson. Please use the "Chat" box in Zoom to alert staff that you want to address the Commission.

Members of the public watching the meeting on YouTube or Channel 27 may email or text comments **prior to the start of the particular agenda item** to the below email and text line:

**Email:** [jswiecki@brisbaneca.org](mailto:jswiecki@brisbaneca.org)

**Text:** 415-713-9266

A call-in number is also available for those watching the meeting on YouTube or Channel 27 for oral communications and public hearing items:

**Phone Number:** +1 (669) 900-9128

**Meeting ID:** 970 0458 3387.

After entering the meeting ID and pressing #, simply press # a second time to enter the meeting waiting room. No participant code is required. Please wait to call until the Chairperson and/or staff announces that the phone line is open. When you are let into the meeting, press \*6 on your phone to unmute yourself before addressing the Commission. To avoid feedback, please turn off

the volume of the meeting broadcast on your TV or computer. You will still be able to hear the Commissioners through your phone.

### **SPECIAL ASSISTANCE**

If you need special assistance to participate in this meeting, please contact the Community Development Department at (415) 508-2120 in advance of the meeting. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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**Commissioners: Funke, Gomez, Gooding, Patel, and Sayasane**

### **CALL TO ORDER**

### **ROLL CALL**

### **ADOPTION OF AGENDA**

### **CONSENT CALENDAR**

*Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department's recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.*

- A. [Approval of draft meeting minutes of March 25, 2021](#)

**ORAL COMMUNICATIONS** (Limited to a total of 15 minutes)

### **WRITTEN COMMUNICATIONS**

### **OLD BUSINESS**

None

### **NEW BUSINESS**

- B. [PUBLIC HEARING: 3000-3500 Marina Boulevard; Design Permit Modification DP-1-21 \(modification to DP-1-18\); SP-CRO Sierra Point Commercial District; Design Permit revision to modify the north and south elevations of Buildings 1 and 2 and the west and east elevations of Building 3 of the three-building biotech campus previously approved under DP-1-18 \(2018\); David Diamond, applicant; Bp3 Sf5 3000 3500 Marina LLC, owner.](#)

### **ITEMS INITIATED BY STAFF**

### **ITEMS INITIATED BY THE COMMISSION**

### **ADJOURNMENT**

- C. Adjournment to the regular meeting of April 22, 2021

### **APPEALS PROCESS**

*Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.*

### **INTERNET & OTHER ACCESS**

*Agendas and adopted minutes for meetings of the Planning Commission are posted on the Internet at: [www.brisbaneca.org/meetings](http://www.brisbaneca.org/meetings). Meetings are broadcast live on Comcast Channel 27 and by streaming video on the City's YouTube channel ([www.youtube.com/Brisbaneca](http://www.youtube.com/Brisbaneca)). Meeting video archives are available on the City's YouTube channel. Rebroadcasts on Channel 27 are during weeks following the meetings, on Fridays at 5 pm and Sundays at 1 pm. For a DVD copy, please contact the Community Development Department.*

### **NOTICE OF DISCLOSURE**

*Written information or comments that may include a person's name, address, email address, etc. submitted to the City, Planning Commission, and/or City staff are public records under the California Public Records Act, are subject to disclosure and may appear on the City's website.*

**File Attachments for Item:**

A. Approval of draft meeting minutes of March 25, 2021



DRAFT  
BRISBANE PLANNING COMMISSION  
Action Minutes of March 25, 2021  
Virtual Regular Meeting

CALL TO ORDER

Chairperson Gooding called the meeting to order at 7:30 p.m.

ROLL CALL

Present: Commissioners Funke, Gomez, Gooding, Patel, and Sayasane.  
Absent: None  
Staff Present: Senior Planner Johnson and Associate Planner Robbins

ADOPTION OF AGENDA

Commissioner Gomez moved to adopt the agenda. Commissioner Patel seconded the motion and it was approved 5-0.

CONSENT CALENDAR

Commissioner Sayasane moved to adopt the consent calendar (agenda item A). Commissioner Funke seconded the motion and it was approved 5-0.

ORAL COMMUNICATIONS

There were no oral communications.

WRITTEN COMMUNICATIONS

Staff provided the Commission a copy of Brisbane's 2020 Housing Element Annual Progress Report.

STUDY SESSION

Senior Planner Johnson and project consultant Joshua Abrams of 21 Elements gave a presentation on the general framework of the 2023-2030 Housing Element update process.

The Commission asked about the methodology the Association of Bay Area Governments (ABAG) used to determine the distribution of the Bay Area's Regional Housing Needs Allocation (RHNA) and its feasibility as applied to Brisbane, the timing to certify the region's final RHNA number and if Brisbane's number might change, how the City might certify a site to qualify for low or moderate housing, the difference between new requirements that must affirmatively further fair housing and address environmental justice, and the role of 21 Elements in the update process.

#### ITEMS INITIATED BY STAFF

Associate Planner Robbins and Senior Planner Johnson informed the Commission that the City Council considered Brisbane's 2020 Housing Element Annual Progress Report and submitted it to the Department of Housing and Community Development (HCD) and the Office of Planning Research (OPR) at the beginning of the month per State law. They highlighted upcoming community meetings and workshops in April for both the 2023-2030 Housing Element update and the development of objective design and development standards for new residential development.

#### ITEMS INITIATED BY THE COMMISSION

Commissioner Sayasane gave a brief report on the Baylands subcommittee meeting held on March 18, 2021, indicating that the developers provided the subcommittee a detailed 3D model and will submit a Specific Plan in April.

#### ADJOURNMENT

Commissioner Funke moved to adjourn to the regular meeting of Thursday, April 8, 2021. Commissioner Gomez seconded the motion and it was approved 5-0. The meeting adjourned at 8:35 p.m.

Attest:

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John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on the City's YouTube channel at [www.youtube.com/BrisbaneCA](http://www.youtube.com/BrisbaneCA), on the City's website at <http://www.brisbaneca.org/meetings>, or on DVD (by request only) at City Hall.

**File Attachments for Item:**

**B. PUBLIC HEARING: 3000-3500 Marina Boulevard; Design Permit Modification DP-1-21 (modification to DP-1-18);** SP-CRO Sierra Point Commercial District; Design Permit revision to modify the north and south elevations of Buildings 1 and 2 and the west and east elevations of Building 3 of the three-building biotech campus previously approved under DP-1-18 (2018); David Diamond, applicant; Bp3 Sf5 3000 3500 Marina LLC, owner.

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of April 8, 2021

**SUBJECT:** **3000-3500 Marina Boulevard; Design Permit DP-1-21;** SP-CRO Sierra Point Commercial District; Design Permit revision to modify the north and south elevations of Buildings 1 and 2 and the west and east elevations of Building 3 of the three-building biotech campus previously approved under DP-1-18; David Diamond, applicant; Bp3 Sf5 3000 3500 Marina LLC, owner.

**REQUEST:** The applicant requests modifications to the approved Design Permit DP-1-18, granted in 2018 by the Planning Commission to allow construction of a three-building biotech campus at the above-referenced property. Specifically, the request would:

- Modify the dimensions and floor level locations of the cantilevered balconies on the north elevations of Building's 1 and 2 and west elevation of Building 3;
- Eliminate the balconies on the south elevations of Buildings 1 and 2 and east elevation of Building 3; and
- Reduce the dimensions and modify materials of the overhanging roof and side wall projections at the north and south elevations of Buildings 1 and 2 and west and east elevations of Building 3.

No other modifications to the approved design are requested. The approved design is discussed in detail in the November 29, 2018 Planning Commission agenda report (Attachment E), and briefly summarized below.

**RECOMMENDATION:** Conditional approval of Design Permit DP-1-21, per the staff memorandum with attachments, via adoption of Resolution DP-1-21 with Exhibit A containing the findings and conditions of approval.

**ENVIRONMENTAL DETERMINATION:** An Addendum to the 2008 Initial Study (IS) and Mitigated Negative Declaration (MND) prepared for the Opus Office Center Project at the subject property was adopted by the Planning Commission on November 29, 2018 pursuant to CEQA Guidelines Section 15164. The Addendum is available for review on the City's archived website (see Attachments list at the end of this agenda report for hyperlink to archived materials associated with DP-1-18).

**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](#).

## **BACKGROUND:**

### Design Permit DP-5-07 and Associated Approvals

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. The approvals were extended in 2011 and 2017 through development agreements which provided a number of public benefits in exchange for the permit extensions. .

### Design Permit DP-1-18 and Associated Approvals

In 2018, the Planning Commission approved Design Permit DP-1-18 and associated Variance V-1-18 (lot coverage), Use Permit UP-1-18 (parking), and an addendum to the 2008 Initial Study/Mitigated Negative Declaration to modify the 2008 approved site design (the tentative map application was eliminated; the property will not be subdivided). The new design reduced the total building area to 422,552 sq ft, spread out within three buildings, and includes a 12,000 sq ft gym and café. The three buildings are grouped around a large, landscaped interior courtyard open for public and tenant use above a two-level parking podium. The bulk of on-site parking spaces would be located within the parking podium, with supplemental surface parking, including eight public parking spaces for shoreline access required by the San Francisco Bay Conservation and Development Commission (BCDC).

Because the site is located within 100 feet of the shoreline, the project also received permit approvals from BCDC (BCDC Permit #2019.001.00; approved 9/19/2019) and includes extension of the San Francisco Bay Trail around the western and northern perimeter of the site.

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. The 2018-approved project includes site grading and final landfill closure in compliance with Title 27.

### Project Status and Current Proposal to Modify the Approved Design

After receiving land use approvals from the Planning Commission in 2018, and BCDC permit approval in 2019, the property owner began to submit phased building permit applications to the City. A grading, landfill closure, and foundation permit was submitted in late 2019, followed by a structural permit in early 2020, and an architectural permit in summer 2020. The project broke ground in September 2020 after the City issued the grading, landfill closure, and foundation permit. The City issued the structural building permit earlier this year. The architectural permit, which contains the detailed site and landscape plans and building design, remains under review, pending Planning Commission action on the requested modifications to the building design described above and detailed below.

