

Vicinity Map



DRAFT RESOLUTION DA-1-16

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
RECOMMENDING ADOPTION OF AN ORDINANCE AMENDING DEVELOPMENT
AGREEMENT DA-1-11 FOR THE OPUS OFFICE CENTER AT 3000-3500 MARINA BOULEVARD,
SIERRA POINT

WHEREAS, Sierra Point LLC, the applicant, filed an application (Case DA-1-16) with the City of Brisbane for the first amendment to the existing Opus Office Center Development Agreement (Case DA-1-11) which:

Establishes a new 10-year term for the development agreement (commencing upon its execution), superseding the current DA-1-11 expiration date of June 4, 2022, effectively extending the previous planning entitlements as well;

Retains the LEED Gold requirement established under DA-1-11;

Clarifies procedures for City review of Research and Development (R&D) already permitted in the Sierra Point Commercial District (SPCRO) zoning district under Section 17.18.020.K of the Brisbane Municipal Code;

Requires the applicant to install solar panels on the roof of the parking structure;

Requires the applicant to quitclaim or otherwise terminate its existing leasehold and related development rights over “Parcel R”;

Requires the applicant to pay \$300,000 to the City of Brisbane for unspecified site preparation of Parcel R for unspecified future public use, and for the applicant to subsequently pay the City of Brisbane upon building permit issuance \$.50 cents/square foot of building area excluding the parking garage (subject to annual adjustment to reflect the change annually in the Engineering Cost Index), such funds to be used for unspecified future public improvements of Parcel R; and

WHEREAS, an *Addendum to the Opus Office Center Initial Study/Mitigated Negative Declaration* (Addendum) dated December 2016 has been prepared demonstrating that DA-1-16 does not result in any new or substantially greater significant effects or require new mitigation measures not identified in the 2008 Initial Study (IS) and Mitigated Negative Declaration (MND) prepared for the Opus Office Center project and therefore the proposed amendment does not meet the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent MND; and

WHEREAS, on January 12, 2017 the Planning Commission of the City of Brisbane conducted hearings on the Addendum and DA-1-16, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the Addendum, staff memoranda and the written and oral evidence presented to the Planning Commission in support of and in opposition to the Addendum and DA-1-16; and

WHEREAS the Planning Commission determined that DA-1-16 does not result in any new or substantially greater significant effects or require new mitigation measures not identified in the 2008 Initial Study (IS) and Mitigated Negative Declaration (MND) prepared for the Opus Office Center project and therefore does not meet the conditions described in CEQA Guidelines Section 15162 for preparation of a subsequent MND; and

WHEREAS, the Planning Commission has found and determined that DA-1-16 is consistent with the Brisbane General Plan;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends to the Brisbane City Council that the proposed Ordinance approving DA-1-16 be adopted.

ADOPTED this 12th day of January, 2017 by the following vote:

AYES:

NOES:

ABSENT:

TuongVan Do
Chairperson

ATTEST:

John A Swiecki, Community Development Director

DRAFT ORDINANCE NO. _____**AN ORDINANCE OF THE CITY OF BRISBANE APPROVING THE
FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR
ASSESSOR'S PARCEL NUMBER 007-165-020 (OPUS OFFICE
CENTER PROJECT)**

WHEREAS, Section 65864 *et. seq.* of the California Government Code and Resolution No. 88-10 adopted by the Brisbane City Council authorize the City to enter into a development agreement with any person having a legal or equitable interest in real property for the development of that property; and

WHEREAS, SIERRA POINT, LLC, a California limited liability company ("Developer") is the owner of vacant land located on the northwesterly side of Marina Boulevard, easterly of Highway 101, in the City of Brisbane, County of San Mateo, State of California, identified as Assessor's Parcel Number 007-165-020 ("the Property"); and

WHEREAS, the City of Brisbane ("City") has granted land use approvals for development of an office project on the Property, consisting of approximately 438,104 square feet of office space in two buildings (8 and 10 stories), a 5-level 1,175 space parking structure, and 211 surface parking spaces ("the Project"), such approvals being identified as Design Permit DP-5-07 (as extended by DP-2-11), Use Permit UP-3-08 (as extended by UP-7-11), Variance V-1-08 (as extended by V-2-11), and Tentative Parcel Map TPM-1-08; and

WHEREAS, the City entered into a Development Agreement (Case DA-1-11) with the Developer on June 12, 2012 extending the above-referenced land use approvals to June 12, 2022 in exchange for a requirement for the Developer to construct the project to LEED Gold standards; and

WHEREAS, the Developer has filed an application to amend DA-1-11, said amendment identified as the First Amendment to the Development Agreement or Case DA-1-16; and

WHEREAS, the proposed First Amendment to the Development Agreement has been prepared and notice of the City's intention to consider adoption of such agreement amendment was given in accordance with the requirements of California Government Code Section 65867; and

WHEREAS, pursuant to the California Environmental Quality Act, the City has determined that Case DA-1-16 does not result in any new or substantially greater significant effects or require new mitigation measures not identified in the 2008 Initial Study (IS) and Mitigated Negative Declaration (MND) prepared for the Opus Office Center project and therefore does not meet the conditions described in CEQA Guidelines Section 15162 for preparation of a subsequent MND and an *Addendum to the Opus Office Center Initial Study/Mitigated Negative Declaration* (Addendum) dated December 2016 has been prepared; and

WHEREAS, on January 12, 2017, following the conduct of a duly noticed public hearing, the Brisbane Planning Commission adopted Resolution No. DA-1-16, recommending to the City Council that the draft development agreement amendment be adopted; and

WHEREAS, the proposed First Amendment to the Development Agreement between the City and Developer was presented to the City Council for consideration, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, on _____ 2017, the City Council conducted a duly noticed public hearing on the proposed First Amendment to the Development Agreement at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the City Council has considered the staff reports, the *Addendum to the Opus Office Center Initial Study/Mitigated Negative Declaration*, the minutes, proceedings and recommendations of the Planning Commission, and the oral and documentary evidence presented at the public hearing and has determined that it would be in the best interest of the City to enact the Development Agreement,

NOW, THEREFORE, the City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: The City Council finds that amending the Development Agreement with Sierra Point, LLC, in the form attached hereto as Exhibit A, is consistent with the Brisbane General Plan and the Brisbane Zoning Ordinance and will provide substantial public benefits beyond the exactions for public improvements that would be required under the normal development review process.

SECTION 2: The City Council further finds that the environmental impacts of the Project have been fully and completely analyzed in the 2008 Mitigated Negative Declaration prepared for the Project, and as described in the 2016 *Addendum to the Opus Office Center Initial Study/Mitigated Negative Declaration* (Addendum) and the Project as amended does not result in any of the conditions described in CEQA Guidelines Section 15162 for preparation of a subsequent MND.

SECTION 3: The First Amendment to the Development Agreement attached hereto as Exhibit A is hereby enacted and adopted.

SECTION 4: The City Council hereby authorizes and directs the Mayor to execute the First Amendment to the Development Agreement for and on behalf of the City after the effective date of this Ordinance.

SECTION 5: This ordinance shall take effect thirty (30) days from the date of its adoption.

The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City

Council of the City of Brisbane held on the _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney