

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 06/13/2019

**SUBJECT:** **Design Permit Revision DP-1-19 and Parking Use Permit UP-2-19 and EIR Addendum ER-2-19;** 800-1800 Sierra Point Parkway; SP-CRO Sierra Point Commercial District; Design Permit Revision to DP-6-05 for an approximately 21,000 square foot addition to 1600 Sierra Point Parkway connecting at the second, third and fourth floors to 1400 Sierra Point Parkway and Parking Use Permit revision to UP-12-07 to allow 1,760 parking spaces, whereas 1,801 spaces were previously approved and EIR Addendum to ER-3-05; Dawn Jedkins, DES Architects + Engineers, applicant; HCP LS Brisbane, LLC, owner.

**REQUEST:** The applicant has requested a revision to the design permit and to the parking use permit that were granted in 2008 for the biotechnology campus at 800-1800 Sierra Point Parkway. The proposed revision to the Design Permit is to accommodate an approximately 21,000 square foot building addition that provides a 3-story connection between 2 separate buildings (1600 Sierra Point Parkway and 1400 Sierra Point Parkway). The connection would occur on floors 2-4, leaving the ground floor open with landscaping and pedestrian paths beneath the connector. The applicant also requests that the previously approved parking modification use permit be revised to allow for parking to be reduced from the 1,801 spaces previously approved to 1,760 parking spaces.

The proposal was also analyzed to determine if the proposed revisions resulted in new or greater environmental impacts than were identified in the environmental impact report (EIR) prepared for the original project. This analysis concluded that the proposed project revisions do not result in such impacts, and an EIR addendum has been prepared to document those conclusions.

**RECOMMENDATION:** Approve Environmental Review Addendum ER-3-05-A, via adoption of Resolution ER-3-05-A (Attachment D).

Approve revision to Parking Use Permit UP-12-07 via adoption of Resolution UP-2-19, containing the findings and conditions of approval (Attachment E).

Approve revision to Design Permit DP-6-05 via adoption of Resolution DP-1-19, containing the findings and conditions of approval (Attachment F).

**ENVIRONMENTAL DETERMINATION:** That an addendum to the previously certified Environmental Impact Report (EIR), per California Environmental Quality Act (CEQA) Guidelines Section 15164 be adopted.

**APPLICABLE CODE SECTIONS:** The applicable Brisbane Municipal Code Sections include the SP-CRO development regulations contained in BMC Section 17.18.040 and design review provisions contained in BMC Chapter 17.36. The parking standards are contained in BMC Section 17.34.020 and use permit provisions contained in both BMC Chapter 17.34 and 17.40. The Combined Site and Architectural design Guidelines for Sierra Point, adopted by City Council in 2001, guide the City's review of design applications in Sierra Point. The California Environmental Quality Act (CEQA) is codified in the California Public Resources Code, Division 13, and the CEQA Guidelines are codified in California Code of Regulations Title 14, Division 6, Chapter 3.

**BACKGROUND:** In 2008, City Council certified an EIR and granted approvals for the development of a 540,185 square foot research and development (R&D) campus. The project included five R&D buildings, plus a parking garage with a retail liner on a 23 acre site along the southern edge of Sierra Point Parkway (see the attached location map). Approvals granted by the City Council at that time included a design permit and parking use permit to not require on-site parking for the retail liner.

A development agreement was also approved by the City Council which provided the developer 10 years to commence project construction instead of 2 years. In exchange for the longer vesting period, the developer agreed to install on site solar and fund other offsite renewable energy generation projects at the City's discretion. In 2018, the applicant vested the Development Agreement by obtaining building permits for site work and the first two buildings (1000 and 1200 Sierra Point Parkway). Construction commenced in spring 2017 and is ongoing.

Earlier this year, HCP applied for building permits for the second phase of development, which includes the parking garage/liner at 800 Sierra Point Parkway and the third and fourth R&D buildings (1400 and 1600 Sierra Point Parkway). Those building permit applications are currently under review. The fifth building (1800 Sierra Point Parkway) will follow at a later time as the third and final phase of development of the campus.

As noted above, the building permit review process is underway for the second phase of the project. The project developer now indicates they have a prospective tenant that is seeking to occupy both 1400 and 1600 Sierra Point Parkway buildings (also referred to as Buildings B & C). According to the developer, the prospective tenant requires a 3-story physical connection between the buildings at 1600 Sierra Point Parkway and 1400 Sierra Point Parkway.

**PROJECT DESCRIPTION:**

Design Permit: The revised design permit would entail an addition to the 1600 Sierra Point Building that would connect with the 1400 Sierra Point Parkway building at the second, third and fourth floors. The ground level would remain open and the structure would be pile supported. It would have landscaping beneath and walking paths would extend through this area, as illustrated in the applicant's plans (Attachment B). The applicant's project description and supplemental reports are provided in Attachment G.