### Project Description – Design Permit Revision

As noted above, the applicant proposes to modify the north and south elevations of Buildings 1 and 2 and the west and east elevations of Building 3 related to exterior balconies and associated

projecting balcony overhangs. The modifications to each building and to the projecting balcony overhangs are shown in the applicant's plans and renderings in Attachment B. The previously approved partial-floor width balconies at the north elevations of Buildings 1 and 2 and east elevation of Building 3 have been revised to covered and inset balconies that span the full width of the floor. The depth of the projecting balcony overhang on the north elevation of Building 1 has been reduced to a varying depth of 5-10 feet, and the depth of the overhang on its south elevation has been reduced to 5 feet. The depth of the projecting balcony overhang on the north elevation of Building 2 has been reduced to 15 feet, while the depth of the overhang on its south elevation has been reduced to 5 feet. The depth of the projecting balcony overhangs on both the west and east elevations of Building 3 have been reduced to 5 feet. The partial-floor width balconies on the south elevations of Buildings 1 and 2 and west elevation of Building 3 have been eliminated.

At all building end elevations, the applicant proposes modifying the materials of the decorative overhangs from perforated corrugated metal panels (approved in DP-1-18) to insulated fritted glass with aluminum framing within a sawtooth curtain wall. As described by the applicant, fritted glass is achieved by fusing opaque ceramic paint to the back side of the glass in a vertical line pattern. The frit improves the energy performance of the glass by providing some shading and reducing the solar heat gain in the interior of the building, and reduces glare on the exterior. The sawtooth curtain wall refers to the offset placement of the glass panes in a staggered fashion. Refer to Attachment B for the applicant's elevations with details showing the configuration of the sawtooth curtain wall.

## **ANALYSIS AND FINDINGS:**

The construction of any principal structure in the SP-CRO zoning district requires design permit approval per BMC Section 17.18.070 and BMC Chapter 17.42. The design of principal structures in the SP-CRO district must be consistent with the Sierra Point Combined Site and Architectural Guidelines .

Due to the limited nature of the requested modifications to Design Permit DP-1-18, the analysis below focuses on the design guidelines and findings pertinent to the changes in the building elevations described above, not the entirety of the project. The findings as applicable to the project as a whole remain unchanged and may be referenced in Resolution DP-1-21 (Exhibit B, Attachment C) and the November 29, 2018 agenda report (Attachment E).

### Sierra Point Design Guidelines Conformance

The following guidelines are excerpted from the Architectural chapter of the Sierra Point Combined Site and Architectural Guidelines :

1. The building architecture will reflect a carefully controlled balance of diversity with a repetition of design features and details, which will foster continuity.

The proposed revision is consistent with this guideline. The modifications to the north and south elevations of Buildings 1 and 2 and west and east elevations of Building 3 are consistent but not uniform, and each building will remain visibly differentiated from the others. The design approved under DP-1-18 called for partial-width, offset balconies at two floors levels on each building's narrowest elevations. The proposed modifications would alter the floor level and dimensions of the balconies on the elevations with the best direct views of the Bay (the north elevations of Buildings 1 and 2 and the west elevation of Building 3), maintaining the consistency between buildings. Changes

to the material of the decorative overhangs from perforated metal framing to fritted glass sawtooth curtain walls is similarly applied consistently to each building, but their respective dimensions would vary to retain visual interest. The fritted glass overhang material balances consistency with the mix of exterior materials in the project (metal elements at the mechanical penthouse, glass walls, and concrete, glass, metal elements at the building podium) while being visibly distinct from the glass building walls at the west and east elevations of Buildings 1 and 2 and north and south elevations of Building 3, attributable to the particular fritted pattern of the glass.

2. The buildings will be articulated to reduce their mass and effect on existing views while maximizing views from the buildings.

The proposed revision is consistent with this guideline. The modifications represent a visible change to the articulation to the building ends provided by the balconies and projecting decorative overhangs. The design approved under DP-1-18 features deep but relatively narrow off-set balconies on the north elevations of Buildings 1 and 2, framed by exaggerated, asymmetrical projections that function aesthetically as an extension of the building, as opposed to serving a functional role for the balconies or podium-level common areas below. The proposed modifications to the projecting overhangs at the north elevations of Buildings 1 and 2 would reduce the depth of the overhangs, but they would remain a pronounced articulating element at these facades. Additionally, the upper level balconies would be stepped back from the building face at each building, providing additional articulation to those facades that was not included in the previously approved design.

Finally, the modifications retain the balconies at the building elevations with optimal views to the Bay from the site to the north and east, while eliminating balconies from the building elevations with lesser or obstructed views to the south and west. While the balconies eliminated from the west elevation of Building 3 would have provided views of San Bruno Mountain, they also looked directly over Highway 101- a significant noise and emission source that may not be desirable for employees to be exposed to during their breaks.

3. Major unifying elements in the building design will be featured by simple, sculptured forms with chamfered and notched elevations and exterior balconies and terraces, where appropriate.

The proposed revision is consistent with this guideline. As discussed above, the modifications to the balconies and projecting overhangs would be consistent while allowing for differentiation at each building in respects to dimensions and angles. The proposed reduction in the depth of the overhangs at the north elevations of Building's 1 and 2 would result in a more simple building form, while the fritted glass materials and sawtooth curtain wall design of the overhangs would provide needed texture and transitional angles for visual interest.

4. Continuous horizontal fenestration with tinted or low reflected energy efficient glass must be utilized to take advantage of the spectacular views from the office buildings.

The proposed revision is consistent with this guideline. The proposed modifications to the projecting balcony overhangs would replace perforated metal frames with fritted glass panels within a sawtooth curtain wall design. This provides both horizontal and vertical fenestration to the glass panels and allows for better views of secondary elevations at each balcony compared to the previously approved perforated metal panels. As noted in the project description above, fritting the glass with ceramic also significantly increases its energy efficiency and reduces solar gain.

5. The exterior panels forming the building skin will be made of precast concrete, brick, metal or tile veneer utilizing warm earth tones, neutral colors and some pastels. The use of shiny, highly metallic or reflective materials will be avoided.

The proposed revision is consistent with this guideline. As noted in the project description above, fritting the glass of the projecting balcony overhangs significantly reduces glare and shine compared to non-treated glass. In addition to the fritting, the glass itself will be low-emissivity ("low-E") glass, as required to comply with the project's LEED Gold requirements. The sawtooth curtain wall design of the projecting balcony overhangs further reduces the reflectivity of the glass by allowing portions of the glass to be shadowed and not directly receive light, both by angling the glass panels and by shading from the vertical metal return fin.

#### BMC Chapter 17.42 Findings

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

The proposed revision is consistent with this finding. The approved project design in DP-1-18 included a mix of building materials, including concrete and metal elements at the podium base, concrete, metal, and glass elements at the building facades, and metal penthouse enclosure. The proposed modifications to the materials of the projecting balcony overhangs from perforated metal panels to fritted glass would remain consistent with the overall mix of materials originally approved while remaining visibly distinct from the surrounding building façades. The materials would represent an attractive transition in texture and appearance from the surrounding glass building elevations (which feature a similar sawtooth design), as opposed to the stark shift in texture and appearance provided by the previously approved perforated metal framing.

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

The proposed revision is consistent with this finding. The proposed modifications to the projecting overhang materials minimize potential glare impacts through the glass treatment (ceramic fritting) and wall composition (sawtooth pattern), as described 5 above. The modifications to the balcony and overhang dimensions do not have any impact the development's relationship to adjacent office buildings at 5000 Marina Blvd. or 1000 Marina Blvd. as building locations and setbacks from property lines will remain unchanged.

- **Finding 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 proposed revision is consistent with this finding, as described in Guideline 5 above, due to the treatment of the glass within the projecting balcony overhangs and the sawtooth curtain wall design.

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




The proposed revision is consistent with this finding, as described in Finding C above.

- **Finding M:** Provisions have been made to meet the needs of employees for outdoor space.

The proposed revision is consistent with this finding. While some of the balconies previously approved under DP-1-18 would be eliminated, the redesigned balconies are ultimately more useable due to their full width and the superior wind-blocking design of the redesigned projecting balcony overhangs. Furthermore, the eliminated balconies were on elevations of the building that either had obstructed views of the Bay or were fully exposed to Highway 101, and overall provided a lower quality outdoor space for employees compared to the balconies remaining on the elevations with superior views of the Bay. Finally, the project continues to provide ample outdoor space for employees via the interior courtyard, extensive gathering areas in the transition from the podium to the Bay Trail, and the extended Bay Trail itself.

#### ATTACHMENTS:

- A. Approved site plan from DP-1-18 (for reference)
- B. Applicant's modified floor plans, building elevations, and renderings
- C. Draft resolution DP-1-21 with revision-related findings (Exhibit A) and complete findings and conditions of approval (Exhibit B)
- D. Applicant's description of the requested modifications
- E. [November 29, 2018 Planning Commission agenda report and approved project plans](#) (hyperlink to Planning Commission meeting page; multiple documents)

