

APPROVED	
CITY OF EMERYVILLE PLANNING DEPARTMENT	
<i>Charles S. Bryant</i>	<i>2/16/10</i>
(Signature)	(Date)
<i>Director of Planning & Building</i>	
(Title)	
<i>UP09-03/DR09-18</i>	
File # (if any)	

CONDITIONS OF APPROVAL

**Emery Station West @ Emeryville Transit Center
Horton Street at 59th Street and 62nd Street
UP09-03/DR09-18: Exhibit A. Conditions of Approval
City Council Resolution No. 10-33
February 16, 2010**

I. COMPLIANCE WITH APPROVALS

- A. PROJECT APPROVALS. The project shall be constructed and operated in accordance with the following actions by the City Council in accordance with the staff report dated February 16, 2010, as modified by these Conditions of Approval.

1. A Conditional Use Permit to allow multiple uses including laboratory space, active commercial space, office, parking, and open space in two buildings and a public plaza.

Emery Station West Building: This use permit allows approximately 248,300 gross square feet of laboratory/office space ("High Technology"/"Research Services"), 93,000 square feet of parking accommodating 148 car parking spaces that include a minimum of 125 public parking spaces, and a minimum of 4 bus bays, and 2,400 square feet of ground level active commercial space accommodating retail and transit oriented functions. No more than 116,700 square feet of the building maybe used for general office space ("Administrative and Business Offices" or "Professional Services")

Heritage Square Garage Building: This approximately 211,000 square-foot building accommodates 675 parking spaces and approximately 3,620 square feet of active commercial uses.

The space described as "active commercial use" in both buildings are limited to the uses outlined in Condition of Approval Number IX.C.2

Public Plaza: An approximately 25,100 square foot plaza between the Amtrak Plaza and the Emery Station West building providing pedestrian, automobile and bus interconnections with associated landscaping.

2. Design review for construction of a nine-story 165-foot commercial building (Emery Station West), a seven story 73-foot parking garage (Heritage Square) and an approximately 25,100 square foot public plaza in accordance with the approved plans described below, as modified by these Conditions of Approval.
3. Tree removal permit to remove approximately 13 street trees.

Any additional uses or design modifications, including signs, will require a separate application and approval.

- B. APPROVED PLANS. Final plans submitted for a building permit shall be reviewed by the Planning Director to confirm that the plans substantially conform to the following except as modified by these Conditions of Approval: **[Planning]**

1. The architectural drawings entitled, "Emeryville Transit Center", submitted by Ellerbe Becket, Sheets A-0, A-1 to A-19 (19 pages) and A-20 to A-30 (10 pages) dated January 8, 2010.
2. The civil and landscape drawings entitled, "Emeryville Transit Center", submitted by Ellerbe Becket, Sheets C-0, C1.1, C2.0, C2.1, C2.2, C3.0, C3.1, and C3.2; L-1, L1a, L-2 and L-3, dated January 8, 2010.

- C. APPROVAL EFFECTIVENESS AND DURATION. Pursuant to Section 9-4.82.10 of the Emeryville Municipal Code, this permit shall automatically expire if an application for a building permit has not been filed and fees have not been paid within two years from the date of this approval, and a good faith effort to commence work upon the use has not been made, as determined by the Planning Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the City Council for such extension period prior to the expiration date of the permit. In no case shall the expiration period extend more than three years from the date of this approval. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval.

- D. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the Planning Director.
- E. COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN. No part of this approval shall be construed to be a violation of the Emeryville Municipal Code or the General Plan. Operations on this site shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.
- F. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville ("City"), then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
- G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this zoning approval.

II. GENERAL CONDITIONS

- A. INDEMNIFICATION. Applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, the City of Emeryville Redevelopment Agency, the Bay Cities Joint Powers Insurance Authority and their respective officials, officers, agents and employees (the AIndemnified Parties) against all claims, demands, and judgments or other forms of legal and or equitable relief, which may or shall result from: 1) any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final project or zoning approvals, analysis under the California Environmental Quality Act or granting of any permit issued in accordance with the Project; or 2) Applicant's design, construction and/or maintenance of the public improvements set forth in the final building plans. Applicant shall pay for all direct and indirect costs associated with any action herein. Direct and indirect costs as used herein shall mean but not be limited to attorney's fees, expert witness fees, and court costs including, without limitation, City Attorney time and overhead costs and other City Staff overhead costs and

normal day-to-day business expenses incurred by the City including, but not limited to, any and all costs which may be incurred by the City in conducting an election as a result of a referendum filed to challenge the project approvals. The Indemnified Parties shall promptly notify the Applicant, its assignees, and successors-in-interest of any claim, demand, or legal actions that may create a claim for indemnification under this section and shall fully cooperate with Applicant, its assignees and successors-in-interest. **[City Attorney]**

- B. MITIGATION MEASURES. The mitigation measures identified in the Mitigated Negative Declaration prepared for the project are attached and incorporated by reference into this document. All mitigation measures that apply to the project's impacts shall be considered conditions of approval of the project, as may be further refined or clarified by these Conditions of Approval. Overall monitoring compliance with the mitigation measures will be the responsibility of the Planning Director. **[Planning, et. al.]**

C. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Public Art Program. Prior to the issuance of a foundation permit, Applicant shall submit evidence of compliance with the Art in Public Places Ordinance (Article 4 of Title 3 of the Emeryville Municipal Code) by showing a signed contract to commission or purchase and to install the artwork on the development site, or by payment of the full amount of the in-lieu public art fee. If Applicant intends to install on-site art rather than pay the in-lieu public art fee, but has not supplied the above-specified information prior to the issuance of the foundation permit, payment of the in-lieu public art fee will be required and will be repaid to Applicant only at such time the above-specified information is provided to City. In addition, Redevelopment-Agency supported projects may have further requirements as set forth in the applicable agreements with the Agency. **[Economic Development]**
2. Fees, Dedications and Exactions. Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions, attached as Exhibit A. Pursuant to Government Code Section 66020(d)(1), this set of Conditions of Approval constitutes written notice of a statement of the amount of such fees and a description of the dedications, reservations and other exactions. Applicant is hereby further notified that the 90-day approval period in which these fees, dedications, reservations and other exactions may be protested, pursuant to Government Code Section 66020(a) will begin upon approval of the

aforementioned project approvals by the City of Emeryville City Council .
If Applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, Applicant will be legally barred from challenging such exactions.