The addition would be just under 7,000 square feet on each of those three levels, for a total floor area addition of approximately 21,000 square feet. The total entitled R&D floor area for the campus was 540,185 square feet, not including the garage/retail building.

Parking Use Permit: As indicated previously, a parking use permit was granted by the City in 2008 to eliminate the requirement for on-site parking for the retail liner. The primary justification was that the retail liner was intended as a public amenity for Sierra Point overall and the excess public parking at the Marina would be sufficient to serve that retail space. Adequate on-site parking for the R&D buildings would be met with the surface parking and garage parking on the campus. Lacking an R&D parking standard, the administrative office standard of 1 parking space to 300 square feet of gross building area was applied to the site, for a total of 1,801 on-site parking spaces. Note also that the parking is to be shared between the buildings across the campus, via a joint use agreement.

The addition of new floor area associated with the proposed building connector necessitates a revision to the parking use permit as the proposed addition would require 70 additional parking spaces per the Zoning Code while no additional spaces are proposed. Additionally, the applicant has indicated that due to changes in state building code requirements that became effective after the project was entitled and required changes to accommodate adequate on-site truck access, there would also be a loss of 41 spaces from the 1,801 spaces that were originally approved for this project, resulting in a total of 1,760 parking spaces. As a result, the project proposes 1,760 spaces where 1,871 space are required. The loss in parking spaces plus the addition would result in a parking ratio of 1 parking space to 321 square feet of gross floor area for the R&D buildings.

The project plans are provided with Attachment B.

**ANALYSIS:** The parking use permit revision and design permit revision are discussed below. Findings are outlined in the section that follows and discussed in more detail in Attachment C.

Use Permit Revision: The proposed reduction in the parking standards for this site is not anticipated to have any detrimental effects or significant impacts.

Parking standards are established under the zoning based on generic categories of building use, such as retail, office, warehousing, light fabrication, etc. For example, administrative office uses require 1 parking space for every 300 square feet of building floor area, while industrial uses such as light fabrication and warehousing requires 1 space for every 1,000 square feet of building area. The broad application of these standards across various business sectors and land uses within the defined parking categories is generally quite effective in addressing the needs of both the businesses and the community by ensuring that that amount of on-site parking satisfies the user's needs and does not spill over into the broader community.

However, this one-size fits all approach does not reflect the parking needs of every business. The parking ratio to gross floor area for administrative offices was 1 space to 300 square feet of floor area in 2008 and that same ratio would be applied today for new R&D buildings in Brisbane, since, as yet, there is not a separate R&D parking standard. However, there is some precedent for allowing for less parking for R&D uses versus administrative offices.

These precedents include the Sangamo Therapeutics and Phase 3 projects on Marina Boulevard in Sierra Point. In early 2018, Sangamo Therapeutics was granted a parking use permit for a tenant improvement, to convert administrative offices at 7000 Marina Boulevard to R&D use, with a parking space to floor area ratio of 1 space to 494 square feet. Later in 2018, another parking use permit was granted for Phase 3 to develop 3000-3500 Marina Boulevard to be R&D uses, with a parking space to floor area ratio of 1 parking space to 550 square feet of R&D floor building floor area. Sangamo's project was a tenant improvement to a pre-existing building and Phase 3's proposal was for new R&D building construction. Also, last year the Planning Commission adopted a resolution of intent to revise the commercial parking regulations. However, a zoning amendment has not yet been brought forward to the Commission for public hearing to establish a specific R&D standard, so the administrative office standard is still applied to these uses.

In considering the practical differences between administrative offices and R&D uses, R&D uses require more robust building utilities (mechanical, ventilation, back-up generators, etc.) than a typical office building and applying the administrative office standard results in a higher parking to floor area requirement than is necessary. Additionally, some R&D personnel will occupy both office space as well as research laboratory space, unlike an administrative office.

The parking ratio proposed by HCP for this application is 1 parking space to 321 square feet of gross R&D building floor area. That is factoring out 10 parking spaces that will be dedicated to Bay Trail access parking. Based on staff's research from last year's Sangamo use permit, R&D parking standards for other cities on the peninsula were outlined for the Commission with standards for five nearby cities ranging from 1 space to 500 square feet up to 1 space to 800 square feet of floor area. Only one of the six cities had a requirement as low as 1 space to 350 square feet of building floor area, but even that is less parking than this proposal would provide.

Finally, a transportation demand management plan (TDM) plan, or trip reduction plan, was prepared for this project as part of the original entitlements in 2008 and was reviewed by the City/County Association of Governments (C/CAG) for compliance with regional trip reduction objectives. Given the time that has passed, the property owner is updating that plan to reflect any transportation system updates over the years and as tenants occupy the buildings they will need to comply with the TDM plan.

In brief, TDM's are aimed at maximizing utilization of existing transportation resources, to reduce traffic congestion, air pollution and parking demand. Among the many TDM programs are those to shift single user vehicle trips to alternative modes of transportation and eliminating or shifting trips from peak periods.