  
Julia Ayres, Senior Planner

  
John Swiecki, Community Development Director



GENESIS MARINA  
OVERVIEW OF DESIGN EVOLUTION

MARCH 24, 2021

SOM





Planning Commission Approved Design in 11/29/2018



Proposed revision- north elevation





Planning Commission Approved Design in 11/29/2018



Proposed revision- north elevation





Planning Commission Approved Design in 11/29/2018



Proposed Revision  
East elevation

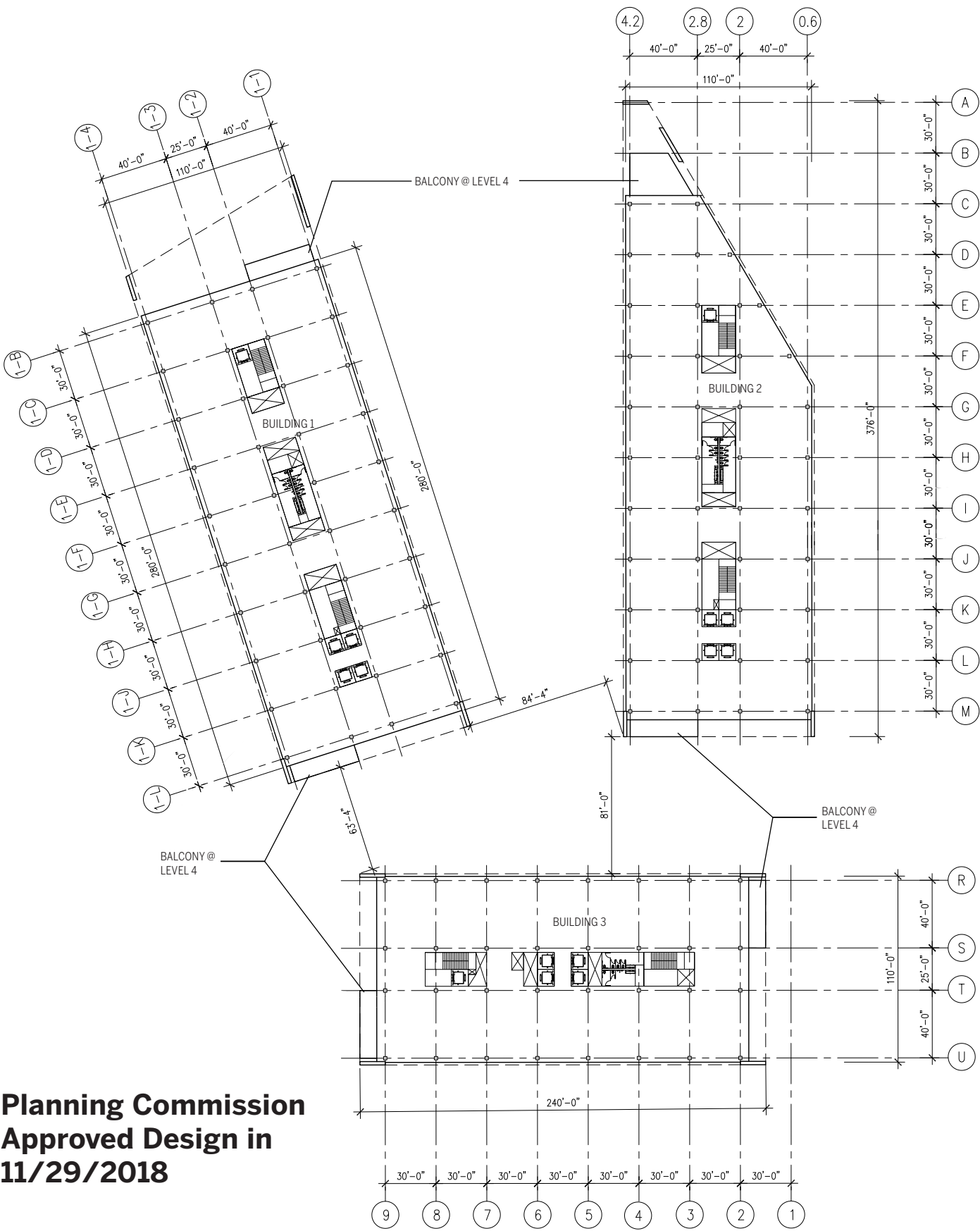




BUILDING DESIGN, PLANNING SUBMISSION COMPARISON

Planning Commission  
Approved Design in  
11/29/2018

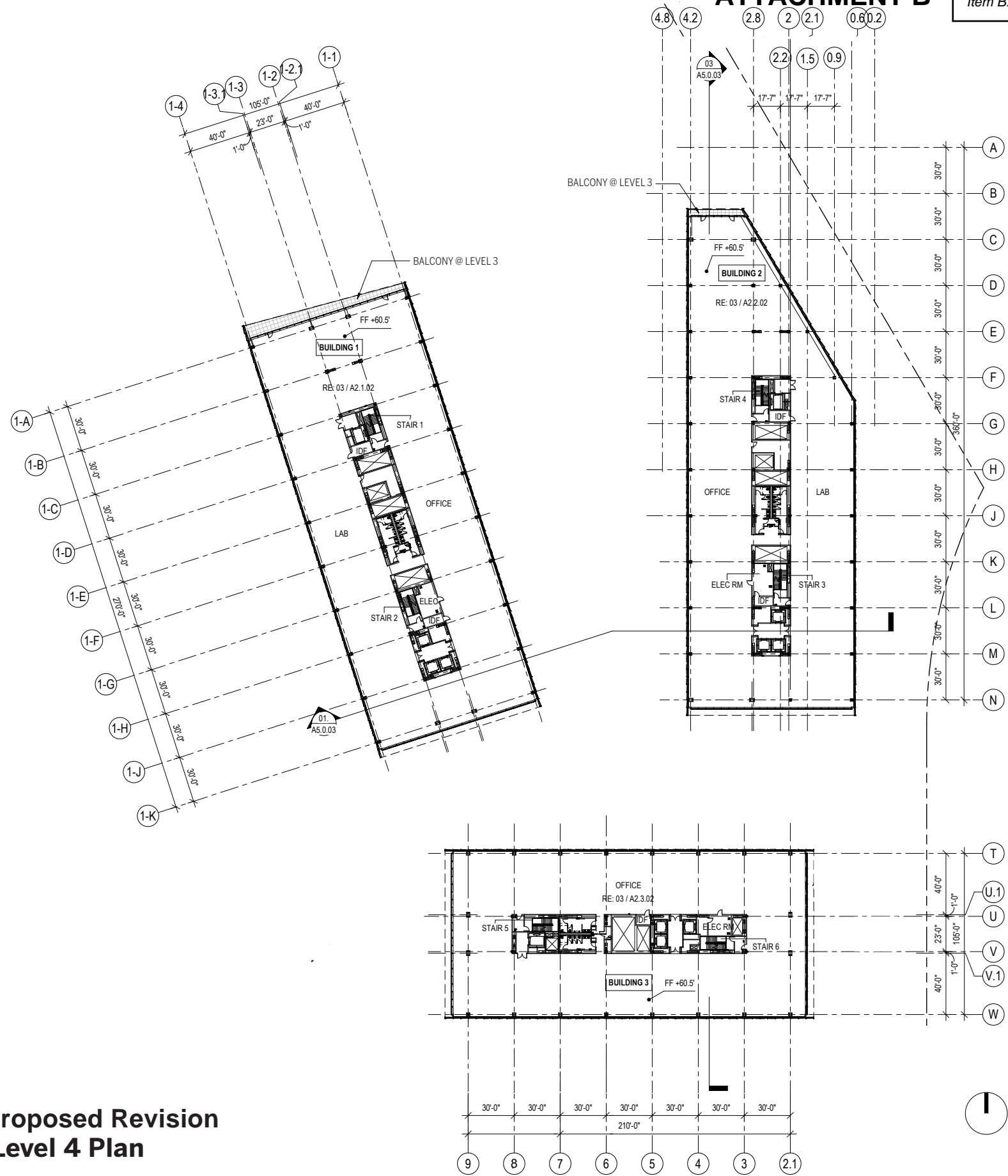
GENESIS MARINA (3000-3500 MARINA BLVD)  
SKIDMORE, OWINGS & MERRILL LLP



Proposed Revision  
Level 4 Plan

ATTACHMENT B

Item B.