Prior to the issuance of a building permit, the Building Official shall confirm that all applicable fees due at the issuance of a building permit have been paid. **[Building]**

3. Cost Recovery Planning Fees. Prior to the issuance of a building permit, the Planning Director shall confirm that all cost recovery planning fees have been paid to date. **[Planning]**

D. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Notice to Tenants and Future Owners. Prior to the issuance of a certificate of occupancy, Applicant shall provide to the Planning Director a notice in all lease and sales documents to all prospective tenants and future purchasers of the property on the site, in a form acceptable to the City Attorney, addressing: 1) the existence of nearby industrial uses which have the potential to emit noise at levels and during hours of the day that persons may find disturbing; 2) nearby manufacturing/industrial uses which may generate odors; 3) existence of truck traffic; 4) existence of a nearby mainline railroad that operates 24 hours per day seven days per week with associated train horns and other sounds and vibration; and 5) the possibility of future nearby development that may block views.**[City Attorney/Planning]**
2. Fees, Dedications and Exactions. Prior to the issuance of a certificate of occupancy, the Building Official shall confirm that all applicable fees due at the issuance of a certificate of occupancy have been paid. **[Building]**
3. Cost Recovery Planning Fees. Prior to the issuance of a certificate of occupancy, the Planning Director shall confirm that all cost recovery planning fees have been paid in full. **[Planning]**
4. Bay-Shellmound Contingent Assessment. Prior to the issuance of a certificate of occupancy, the Building Official shall confirm that the Bay-Shellmound Contingent Assessment has been paid. **[Building]**

5. Public Art Program. Prior to the issuance of a certificate of occupancy, Applicant shall notify the Economic Development and Housing Department Public Art Projects Coordinator to verify Applicant's installation of the on-site public art. If City determines that public art has not been installed, Applicant shall be required to pay the in-lieu public art fee in full. **[Economic Development]**

III. BUILDING AND CONSTRUCTION REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Plans. Prior to the issuance of a building permit, the Building Official shall verify that the title sheet for the building permit drawings contains the following: **[Building]**
 - a. Permit number.
 - b. Zoning district.
 - c. FAR
 - d. Lot area in square feet by each parcel.
 - e. Total number of parking spaces with parking spaces numbered on plans in a consecutive manner and consistent with the parking summary on the title page.
 - f. Building heights with height of any appurtenances noted.
 - g. Detailed breakdown of floor areas.
 - h. Number of floors.
 - i. Existing building information (if applicable).
 - j. Total Impervious Surface area in square feet (from "Impervious Surface and Stormwater Treatment Measures - Final Form" provided by the City of Emeryville Public Works Department).
 - k. Scorecard Summary from one of the following applicable checklists: the most recent Multi-Family or Single Family Green Building Guidelines, developed by StopWaste.org or Build It Green, or the most recent LEED-NC Guidelines (or other LEED product most appropriate for the project from the USBGC) (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person).
 - l. Scorecard Summary from the most recent Bay-Friendly Landscaping Guidelines checklist, as developed by StopWaste.org. (with electronic version with notes on claimed points to be emailed

to the Emeryville Public Works Department Environmental Programs Staff person.)

The building permit plans shall include colored elevation renderings that incorporate landscape design elements. A reduced copy of final colored landscape and elevation sheets shall be submitted to the Planning Division.

2. Compliance with Applicable Codes. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements. **[Building]**
3. Utility Service. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing water, electrical, gas, telephone, and other like utilities services to the site, including a review of the existing services to the site and measures or improvements on-site that will be required to adequately serve the site, including the location and design of transformers (if above ground and if required) and all connections. All new and existing on-site electrical and communication lines shall be placed underground. All transformers shall be placed underground unless prior permission is granted by the City to place them above ground, in which case they shall be screened from public view by fencing, dense landscaping, or other acceptable means. **[Building]**
4. Traffic and Parking Management Plan during Construction. Prior to issuance of a building permit for any portion of the project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. **[Public Works]**
5. Construction Sign. Prior to the issuance of a building permit, Applicant shall submit a construction sign for approval by the Planning Director in

accordance with the prototype provided. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 3 feet by 4 feet with a minimum letter size of 3 inches. The signs shall be posted along the Horton, 59th and 62nd Street frontages. The sign shall include this information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The contact person should be the Noise Disturbance Coordinator listed below in Condition III.B.1.c.

The sign shall be posted at the time of placing temporary fencing and start of construction activity. At least one sign shall be placed along each public street frontage of the site in a location facing the street where the information can be easily read. Street frontages exceeding 300 feet in length shall have one sign per each 300-foot segment or fraction thereof.