Design Permit Revision: The addition to the 1600 Sierra Point Parkway building to connect to the 1400 building would not have significant negative effects on the appearance or function of the buildings, campus or the Sierra Point subarea.

While the connection would diminish the sense of openness found in the originally approved design, it is not considered to have a significant negative effect for a variety of reasons. The

addition would respect the symmetrical orientation of the 1400 and 1600 Sierra Point Parkway buildings and would be set back from the front and rear edges of the two buildings providing articulation between them. It would also be stepped down from five stories at the penthouse level to four stories between the two buildings and it would be open at the ground level, with columns provided for support, and otherwise landscaped at the ground level. All this will serve to reduce the mass and provide for pedestrian access and transparency.

The elevated addition would result in a slightly narrower visual corridor for views between the two buildings from Sierra Point Parkway to the south of the site. However, because the addition is on the second, third and fourth floors, ground level views to the north and south between the buildings would not be impeded. Also, this is not a primary view corridor, but rather it occurs mid-block along Sierra Point Parkway. The original entitlement identified a primary view corridor to the east, along the north-south alignment of the end of Marina Boulevard and that would not be affected by the proposed addition.

The building design form and details are consistent with the previous approval. The exterior materials would be predominately windows that will provide a transparent feel. Tan, earth colored, glass fiber reinforced concrete (GFRC) cladding would be used on the columns and between the second and third floors near the building entrances, to tie into the GFRC cladding that's to be used between the floors on the two buildings. The materials would be the same as the first two buildings that are under construction at 1000 and 1200 Sierra Point Parkway and the effect can be viewed from off-site at Sierra Point.

The proposal is consistent with the design standards provided in BMC Section 17.80.040 and with the Sierra Point Design Guidelines.

EIR Addendum: As noted above, an EIR was certified by City Council for the original project, in order to determine if the proposed project revisions resulted in new or more severe impacts than the original project, the City engaged its environmental consultant, Baseline Environmental Consulting, to review the proposed modification. I. This analysis concluded the project did not result in new or more severe impacts triggering the need for a subsequent or supplemental EIR pursuant to Section 15162 of the CEQA Guidelines. Accordingly and pursuant to Section 15164 of the CEQA Guidelines an EIR addendum has been prepared. This is further detailed in Baseline's report and the draft resolution of adoption of the EIR addendum is provided as Attachment C.

**FINDINGS:** In order to grant a design permit and use permit, the Planning Commission must make certain findings required in the BMC. These are prescribed in BMC Chapter 17.42.040 for design permits and in BMC §17.40.060 and BMC §17.34.115 for parking use permits. The findings are discussed in Attachment C and included in the draft Resolution UP-2-19 and DP-1-19 (Attachment E and F) and are briefly summarized below. The application would meet all of the required findings, as detailed in the attachments.

In brief, the design of the addition would fit well with the previously entitled buildings tying together the symmetrical orientation of them. Its overall mass would be reduced and articulated

since it would be set back from the front and rear edges of the two buildings in which it would be framed and it would be raised off the ground level as well as stepped down a floor from those two buildings, also reducing its mass. Raising it off of the ground level also provides for landscaping areas and pedestrian paths to remain. It would also provide for lines of sight at the pedestrian/vehicular level to remain open. The materials and colors would match with the other buildings, with predominately light colored glass on both sides that would provide for a sense of transparency and lightness.

The reduction of the parking standards as described is appropriate for the use and would not have detrimental effects. Given the anticipated R&D parking demand, lower than the previously applied administrative office standard, there would not be parking shortages for the campus and full compliance is not reasonably feasible without significant and unnecessary losses to site landscaping and amenities or garage enlargement.

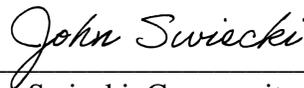
As a final note, this application has been routed to the following departments and agencies and no concerns were raised: North County Fire Authority, Dept. of Public Works, Building Dept., Police Dept., Regional Water Quality Control Board, San Mateo County Health Dept. and Bay Conservation and Development Commission. Specific requirements related to the proposed tenant improvements will be addressed through the building permit application process.

**ATTACHMENTS:**

- A. Vicinity map
- B. Applicant's plans
- C. Review of Findings
- D. Resolution ER-3-05-A, with Baseline Environmental Consulting EIR Addendum Report
- E. Resolution UP-2-19, containing the findings and conditions of approval.
- F. Resolution DP-1-19, containing the findings and conditions of approval.
- G. Applicant's Supplemental Documents
  - i. Applicant's Project Description and Supplemental Statements
  - ii. Applicant's Parking Memo, dated May 1, 2019
  - iii. Environmental Report by Lamphier-Gregory, dated May, 2, 2019
  - iv. Trip Generation Report by Fehr & Peers, dated April 23, 2019



Ken Johnson, Senior Planner



John Swiecki, Community Development Director

## ATTACHMENT A VICINITY MAP



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