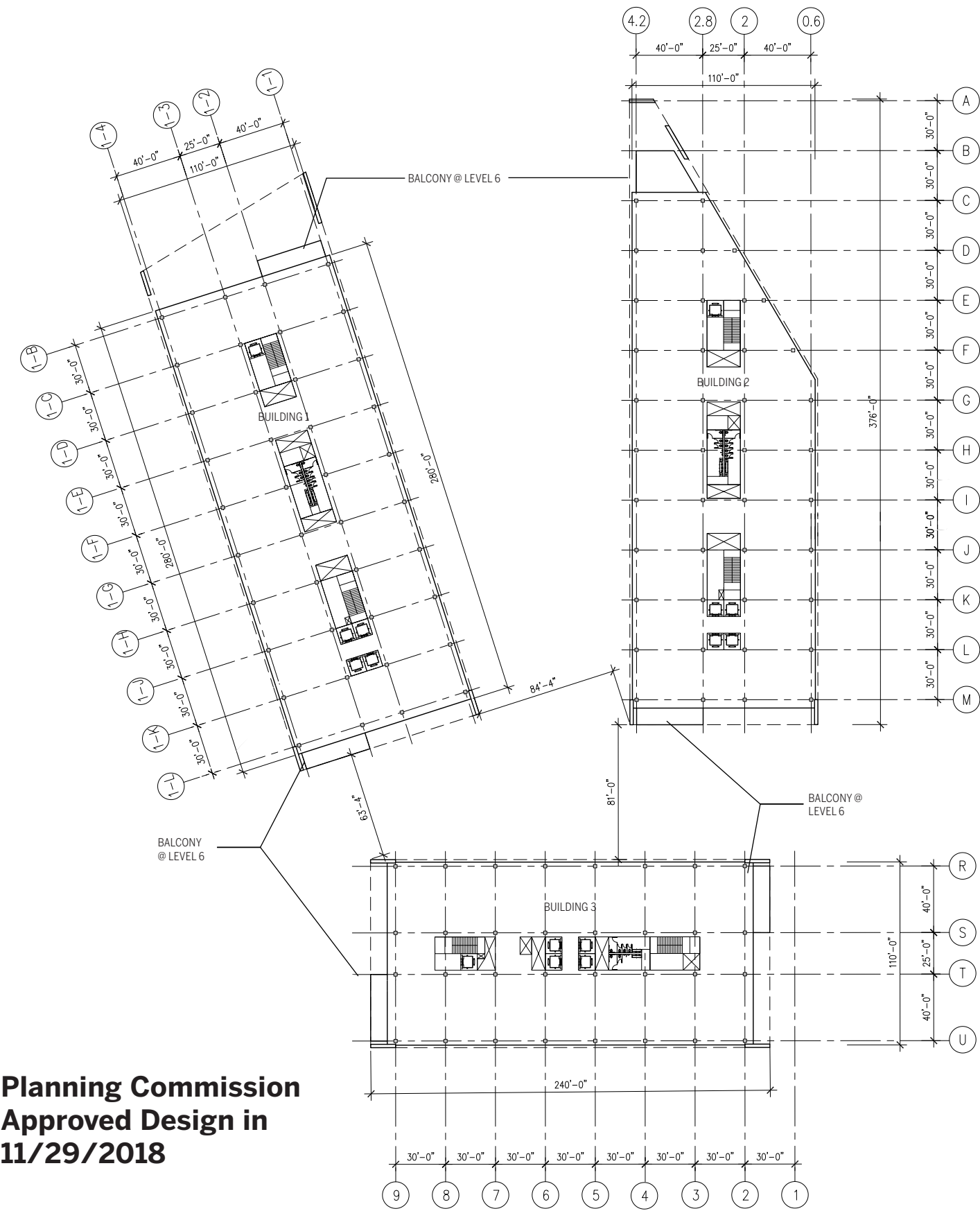




BUILDING DESIGN, PLANNING SUBMISSION COMPARISON

Planning Commission  
Approved Design in  
11/29/2018

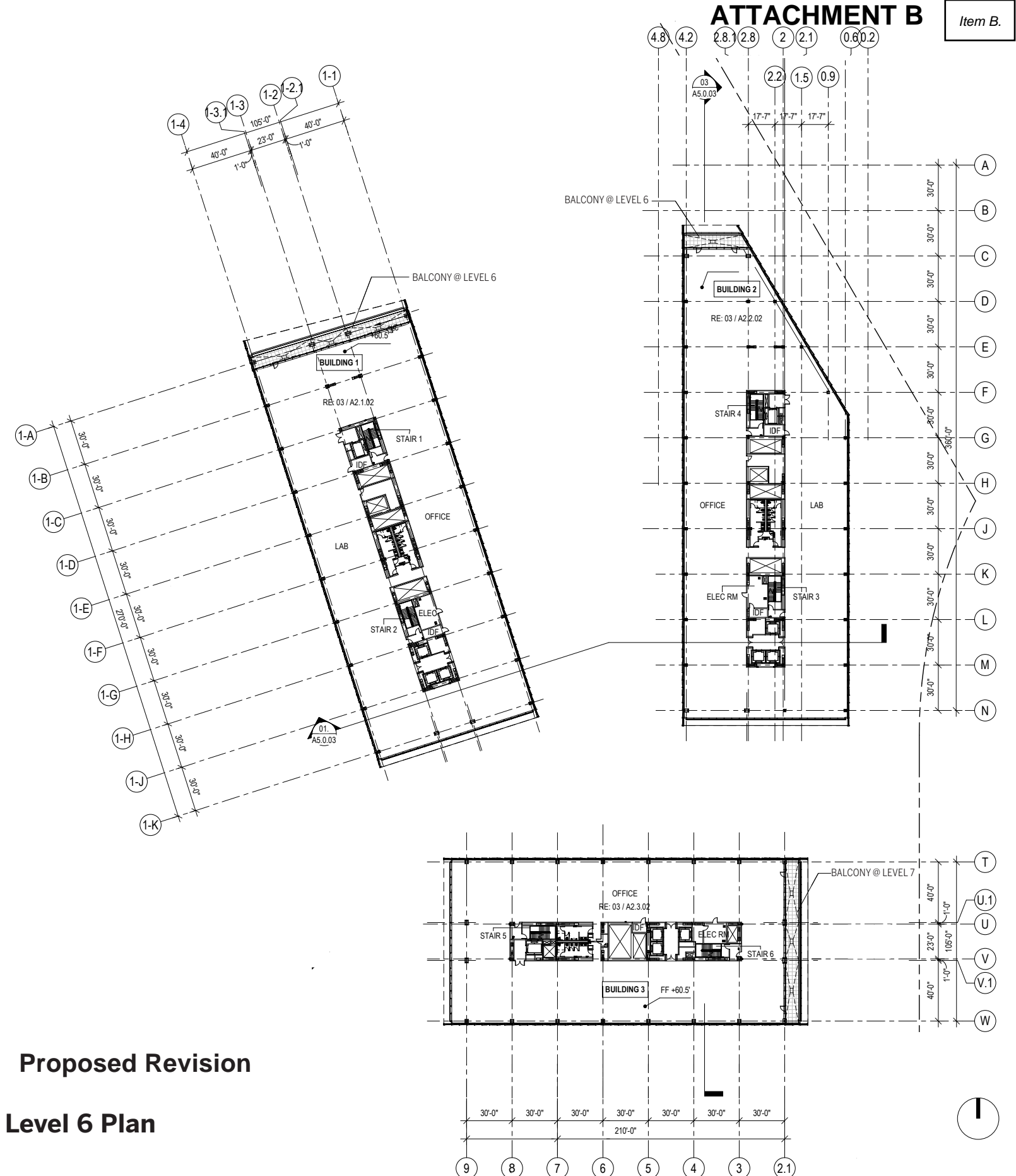
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SKIDMORE, OWINGS & MERRILL LLP



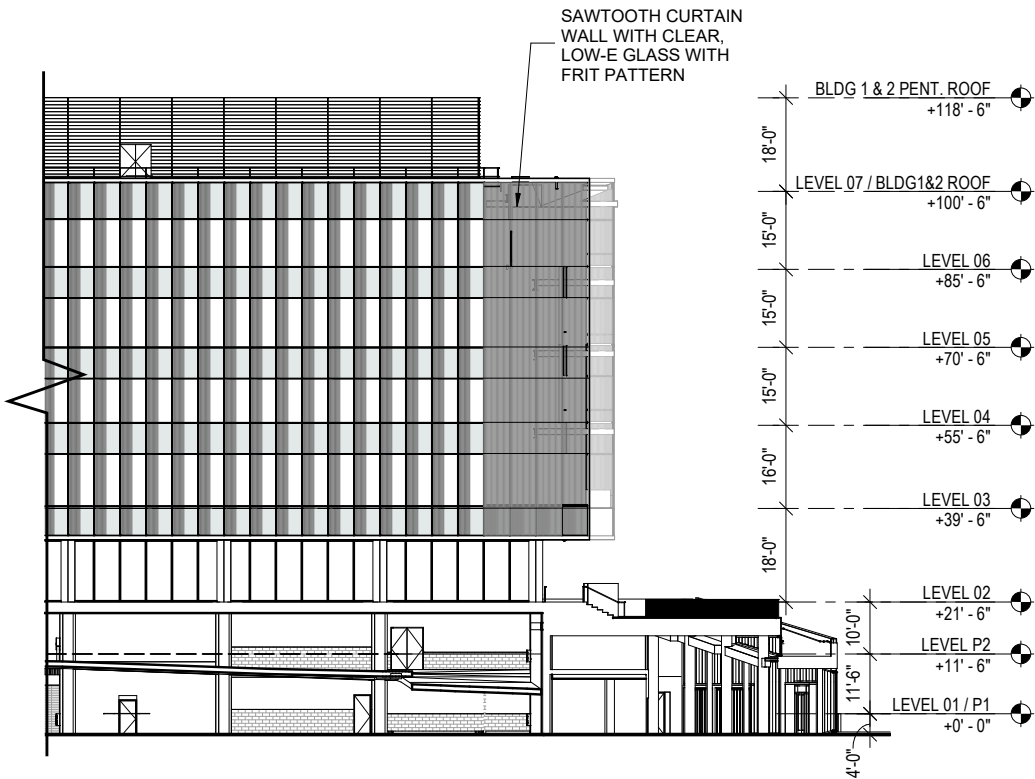
ATTACHMENT B

Item B.