[Planning]

6. Fencing. Prior to the issuance of a building permit, Applicant shall install temporary construction fence around the perimeter of the site that provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director. **[Public Works]**
7. Approval of Regulatory Agencies. Prior to the issuance of a building permit, Applicant shall submit to the Building Official copies of all other permits necessary from the applicable regulatory agencies. **[Building]**
8. Approval of Hazardous Material Regulatory Agencies. Prior to issuance of a building or grading permit, Applicant shall submit to the Planning Director confirmation that the proposed use of the site is acceptable to the appropriate regulatory agency (e.g. Regional Water Quality Control Board, Alameda County Department of Health or Department of Toxic Substances Control) and that any conditions prior to such use have been met. If a Risk Management Plan, Health and Safety Plan or similar document is required, then Applicant shall have such plan approved by the regulatory agency; shall submit copies to the Planning Director and Public Works Director; and shall comply with all provisions of such plan. **[Planning and Public Works]**
9. Lead and Asbestos. Prior to the issuance of a demolition or building permit, the Building Official shall confirm that a survey of lead-based

paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulations, Section 1532.1).

[Building]

10. Location of Mechanical Equipment: The building permit plans shall clearly indicate location of existing and proposed HVAC and other noise-making mechanical systems. These systems shall either be placed in the building or be screened so that they meet the noise standard as required by the City's General Plan. **[Planning and Building]**

- B. DURING CONSTRUCTION. Violations of the following conditions and any other applicable conditions may result in a stop work notice being issued or any other measures that the City deems necessary.

1. Construction Noise.

- a. *Hours*. Unless the City Council grants a waiver allowing different construction hours pursuant to Section 5-13.06 of the Emeryville Municipal Code, construction hours shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and pile driving activity shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. In an urgent situation, the City Manager, Planning and Building Director, or Public Works Director may approve weekend or night work pursuant to Section 5-13.05(e) of the Emeryville Municipal Code.
- b. *Equipment*. All heavy construction equipment used on the project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition and as deemed to be practically feasible. All non-impact tools shall meet a maximum noise level of no more than 85 dB when measured at a distance of 50 feet. All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines especially residential uses.
- c. *Noise Disturbance Coordinator*. Applicant shall designate a "Noise Disturbance Coordinator" who shall be responsible for

responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem be implemented. Applicant shall conspicuously post a telephone number for the Noise Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The Noise Disturbance Coordinator shall be the contact person listed on the construction sign required by Condition III.A.5 above.

2. Traffic Measures. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).
3. Street Debris. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.
4. Dust Control Measures. Dust control measures to minimize air quality impacts shall be implemented including:
 - a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b. Cover all trucks hauling soil, sand, and other loose materials.
 - c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d. Limit traffic speeds on unpaved roads to 5 mph.
 - e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.

- g. No grading between October 1st and April 15th unless the Public Works Director has approved an erosion and sedimentation control plan.
5. Archeological Resources. If archeological resources are encountered during construction, then Applicant shall: cease all construction activity in the vicinity; notify the Planning Director; have the significance of the items determined by a qualified archeologist or cultural consultant; and take any further appropriate measures under the California Environmental Quality Act and other applicable laws with the Planning Director's approval. If human remains are encountered, state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue has been received.

IV. PUBLIC IMPROVEMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Public Improvement Plan. Prior to the issuance of a building permit, the Applicant shall submit a Public Improvement Plan for review and approval by the City and provide evidence that the Applicant has made acceptable arrangements for the payment of fees as required by each City. The Plan shall include street and sidewalk improvements, site grading, storm drainage, landscaping and irrigation, and sanitary sewers.
2. Street Improvements. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed improvements for all street frontages of the project (i.e. Horton, 59th and 62nd Streets), including, but not limited to, construction or reconstruction of the curbs, gutters, sidewalks, driveways, curb cuts and street trees in conformance with the City of Emeryville standards, City of Emeryville Urban Forestry Ordinance and the Americans with Disabilities Act and implementing regulations and California accessibility regulations, unless the Public Works Director determines that the curb, gutter and sidewalk are already in conformance and in good condition. There shall be an effective width of at least 4 feet between obstacles (light poles, street signs, pedestrian seating, building frontages, landscaping, curb, etc.). Bicycle lanes shall be provided on Horton Street. **[Public Works]**

2. Site Grading and Storm Drainage. Development that contributes additional stormwater to an existing off-site drainage facility shall be required to perform a hydraulic review of the off-site drainage systems and shall be required to make improvements to the system as may be necessary to accommodate the additional stormwater flow. **[Public Works]**
3. Sanitary Sewer. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed plans and design calculations for providing sewer service to the site. If an existing sanitary sewer lateral is to be reused, it shall comply with the City Sanitary Sewer Infiltration/Inflow Reduction Standards. As requested by the Public Works Director, Applicant shall be required to review the existing public sanitary sewer main to determine if there is sufficient capacity to serve the proposed project and shall be responsible to perform any off-site improvements that may be necessary to serve the proposed project. **[Public Works]**
4. Improvement Agreement. Prior to the issuance of a building permit and as deemed appropriate by the Public Works Director, Applicant shall enter into an Improvement Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, inspection and installation of all public improvements secured by good and sufficient surety bond or cash deposit adequate to cover all of the costs, inspections and administrative expenses of completing such improvement in the event of a default. **[City Attorney/Public Works]**
5. Underground Utility Lines. All new and existing on-site electrical and communication lines shall be placed underground. In addition, existing overhead utility lines along the 62nd Street frontage of the Heritage Square site between Hollis and Horton Streets shall be placed underground.

B. PRIOR TO BEGINNING CONSTRUCTION IN THE PUBLIC RIGHT OF WAY

1. Encroachment Permit. Prior to removing any street trees or beginning any construction in the public right of way, Applicant shall apply for and receive an encroachment permit for all work and improvements within the City's right of way or City easements. As required by the Public Works Director, Applicant shall post the required security and provide evidence of liability insurance as part of the encroachment permit process.

Applicant shall pay for all inspection fees associated with work within the City's right of way. **[Public Works]**

C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Completion of Public Improvements. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that all off-site and on-site public improvements are completed in accordance with the final building permit and improvement plans or that other arrangements acceptable to the Public Works Director have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit.
[Public Works]

D. ONGOING

1. Damage to Public Facilities. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and shall repair such damage at its expense and to the satisfaction of the Public Works Director, including but not limited to sidewalk repair, street slurry seal or street reconstruction.
2. Maintenance of Street Trees and other vegetation in the Public Right of Way: Applicant, its successors and assigns, shall maintain all landscaping improvements in the public areas fronting the property, in a healthy, growing condition at all times according to Bay Friendly Landscaping Practices as described by StopWaste.org's Bay Friendly Landscaping program. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Public Works Director after obtaining an encroachment permit from the City. Landscaping work shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code.
3. Compliance with Trash, Recycling and Composting Plan: Applicant and its successors and assigns shall implement the approved Trash, Recycling and Composting plan and report its activities and achievements to the Public Works Director annually.

V. PUBLIC SAFETY REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Fire Department Standards. Prior to the issuance of a building permit, the Fire Department shall confirm that the final building plans include all fire and emergency safety measures as required by the Department, including access requirements, premises identification, key boxes, hydrants, fire protection systems and equipment and exiting and emergency illumination as more particularly set forth in the attached Fire Department standards..
[Fire]

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Site Security Management Plan. Prior to the issuance of a certificate of occupancy, Applicant shall submit a Site Security Management Plan for approval by the Police Department, which shall address the following issues:
 - a. *Lighting:* The lighting for the parking shall be on an emergency generator in case of power outage.
 - b. *Emergency Telephones:* There shall be clearly identifiable emergency phones (a minimum of three per level per building) placed through out the parking complex. These phones must ring directly to a security station or to the Emeryville Police Department at 510-596-3700.
 - c. *Knox Boxes:* Knox boxes shall be required at entrances/exits into the building and also if the parking garage has a motorized gate that closes.
 - d. *Security Cameras:* A surveillance camera may be required for the parking garage. **[Police]**
2. Fire Department Standards. Prior to the issuance of a certificate of occupancy, the Fire Chief shall confirm compliance with the applicable Fire Department standards. **[Fire]**

C. ONGOING

1. Compliance with Site Security Management Plan. Applicant shall comply with the approved Site Security Management Plan during operations. **[Police]**
2. Compliance with Fire Department Standards. Applicant shall comply with the Fire Department Standards during operations. **[Fire]**

VI. PARKING AND TRANSPORTATION

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Parking. Prior to the issuance of a building permit, the Planning Director shall confirm that the final building plans for the project incorporate: **[Planning]**
 - a. A minimum of one hundred and twenty five (125) replacement public parking spaces in the Emery Station West building.
 - b. A minimum of four (4) bus bays in Emery Station West building.
 - c. Ninety replacement private parking spaces to accommodate the parking requirements for Emery Station 1, 2, and 3 buildings. These may be located in Emery Station West building, Heritage Square garage or distributed in both buildings.
 - d. One hundred and seventy (170) replacement private parking spaces that exist in the Heritage Square site. These shall be located in the Heritage Square Garage.
 - e. A minimum of two hundred and ninety eight (298) private parking spaces for new construction based upon a parking requirement of 1.5 spaces per 1,000 square feet (Interim Zoning Regulations Section 9-6.314 (b)8.c for High Technology and Research Services uses. Note, however, that the allowance for general office space in Condition I.A.1 above is contingent upon the provision of additional parking above this 298 space minimum. All general office space must be parked at a ratio of 3.0 spaces per 1,000 square feet.

Parking spaces shall be clearly numbered consecutively on plans, and a summary table provided.

- f. A minimum number of bicycle parking spaces as set forth below:
 - i. 15 short term spaces parking spaces in visible locations near entrances and public plaza area in the form of bike racks, waves, inverted U's or hitching posts with verticals at least 18 inches apart enabling cyclists to lock frame and wheel to rack or post with a U-lock, and with adequate clearances shall be provided in form of an inverted U's. The installation and racks shall conform with the City of Emeryville Bike Parking Ordinance, standards and the "Bicycle Parking Guidelines" from the APBP.
 - ii. 15 long term spaces in an enclosed, limited-access area. The installation and racks shall conform with the City of Emeryville Bike Parking Ordinance, standards and the "Bicycle Parking Guidelines" from the APBP.
 - g. Conduit for a minimum of 6 future electrical recharging stations. This shall be clearly shown on building permit plans.
 - h. Ten percent of the employee parking spaces shall be stenciled as carpool spaces. The carpool spaces shall be located closer to the employee entrance(s) than other non-handicap spaces.
2. Transportation Information Display. Prior to the issuance of a building permit, the Planning Director shall confirm that the final building plans for the project incorporate a transportation information display including Berkeley and Oakland biking and walking maps (which include Emeryville); BART, AMTRAK, AC Transit and Emery Go-Round route maps, schedules and fares; and NextBus, 511 and Zipcar contact information. The display shall be placed in a prominent location convenient to building occupants. **[Planning]**
3. Bicycle Valet. Prior to the issuance of a building permit, the applicant shall indicate the location and the operation of bike valet system in the Emery Station West building. At a minimum, this shall include manned

storage of bicycle during morning and evening commute hours as well as bike shop/repair type facilities.