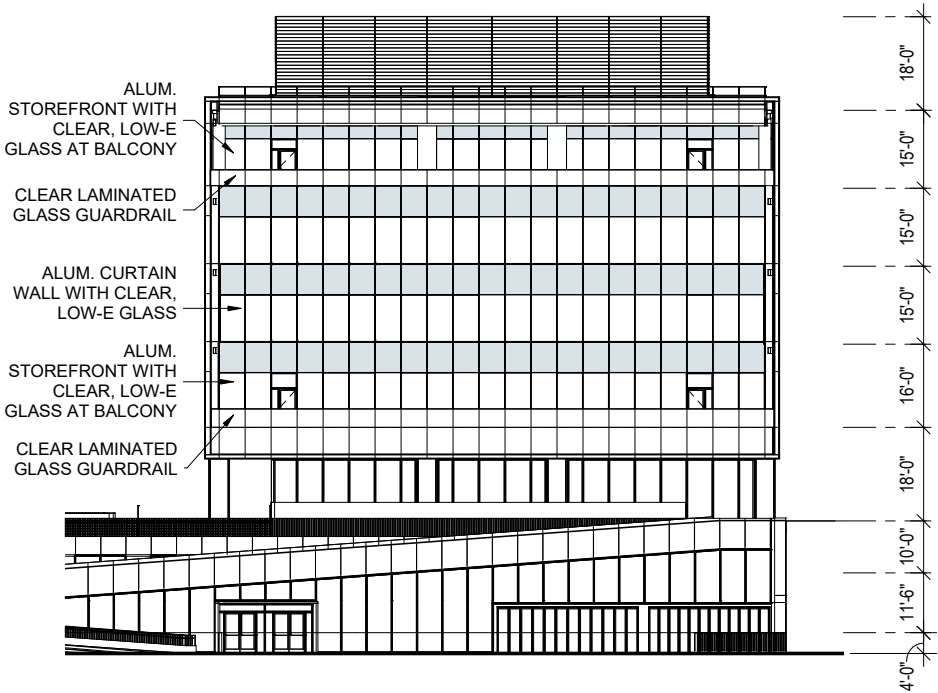
Proposed Revision  
Level 6 Plan



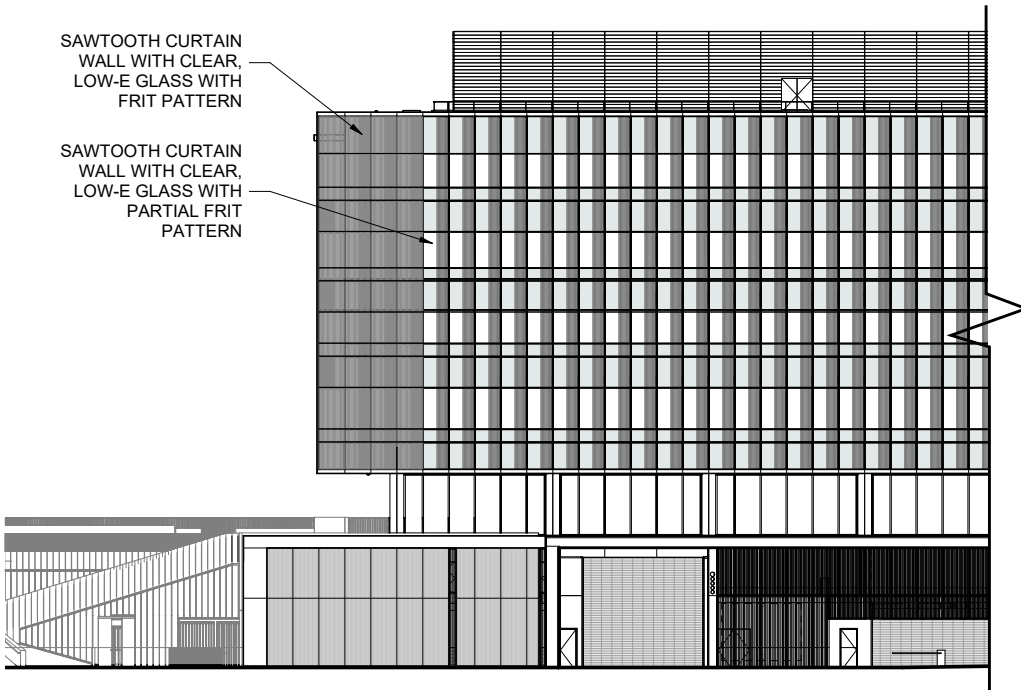
PROPOSED EXTERIOR ELEVATION - B1



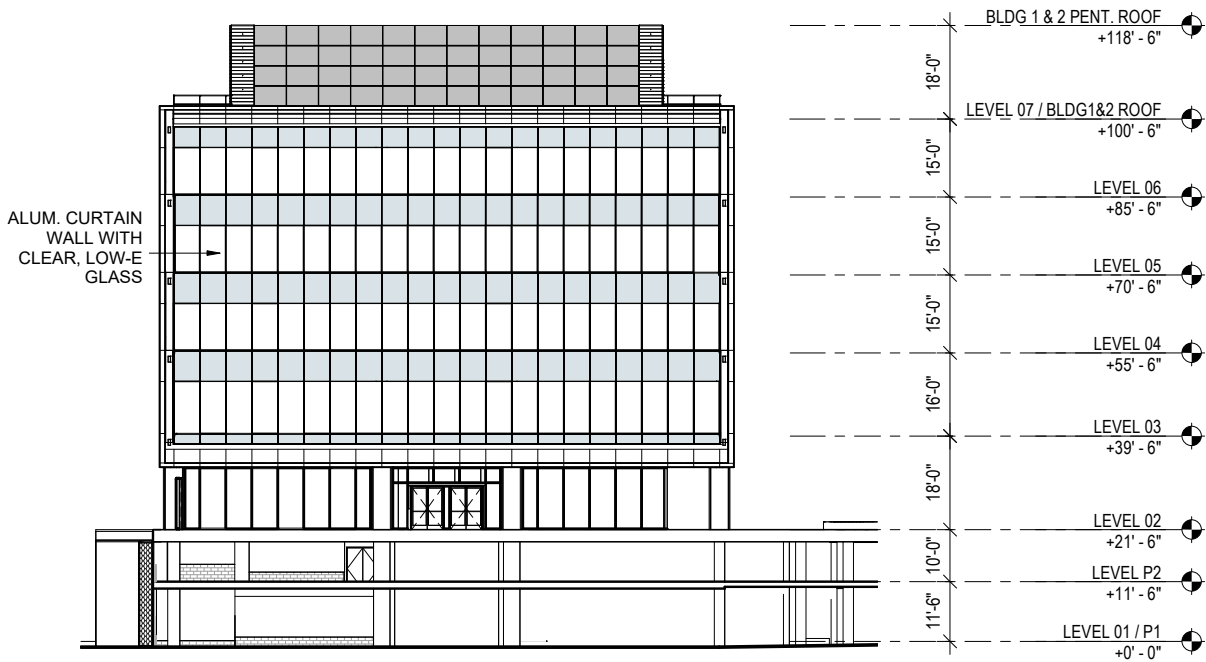
Building 1 - East End Elevation



Building 1 - North Elevation

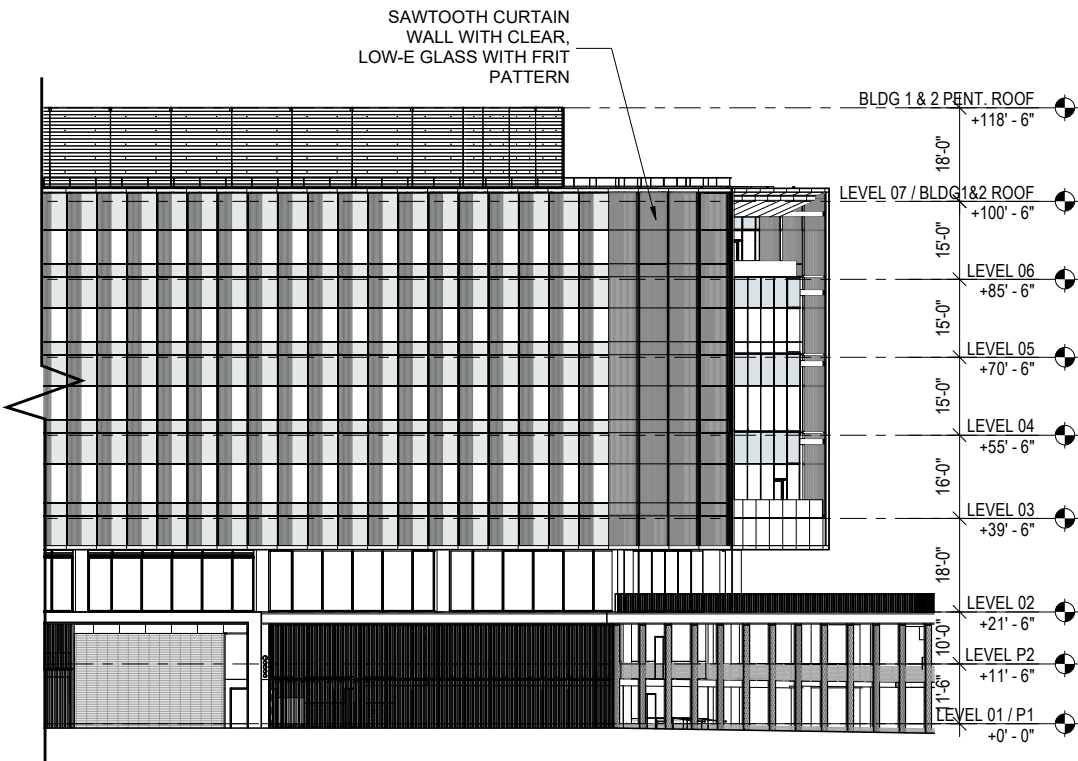


Building 1 - West End Elevation

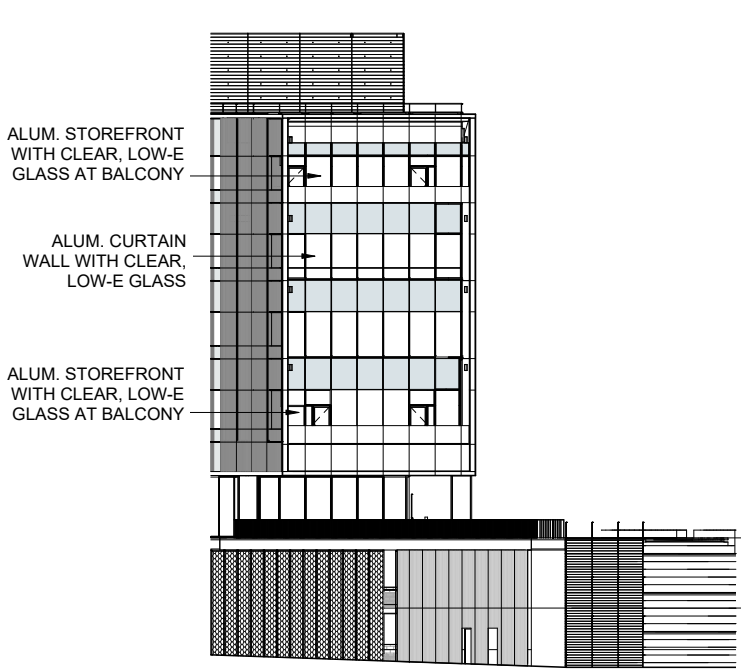