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Transportation Information Display. Prior to issuance of a certificate of occupancy, the Planning Director shall confirm that an up-to-date information display as described in section VI.A.2 has been installed. **[Planning]**
2. Emery Go-Round. Applicant shall fully participate in the Emeryville Transportation Management Association (the "TMA"), a private, nonprofit agency responsible for administering the Emery-Go-Round, a transportation service system serving Emeryville and the members participating in the TMA. Prior to the issuance of certificate of occupancy, Applicant shall provide evidence to the Planning Director that it has executed a Membership Agreement as required in accordance with the policies, rules and regulations of the TMA. **[Planning]**
3. Vehicular Parking Distribution. Prior to the issuance of temporary certificate of occupancy of either building, the applicant shall provide a parking plan that clearly outlines location of the public replacement parking, private replacement parking and required parking for new construction.
4. Car-share: The applicant shall install one publicly available car-share pod.
5. Bicycle Valet: Prior to the issuance of a certificate of occupancy, the applicant shall install a bicycle valet service in the Emery Station West building.
6. Lockers and Showers: Prior to the issuance of certificate of occupancy, the applicant shall submit to the Planning Director language to be included in tenant leases in the Emery Station West building that allows use of showers and lockers in the Emery Station campus.

C. ONGOING

1. Transportation Information Display. Applicant, its successors and assigns shall maintain the Transportation Information Display described in Section IV.A.2 and update it annually.
2. Emery Go-Round. Applicant, its successors and assigns, shall remain a member of the TMA so long as the TMA or its successor or assignee is in fact operating the Emery-Go-Round. Applicant and future property owners shall make good faith efforts to provide a brief description or “tag line” about the Emery-Go-Round and other forms of alternative transportation in its marketing and advertising efforts. **[Planning]**
3. Bicycle Valet. Applicant, its successors and assigns shall maintain the bike valet system in the Emery Station West building.

VII. DESIGN CONDITIONS AND SITE STANDARDS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Elevations/Colors/Materials/Site Plan. Prior to the issuance of a building permit, Applicant shall submit a color scheme, samples and details of all exterior elevations and building materials of sufficient size to the Planning Director for review and approval. Materials to be submitted shall include, but not be limited to, all perimeter gates and fences, window treatments, storefront windows and doors, awnings, outdoor furniture, paving and lighting fixtures. **[Planning]**
2. Landscaping Plans.
 - a. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site landscaping and irrigation plan for the approval of the Planning Director. The plans shall conform to Article 54 of Chapter 4 of Title 9 of the Municipal Code and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. **[Planning]**

- b. Prior to the issuance of a building permit, Applicant shall submit a detailed off-site landscaping and irrigation plan for the approval of the Public Works Director. The plans shall conform to Article 54 of Chapter 4 of Title 9 of the Emeryville Municipal Code, Bay Friendly Landscaping Practices as per the guidelines from StopWaste.org and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. Street trees shall be of a species approved by the Public Works Director and shall be spaced no farther than 25 feet on center or as approved by the Director. Street trees may require tree grates and an automatic sprinkler system. Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. As part of the encroachment permit fees, the applicant will pay to have the City Consulting Arborist perform soil and drainage tests in the public right of way areas that will have tree plantings. The City also requires the applicant to pay for the installation of structural soil or other engineered products, as per City standards and in consultation with the arborist, under sidewalk areas, to provide adequate rootable soil volume areas for healthy street trees. The amount of rootable soil volume to be provided per tree is based on the size of the tree at maturity: 600 cubic feet of rootable soil volume shall be installed per small tree, 900 cubic feet per medium-sized tree and 1200 cubic feet per large-sized tree. The plan shall also discuss proper drainage to be provided for all street trees based on the Consulting Arborist's soil and drainage findings which could entail extensive excavation for sumps or trenching with clean sand or rock backfill. All imported soils shall be tested and the results provided to the City for approval before import. Import soil shall be amended with compost per city standards in place of other soil amendments. Street trees may require tree grates and an automatic sprinkler system.

Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. The replacement trees shall be provided off-site but within the vicinity of the project site. **[Public Works]**

Note: The on-site and off-site landscaping and irrigation plans required by conditions (a) and (b) above may be combined into a single landscaping and irrigation plan showing both on-site and off-site improvements.

3. Recycled Water. Prior to the issuance of a building permit, Applicant shall submit plans for the approval of the Planning Director showing the design of a plumbing system to serve nonpotable uses in common areas including, but not limited to, landscaped areas and planters, if recycled water is available at the project site at a reasonable cost, is of adequate quality, will not be detrimental to public health, and will not adversely affect downstream water rights, degrade water quality or injure plants, fish and wildlife. In addition, Applicant shall submit a letter from the recycled water provider (East Bay Municipal Utility District) stating requirements for recycled water plumbing, prior to issuance of building permit. If Applicant is not complying with the requirements of the recycled water provider, Applicant shall provide a written explanation of its actions. **[Planning]**
4. Trash, Recycling and Composting Facilities. Prior to the issuance of a building permit, the Planning Director and Public Works Director shall review and approve a Trash, Recycling and Composting Plan from the applicant.
 - a. Maintenance and Service: Trash, recycling and composting storage areas shall include adequate space for the maintenance and servicing of containers for all materials that are provided by local hauling companies. Sewer drains, fire sprinklers, enclosures, and roofing (if outdoors) shall be provided as per city standards.

- b. Adequate Space for Trash, Recyclables and Compostables: The amount of space provided for the collection and storage of recyclable materials shall be at least as large as the amount of space provided for the collection and storage of trash materials and shall reflect the estimated volumes of trash and recyclable and compostable materials to be generated providing for the separate and dedicated containers for those materials with the goal of 25% or less of the total materials generated going to a landfill. An appropriately sized and designed area for wastes banned from regular trash containers such as electronics, fluorescent lamps and batteries shall be designated. Residential properties will also provide area for bulky item collection such as mattresses, furniture, tires and white goods.
- c. Convenience and Accessibility: The recycling area shall be at least as accessible and convenient for tenants and collection vehicles as the trash collection and storage area. If chutes are planned then separate, properly labeled (as per City Standards) and dedicated chutes must be provided for each and every collected stream of materials - not just for trash (non-recyclable and non-compostable materials.)

The trash and recycling room(s) or areas shall be located on an exterior wall of the building (if indoors) with adequately-sized door or gate access to the street through the wall so as to minimize distance for the collection vehicle personnel and eliminate temporary outdoor storage of containers on collection days. If the storage area is located outside then it must be easily accessible by the collection vehicles. If the day-to-day-use trash and recycling area(s) cannot be located adjacent to the street, then service-day locations easily accessible by the collection vehicle staff, must be provided in an area on-site as per city standards in enclosures completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s). **[Planning and Public Works]**

- 5. Height. A height of up to 165 feet, including rooftop equipment shall be permitted for the Emery Station West building and a height of up to 75 feet shall be permitted for the Heritage Square Garage. **[Planning]**

6. Development Sign . The project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed twelve square feet. Other development/marketing signs may be approved administratively by the Planning Director provided that they are removed prior to issuance of a final certificate of occupancy.
[Planning]
7. Exterior Lighting. Prior to issuance of a building permit, Applicant shall provide sufficient information for the Planning Director to confirm that exterior lighting for the project complies with the following standards and criteria: **[Planning]**
 - a. Parking area illumination shall conform to the requirements of Article 55 of Chapter 4 of Title 9 of the Emeryville Municipal Code.
 - b. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.
8. Noise. Prior to the issuance of a building permit, the Building Official shall confirm that the project is designed in order to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan. **[Building]**
9. Water Efficiency. Prior to issuance of a building permit, the Public Works Director shall confirm that the project is complies with the East Bay Municipal Utility District requirements. **[Public Works]**
10. Alternative Energy. The applicant shall include on-site generation of at least one of the following alternative energy sources: solar, wind and co-generation. This shall be included in the building permit set of plans for Emery Station West building.
11. Wheel Channel for Bicycles. The grand staircase connecting the third floor roof terrace to Horton Street shall include a wheel channel to facilitate access by bicyclists.
12. Bridge Connection. The design of the connection between the third floor roof terrace and the existing pedestrian bridge over the railroad shall be refined to be more open and to integrate any structural supports with the

design of the plaza below. The revised design shall be reviewed and approved by the Planning Director prior to issuance of a building permit.

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Sign Permit. Applicant shall apply for a sign permit for any proposed signs not included in this approval, in accordance with the Sign Regulations at Article 61 of Chapter 4 of Title 9 of the Emeryville Municipal Code. **[Planning]**
2. Completion of Landscaping.
 - a. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Planning Director that all on-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. **[Planning]**
 - b. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Public Works Director that all off-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. **[Public Works]**
3. Equipment/Storage. Prior to issuance of a certificate of occupancy, the Planning Director shall confirm that: **[Planning]**
 - a. All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
 - b. All trash enclosures shall be completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high

and in harmony with the architecture of the building(s).
Alternatively, the trash facilities may be placed within the building.

- c. All visible vents, gutters, down spouts, flashings, and the like shall match the color of adjacent surfaces, or shall be incorporated into the overall exterior color and materials scheme for the building.

C. ONGOING

1. Landscaping. All landscaping improvements shall be maintained in a healthy, growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Planning Director. Landscapes within the public right of way shall be maintained according to the principles of Bay Friendly Landscaping per guidelines by StopWaste.org
2. No Outside Storage. There shall be no outside storage of any type in parking areas. Those areas shall be kept free of obstruction and available for their designated use at all times. Boats, trailers, camper tops, inoperable vehicles and the like shall not be parked or stored on the parking areas.
3. Maintenance and Graffiti Removal. The site and improvements shall be well maintained and kept free of litter, debris, weeds and graffiti. Any graffiti shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the original wall or fence as most practically feasible.
4. Noise. The project shall operate in order to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan.
5. Exterior Lighting. Exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lots and pedestrian accessways while limiting off-site spillover of light through shielding, particularly along Horton Street. No light shall create a hazard for auto drivers.
6. Maintenance of Street Trees and Other Vegetation in the Public Right of Way: Applicant, its successors and assigns, shall maintain all landscaping improvements in the public areas fronting the property, in a

healthy, growing condition at all times according to Bay Friendly Landscaping Practices as described by StopWaste.org's Bay Friendly Landscaping program. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Public Works Director after obtaining an encroachment permit from the City. Landscaping work shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code. **[Public Works]**

7. Compliance with Trash, Recycling and Composting Plan: Applicant and its successors and assigns shall implement the approved Trash, Recycling and Composting plan and report its activities and achievements to the Public Works Director annually. **[Public Works]**
8. LEED-CS Certification for Building and LABS21 Certification for Tenant Improvements: Green Features will be incorporated into the building at a level necessary to be LEED-CS (core and shell) Certified at Silver or better and with independent certification of LABS21 for each tenant space. Within one year after issuance of a Certificate of Occupancy, applicant shall receive Certification for the project from the United States Green Building Council for the LEED-CS program. Within one year after issuance of a Certificate of Occupancy for tenant improvement of lab spaces, applicant shall receive certification from an independent third-party for the LABS21 program for each lab space.
9. Elevator Access. The elevator at the southwest corner of the Emery Station West building, between the ground floor public plaza and the third floor roof terrace, shall be open to the public at all times.
10. Security Gates. The security gates for the third floor roof terrace shall remain open at all times until there are demonstrated security problems at which time the issue may be brought back to the Planning Commission for approval to close them.