Building 1 - South Elevation

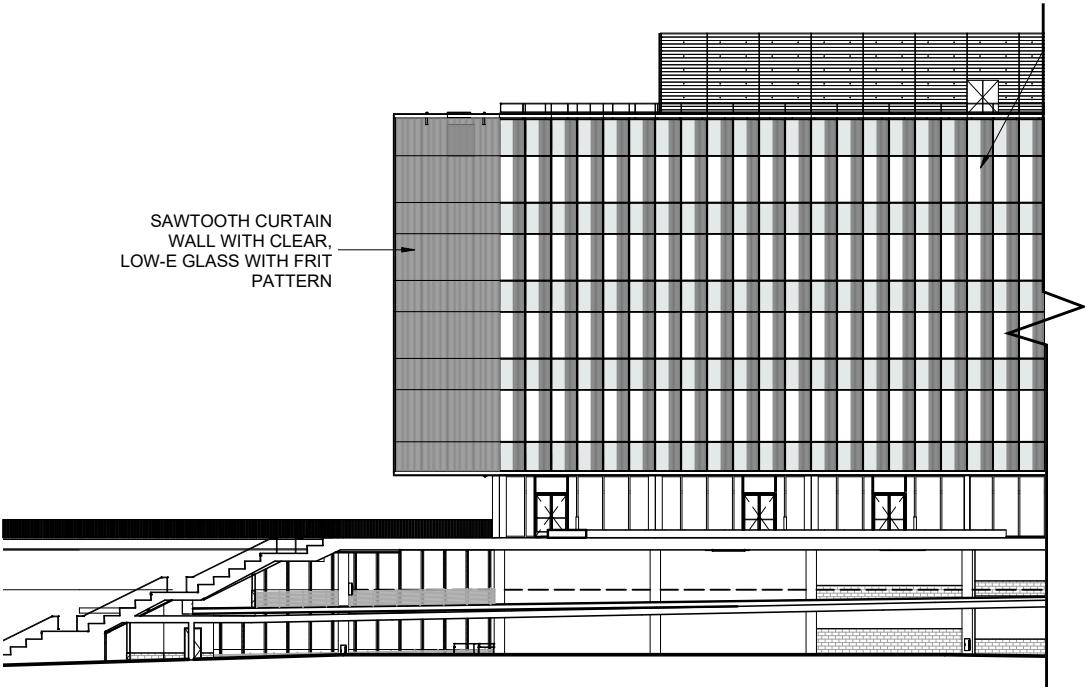
PROPOSED EXTERIOR ELEVATION - B2



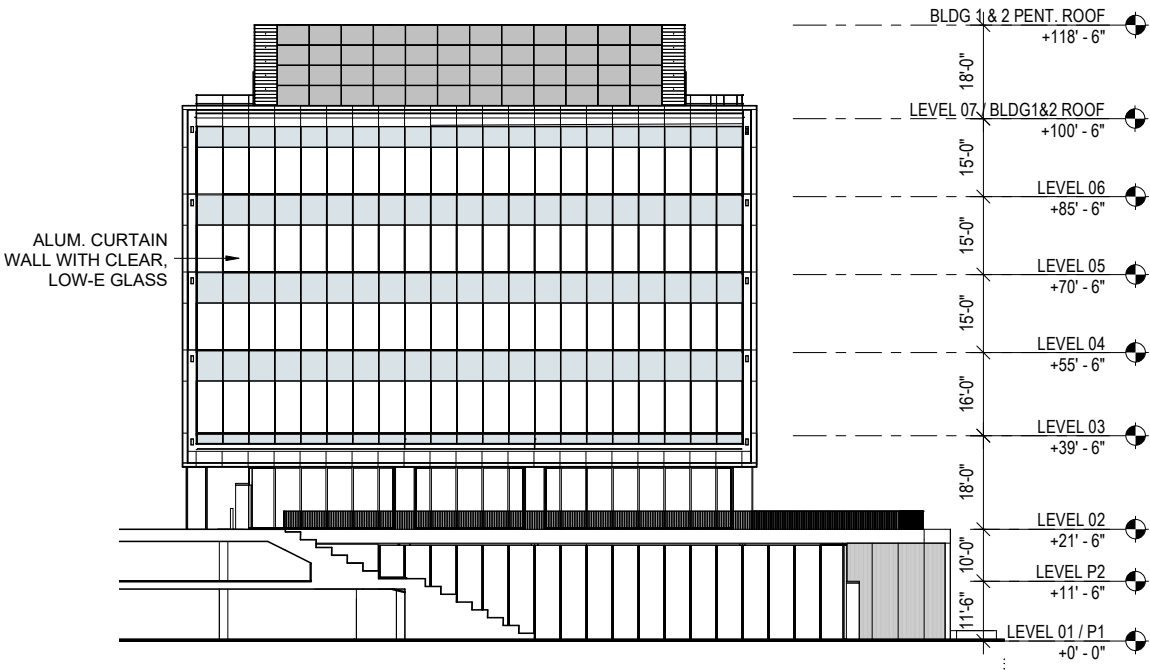
Building 2 - East End Elevation



Building 2 - North Elevation

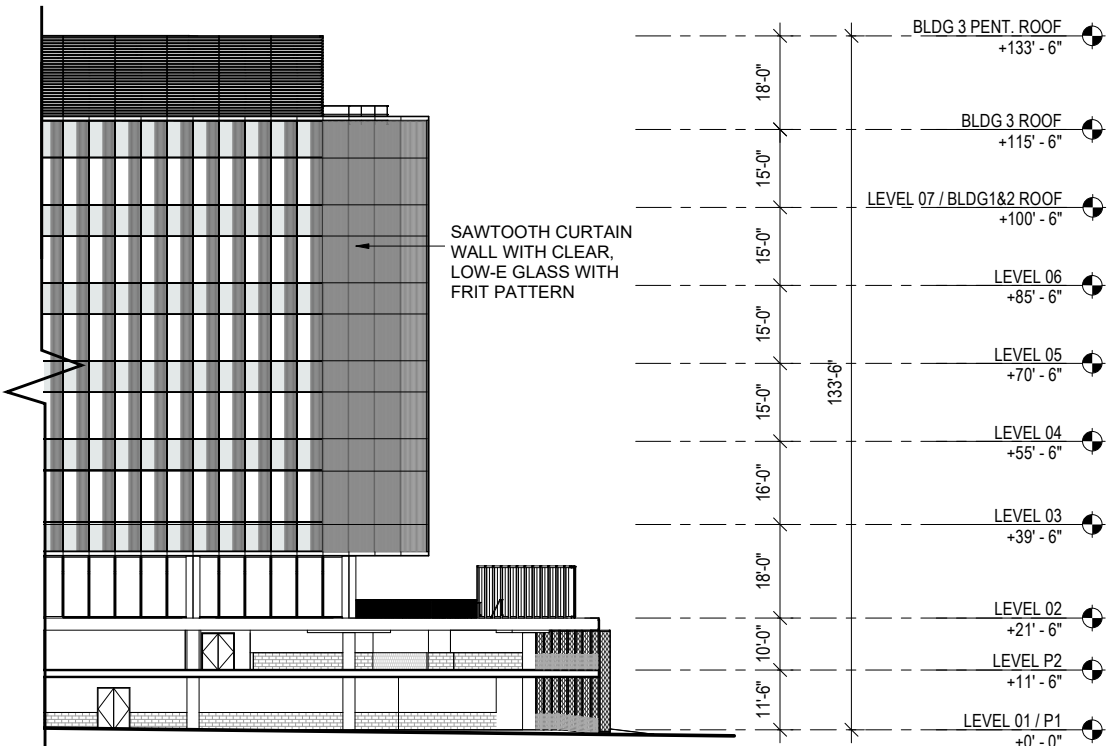


Building 2 - West End Elevation

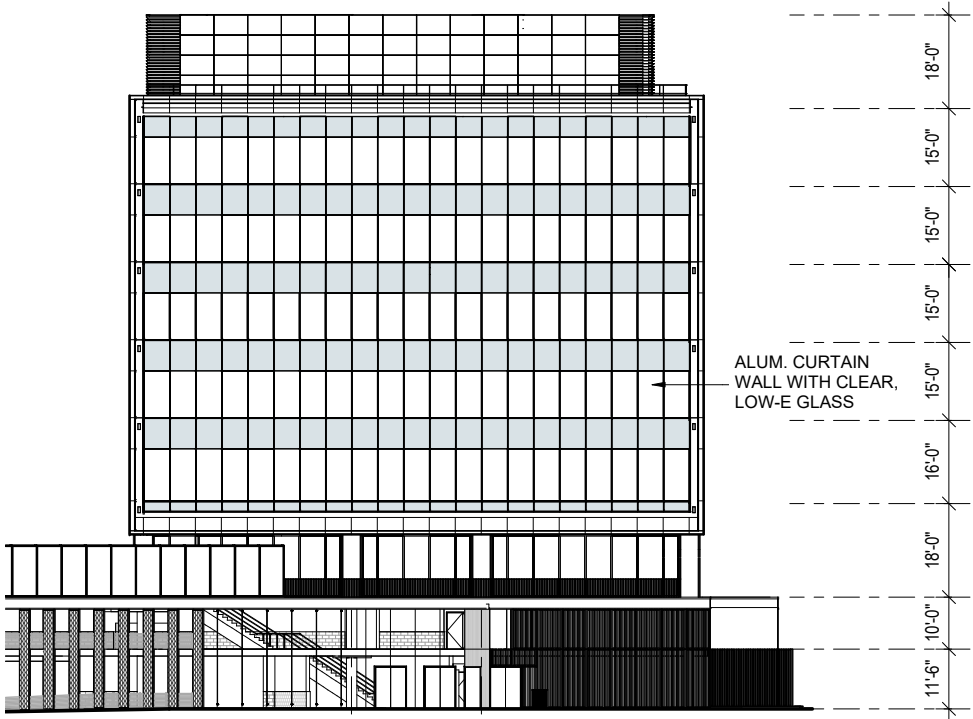


Building 2 - South Elevation