VIII. STORMWATER

A. GENERAL.

1. Design, Construction, Operation, and Maintenance. The project shall be designed, constructed, operated, and maintained in conformance with the

attached “Stormwater Pollution Prevention and Source Control Measures” (“Stormwater Measures”) and the City’s “Stormwater Guidelines for Green Dense Redevelopment” (“Stormwater Guidelines”).

2. Cost Recovery. The applicant shall pay cost recovery fees related to the verification of permanent stormwater treatment drainage facilities planned and implemented on the site. Fees will be charged for plan check and engineering analysis of stormwater treatment system, inspection during construction of stormwater treatment facilities, and inspection before the issuance of the certificate of occupancy to verify that the stormwater treatment systems are properly functioning. Applicant shall also permit city representatives to perform inspection of said treatment facilities to enter the property during and after construction to perform said duties **[Public Works]**

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT.

1. Compliance with Stormwater Measures. Prior to the issuance of a building permit, the applicant shall submit plans as part of the building permit package, showing how the project complies with the attached Stormwater Measures, in particular with the provision C.3 requirements (or new development section) of the City’s NPDES Stormwater Permit and with plans and calculations showing how the project meets the numeric hydraulic sizing requirements as described in Section A of the attached Stormwater Measures. The applicant shall also provide calculations showing the percentage of on-site stormwater treatment through mechanical means and percentage of on-site treatment through vegetative means. If a portion of on-site stormwater treatment is through mechanical means, then the applicant shall provide justification as to why all on-site treatment by vegetative means is not feasible. **[Public Works]**
2. Site Grading and Storm Drainage. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed site drainage, grading plans and hydraulic calculations in conformance with the City’s stormwater runoff requirements and specifications. All runoff from the site shall be intercepted at the project boundary, and shall be collected, treated and conducted via an approved drainage system through the project site to an approved public storm drain facility. Roof drainage from the structure shall be collected, treated and conducted to an approved drainage facility. No concentrated drainage of surface flow across sidewalks shall

be permitted. Grading and drainage plans shall conform to Section A of the attached Stormwater Measures. **[Public Works]**

3. Site Plan. The site plan shall conform to Section B of the attached Stormwater Measures. **[Public Works]**
4. Operations and Maintenance Agreement. Prior to the issuance of a building permit, Applicant shall enter into a Stormwater Treatment Measures Operation and Maintenance Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, operation, and maintenance of the stormwater treatment systems. **[City Attorney/Public Works]**

C. DURING CONSTRUCTION. Applicant and contractor shall comply with Section C of the attached Stormwater Measures. **[Public Works]**

D. PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. Commitment to the Stormwater Pollution Prevention Practices. Prior to the issuance of a certificate of occupancy, Applicant shall submit evidence of commitment to the stormwater pollution prevention practices, as detailed in Section D of the attached Stormwater Measures. **[Public Works]**
2. Completion of Construction of Stormwater Treatment Systems. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that the stormwater treatment systems are properly installed and functioning. **[Public Works]**

E. ONGOING. The owner/operator of the facility shall permit, in perpetuity, allow city representatives to enter the property during and after construction in order to perform periodic inspection of stormwater treatment facilities.

IX. FUTURE LAND USE APPROVAL PROCEDURES

- A. BUSINESS LICENSE REQUIREMENT. Land use approvals do not abrogate the City's requirement for any business operating within the City to have a business tax certificate ("business license"), nor for a specific operator to obtain a cabaret or dance hall license issued through the Police and Finance Departments and approved by the City Council.

B. ACTIVITIES OUTSIDE OF BUILDING. No sales of merchandise or services, nor any business activity related to any retail or commercial space, shall take place outside of the building or in any retail kiosk without prior approval of the Director of Planning and Building.

C. MULTI-TENANT STANDARDS.

1. Permitted Uses. The following uses are permitted in the pedestrian level “active space” of the project as part of the business license review:

- a. Animal Sales and Services: Grooming and Pet Stores
- b. Personal Services
- c. Retail Sales and Services (excluding food related uses and alcoholic beverage sales)
- d. Financial Services

2. Uses Subject to Performance Standards. The following uses are permitted in the pedestrian level “active space” of the project subject to a zoning compliance review by the Planning Director or designee upon determination that they meet the performance standards and review criteria set forth below in subsection IX.C.4:

- a. Food and Beverage Retail Sales - Including Alcoholic Beverages
- b. Eating and Drinking Establishments: Convenience - Full Service and excluding drive-thru windows
- c. On-Premise Liquor Sales
- d. Convenience Sales and Services
- e. Custom Manufacturing
- f. Transportation Services
- g. Indoor Entertainment
- h. Any noise generating commercial use with hours of operation earlier than 7:00 a.m. and later than 10:00 p.m.
- i. Commercial Recreation: Amusement Center, Indoor Entertainment, Indoor Sports and Recreation

3. Uses Requiring Approval of the Planning Commission. For those uses where all the performance standards cannot be met or the results of the review criteria indicate the use may result in a potential adverse impact, the Planning Director shall forward the application on to the Planning Commission for review and consideration pursuant to the conditional use

permit procedure in Article 82 of Chapter 4 of Title 9 of the Emeryville Municipal Code.