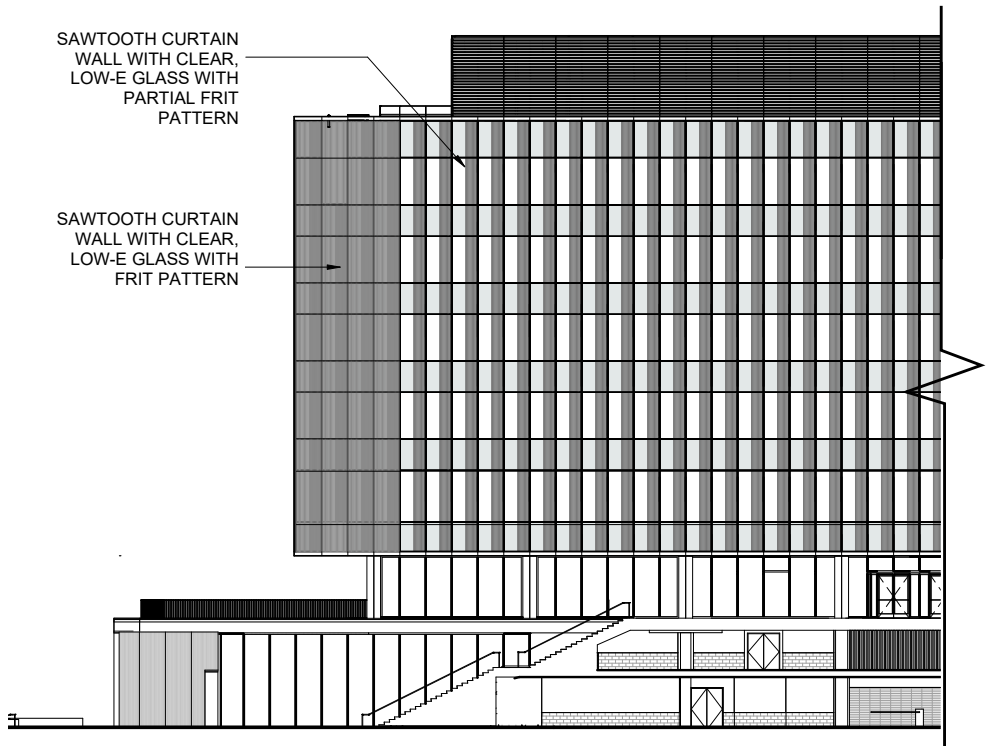
PROPOSED EXTERIOR ELEVATION - B3



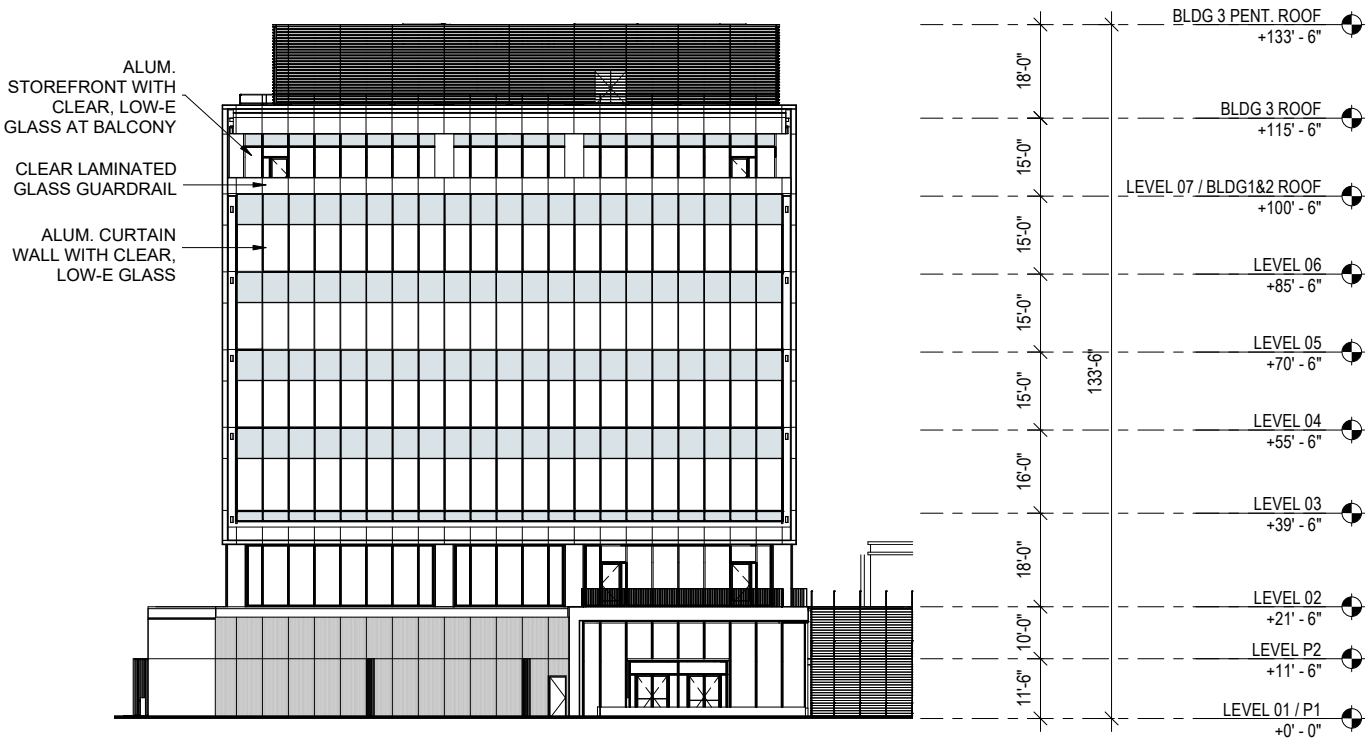
Building 3 - South End Elevation



Building 3 - West Elevation

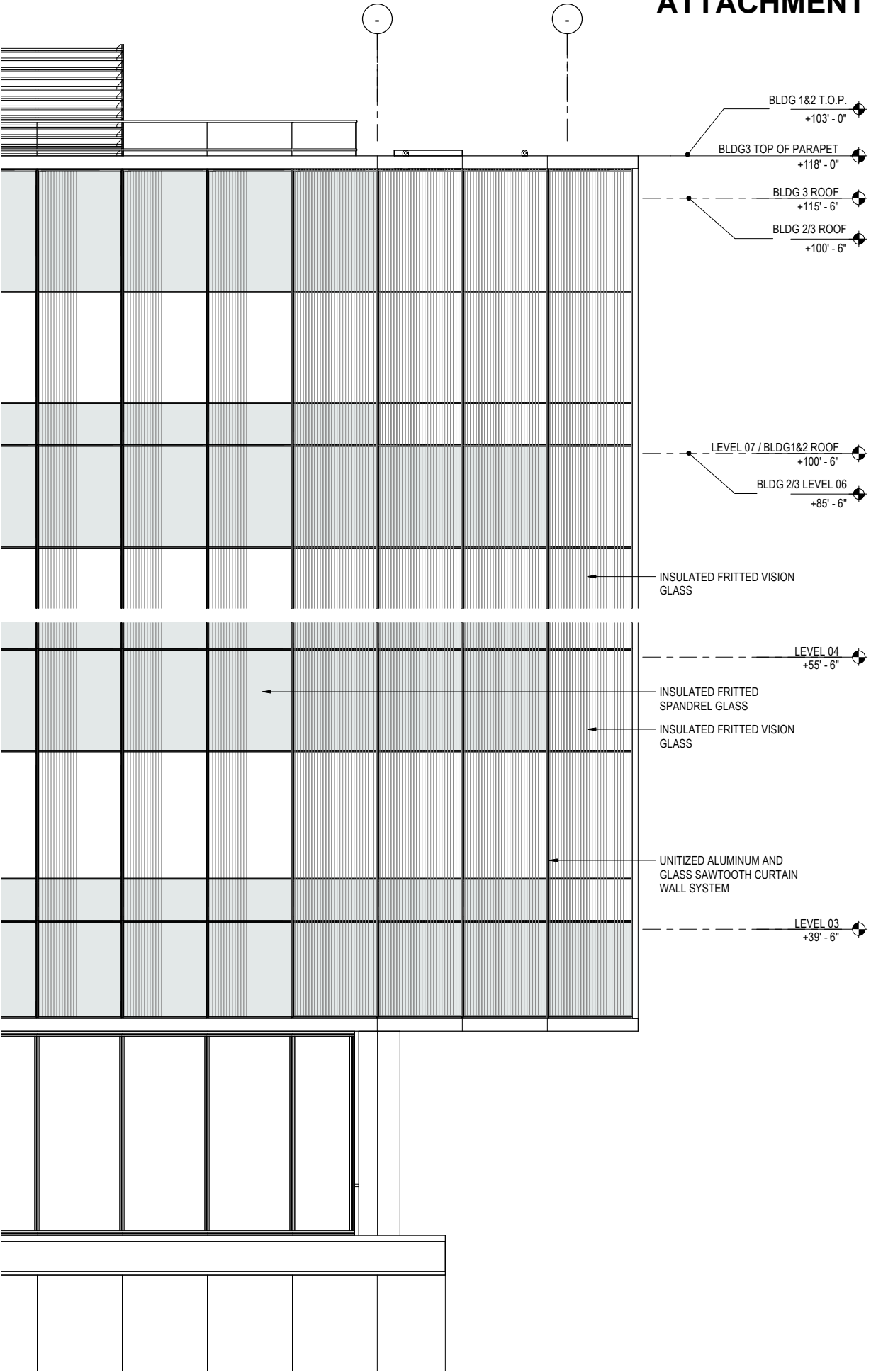
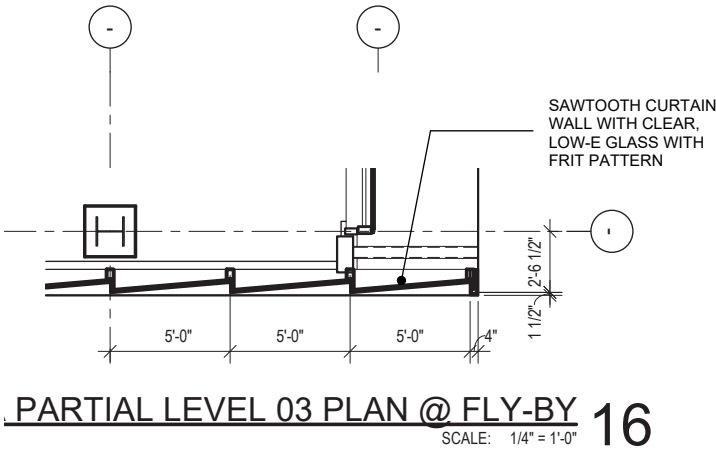
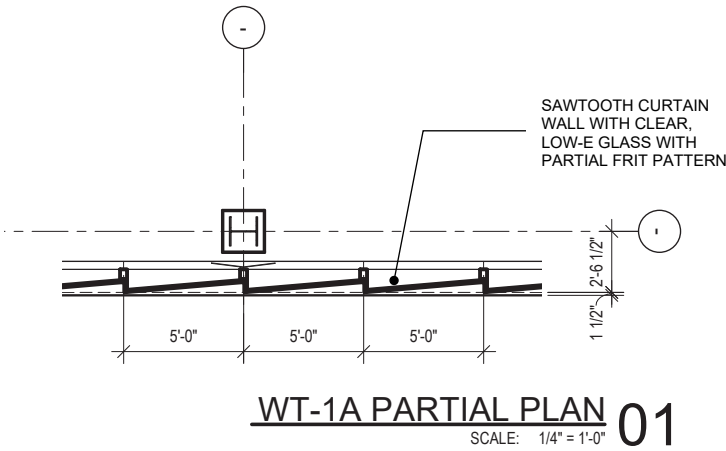
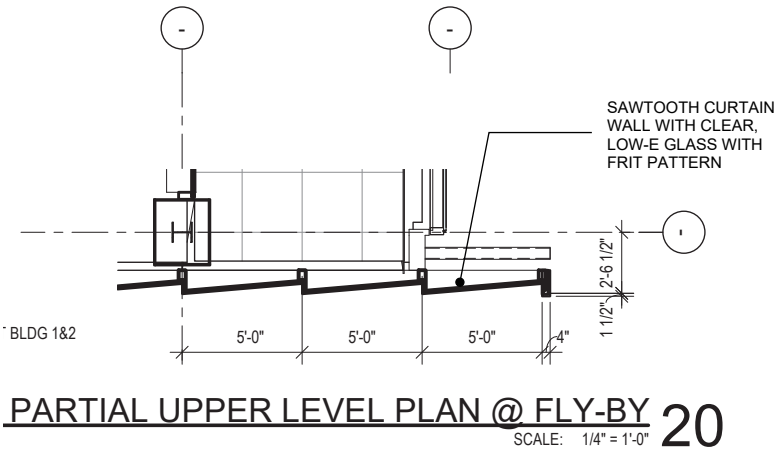


Building 3 - North End Elevation



Building 3 - East Elevation

PROPOSED EXTERIOR ENLARGED ELEVATION & PLAN





PROPOSED EXTERIOR FACADE



SOM

Draft  
RESOLUTION DP-1-21

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
APPROVING DESIGN PERMIT DP-1-21 FOR  
MODIFICATIONS TO DESIGN PERMIT DP-1-18 FOR  
A THREE-BUILDING BIOTECH CAMPUS AT  
3000-3500 MARINA BOULEVARD

WHEREAS, David Diamond, the applicant, applied to the City of Brisbane for Design Permit modification approval to modify the approved design of a three-building, 422,522 sq ft biotechnology campus located on a vacant 8.87 ac site at 3000-3500 Marina Boulevard, previously approved by the Planning Commission under applications DP-1-18/UP-1-18/V-1-18 and DP-5-07 and subject to Development Agreements DA-1-11 and DA-1-16; and

WHEREAS, on April 8, 2021, the Planning Commission conducted a hearing of the application, duly 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 staff memorandum relating to said application, the applicant's plans and supporting materials, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the minutes of the Planning Commission meeting of April 8, 2021 are attached and incorporated by reference as part of this resolution; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the subject Design Permit modification application DP-1-21; and

WHEREAS, the findings and conditions of approval adopted by the Planning Commission on November 29, 2018 for Design Permit DP-1-18/Use Permit UP-1-18/Variance V-1-18 remain in full force and effect and are attached herein as Exhibit B and incorporated by reference.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of April 8<sup>th</sup>, 2021, did resolve as follows:

Design Permit DP-1-21 is conditionally approved per the findings and conditions attached herein as Exhibit A and B.

ADOPTED this eighth day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_



**ATTACHMENT C**

DOUGLAS GOODING  
Chairperson

ATTEST:

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JOHN A SWIECKI, Community Development Director

**Draft  
EXHIBIT A**

**Action Taken:** Conditionally approve Design Permit DP-1-21 per the staff memorandum with attachments, via adoption of Resolution DP-1-21.

**Findings:**

Design Permit Modification (Per BMC Chapter 17.42)

- A. As detailed below and in Exhibit B, the proposal's scale, form and proportion, are harmonious, and the materials and colors used complement the project. The approved project design in DP-1-18 included a mix of building materials, including concrete and metal elements at the podium base, concrete, metal, and glass elements at the building facades, and metal penthouse enclosure. The proposed modifications to the materials of the projecting balcony overhangs from perforated metal panels to fritted glass would remain consistent with the overall mix of materials originally approved while remaining visibly distinct from the surrounding building façades. The materials would represent an attractive transition in texture and appearance from the surrounding glass building elevations (which feature a similar sawtooth design), as opposed to the stark shift in texture and appearance provided by the previously approved perforated metal framing.
- B. As detailed in Exhibit B, the orientation and location of the structure and open spaces integrate well and maintain a compatible relationship to adjacent development.
- C. As detailed below and in Exhibit B, the proposed structures are designed to mitigate potential impacts to adjacent land uses. The proposed modifications to the projecting overhang materials minimize potential glare impacts through the glass treatment (ceramic fritting) and wall composition (sawtooth pattern), as described 5 above. The modifications to the balcony and overhang dimensions do not have any impact the development's relationship to adjacent office buildings at 5000 Marina Blvd. or 1000 Marina Blvd. as building locations and setbacks from property lines will remain unchanged.
- D. As detailed below and in Exhibit B, 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 ceramic frit on the glass improves its energy performance by providing some shading and reducing the solar heat gain in the interior of the building, and reduces glare on the exterior. In addition to the fritting, the glass will be low-emissivity ("low-E") glass, as required to comply with the project's LEED Gold requirements. The sawtooth curtain wall design of the projecting balcony overhangs further reduces the reflectivity of the glass by allowing portions of the glass to be shadowed and not directly receive light, both by angling the glass panels and by shading from the vertical metal return fin.
- E. This finding is not applicable as the property is not located on a hillside.
- F. As detailed in Exhibit B, 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.

- G. As detailed in Exhibit B, 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.
- H. As detailed in Exhibit B, 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 water conserving and is appropriate to the location, and attention is given to habitat protection.
- I. As detailed in Exhibit B, the proposal takes reasonable measures to protect against external and internal noise.
- J. As detailed in finding D above and in Exhibit B, consideration has been given to avoiding off-site glare from lighting and reflective building materials.
- K. As detailed in Exhibit B, trash and recycling receptacles utilities and mechanical equipment will be adequately screened.
- L. No signage is included in the application.
- M. The proposal meets employee needs for outdoor space. The proposed modifications to the dimensions of the balconies ultimately result in more useable space compared to the approved design in DP-1-18, due to their full width and the superior wind-blocking design of the redesigned projecting balcony overhangs. The balconies eliminated from the southern elevations of Buildings 1 and 2 and west elevation of Building 3 had obstructed views of the Bay or were fully exposed to Highway 101, and provided a lower quality outdoor space for employees compared to the balconies remaining on the elevations with superior views of the Bay. The project continues to provide ample outdoor space for employees via the interior courtyard, extensive gathering areas in the transition from the podium to the Bay Trail, and the extended Bay Trail itself, as detailed in Exhibit B.

## **Exhibit B:**

**Exhibit A of Resolution DP-1-18/UP-1-18/V-1-18  
containing the Overall Project Conditions and  
Expanded Findings of Approval**

## 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 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 encourage 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 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 demonstrate 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 with 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/DP-5-07, UP-1-18/UP-3-08 and V-1-18/V-1-08 shall expire in the term specified by the Development Agreement adopted by the City Council via Ordinance 616, as may be amended over time.

26 March 2021

Julia Ayres  
50 Park Place  
Brisbane, CA 94005

Re: 3000-3500 Marina Blvd. Design Permit DP-1-18 Modification Application

Dear Julia,

Per your request, we are submitting the attached documents illustrating the changes noted below to the ends of Buildings 1, 2 and 3. As discussed, these changes reflect the notable modifications to the design from what was originally presented to and approved by the Planning Commission on 11-29-2018.

PROJECT DESCRIPTION (DESCRIPTION OF MODIFICATION):

At Building 1 (the building on the west side of the site), the overhanging roof projection at the north end of the building was reduced to a dimension varying from 5 feet to 10 feet, and the overhanging roof projection at the south end of the building was reduced to a dimension of 5 feet. The partial-width projecting balconies at the north end of the building on Levels 4 and 6 were replaced with full-width inset and covered balconies on Levels 3 and 6. The partial-width projecting balconies at the south end of the building on Levels 4 and 6 were removed.

At Building 2 (the building on the east side of the site), the overhanging roof projection at the north end of the building was reduced to a dimension of 15 feet, and the overhanging roof projection at the south end of the building was reduced to a dimension of 5 feet. The partial-width projecting balconies at the north end of the building on Levels 3, 4 and 6 were replaced with full-width inset and covered balconies on Levels 3 and 6. The partial-width projecting balconies at the south end of the building on Levels 4 and 6 were removed.

At Building 3 (the building on the south side of the site), the overhanging roof projection at the east and west ends of the building was reduced to a dimension of 5 feet. The partial-width projecting balconies at the east end of the building on Levels 4 and 6 were replaced with a full-width inset and covered balcony on Levels 7. The partial-width projecting balconies at the west end of the building on Levels 4 and 6 were removed.

The materials on the side elevations at the projecting ends of Buildings 1, 2 and 3 were revised to a semi-transparent fritted glass sawtooth curtain wall panel system (from the originally-presented perforated metal panels).

SUPPORTING STATEMENTS:

These changes were made as part of the evolution and refinement of the original design, with an eye toward enhancing the cohesiveness of the campus and improving the overall functionality for the tenants.

FINDINGS:

- A. The scale and harmony between the different buildings is improved by a more-consistent expression at the building ends. The semi-transparent glass curtain wall panels on the side elevations at the building end projections unify the ends of the building with the sawtooth expression of the overall building façade, which further strengthens the overall massing concept of each building.
- B. The reduction in the overhanging roof and screen wall projections at the ends of Buildings 1 and 2 enhances the views from the north-facing tenant spaces outwards toward the Bay. Additionally, the large dimensional reduction of the north projection on Building 2 significantly improves the eastward views to the Bay from Building 1.



- C. Site-specific wind analysis studies demonstrated that the originally-presented projecting balconies would not be hospitable spaces for building tenants due to their wind exposure, so the current covered inset balconies provide a better-functioning amenity space for the building tenants.
- D. The natural energy performance and interior environment is enhanced by the reduction of the projecting roof overhangs and projecting screen walls allowing more daylight to penetrate into the interior space at the ends of buildings. Additionally, the current inset balconies further improve the penetration of natural daylight by eliminating the shading from the original projecting balconies on the glass at the floors below the balconies.
- J. The glass in the curtain wall panels on the elevations of the buildings is predominantly clear transparent, non-tinted, non-reflective glass, with a portion of the glass on each typical curtain wall panel having a frit pattern consisting of intermittent opaque white lines. The glass in the curtain wall panels on the projecting screen walls at the ends of the buildings has an increased percentage of this opaque white frit pattern to further reduce glare.

Please do not hesitate to call if you have any questions.

Best regards,



David Diamond, FAIA  
Associate Director

[November 29, 2018 Planning Commission agenda report for DP-1-18/UP-1-18/V-1-18](#)  
(hyperlink to meeting page on archived City website)