4. Performance Standards and Review Criteria. The following performance standards and review criteria shall be used to evaluate uses for the project listed in Condition IX.C.2 above:
 - a. Review and written verification shall be provided to confirm that parking and loading areas have been designed and designated to account for the needs of the proposed use without interfering with the parking, access or loading areas of other uses in the project.
 - b. Review and written verification shall be provided to confirm that the total number of required parking spaces meets the requirements of these conditions of approval and Article 55 of Chapter 4 of Title 9 of the Emeryville Municipal Code.
 - c. For commercial entertainment or uses involving cabarets or public dances as defined in Chapter 4 of Title 5 of the Emeryville Municipal Code or any other public events or use of amplified sound, a site security and management plan shall be submitted with the use request, documenting compliance with the overall Site Security and Management Plan of the Project, compliance with the other provisions of Chapter 4 of Title 5 of the Emeryville Municipal Code, including obtainment of a cabaret or dance hall license as applicable, and special acoustical requirements if warranted.
 - d. For food related uses such as cafes, delicatessens, restaurants and similar activities, the following standards and conditions shall apply:
 - i. Appropriate provisions shall be made for trash disposal and recycling, following the provisions of the California Uniform Retail Food Facilities Law (Health and Safety Code Sections 37500 et. seq.) as reviewed by the Planning Department or other designated City staff.
 - ii. Adequate ventilation, filtration and odor control systems shall be installed for any commercial hoods, along with

submittal of provisions for maintenance and inspection of such a system should odor complaints be received.

- e. Compatibility of proposed use with current uses with respect to noise, odor, vibrations, glare, number of other similar uses, hours, location to residential uses, security or policing concerns or other potential nuisance conditions.

Attachments: Mitigation Measures
Fee Chart
Construction Sign Prototype
Fire Department Conditions of Approval Checklist
Stormwater Pollution Prevention and Source Control Measures

PROJECT

Emerystation West

PRELIMINARY FEE CALCULATIONS

Valuation

\$ 60,886,562.34

Print Date: January 20, 2010

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 608,865.62			\$ 608,865.62	Assumed Multiple Permits
Plan Review Fee	\$ 395,762.66			\$ 395,762.66	
Energy Review Fee	\$ 76,108.20			\$ 76,108.20	
Electrical Permit Fee	\$ 121,773.12			\$ 121,773.12	
Plumbing Permit Fee	\$ 109,595.81			\$ 109,595.81	
Mechanical Permit Fee	\$ 103,507.16			\$ 103,507.16	
S.M.I.P.	\$ 12,786.18			\$ 12,786.18	
Microfiche	\$ 6,088.66			\$ 6,088.66	
Fire Department Fees	\$ 213,102.97			\$ 213,102.97	
Fire Suppression Fees	\$ 13,518.57			\$ 13,518.57	
Sewer Connection Fees	\$ -			\$ -	Not enough info to calc. Cat VI to VI - No Fees
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	
Traffic Impact Fees	\$ 194,667.20			\$ 194,667.20	See note(s) below
School Fees	\$ 116,701.00			\$ 116,701.00	
Art In Public Places	\$ 608,865.62			\$ 608,865.62	
Building Standards Commision Fee	\$ 2,436.00			\$ 2,436.00	
General Plan Maintenance Fee	\$ 304,432.81			\$ 304,432.81	
TOTAL:	\$ 2,888,211.58		\$ -	\$ 2,888,211.58	2,888,211.58

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:					
Plan Review Fee	\$ 395,762.66		\$ -	\$ 395,762.66	
Energy Review Fee	\$ 76,108.20		\$ -	\$ 76,108.20	
Other Fees	**				
Sub Total:	\$ 471,870.86		\$ -	\$ 471,870.86	

FEES TO BE PAID AT PERMIT ISSUANCE:					
Building Permit Fee	\$ 608,865.62		\$ -	\$ 608,865.62	See note(s) below
Electrical Permit Fee	\$ 121,773.12		\$ -	\$ 121,773.12	
Plumbing Permit Fee	\$ 109,595.81		\$ -	\$ 109,595.81	
Mechanical Permit Fee	\$ 103,507.16		\$ -	\$ 103,507.16	
S.M.I.P.	\$ 12,786.18		\$ -	\$ 12,786.18	
Microfiche	\$ 6,088.66		\$ -	\$ 6,088.66	
Fire Department Fees	\$ 213,102.97		\$ -	\$ 213,102.97	
Fire Suppression Fees	\$ 13,518.57		\$ -	\$ 13,518.57	
Sewer Connection Fees	\$ -		\$ -	\$ -	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
School Fees	\$ 116,701.00		\$ -	\$ 116,701.00	
Art In Public Places	\$ 608,865.62		\$ -	\$ 608,865.62	
Building Standards Commision Fee	\$ 2,436.00		\$ -	\$ 2,436.00	
General Plan Maintenance Fee	\$ 304,432.81		\$ -	\$ 304,432.81	
Sub Total:	\$ 2,221,673.52		\$ -	\$ 2,221,673.52	

Business License Fees	\$ 60,886.56				{Fees Calculated By Finance}
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FEES TO BE PAID PRIOR TO OCCUPANCY:					
Traffic Impact Fees	\$ 194,667.20		\$ -	\$ 194,667.20	{Final Fees Verified By Finance}
Business License Fees	**				
Other Fees	**				
Sub Total:	\$ 194,667.20		\$ -	\$ 194,667.20	

Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

PROJECT

Heritage Square Garage

PRELIMINARY FEE CALCULATIONS

Valuation

\$ 17,857,109.22

Print Date: January 20, 2010

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 178,571.09			\$ 178,571.09	
Plan Review Fee	\$ 116,071.21			\$ 116,071.21	
Energy Review Fee	\$ 22,321.39			\$ 22,321.39	
Electrical Permit Fee	\$ 35,714.22			\$ 35,714.22	
Plumbing Permit Fee	\$ 32,142.80			\$ 32,142.80	
Mechanical Permit Fee	\$ 30,357.09			\$ 30,357.09	
S.M.I.P.	\$ 3,749.99			\$ 3,749.99	
Microfiche	\$ 1,785.71			\$ 1,785.71	
Fire Department Fees	\$ 62,499.88			\$ 62,499.88	
Fire Suppression Fees	\$ 9,161.50			\$ 9,161.50	
Sewer Connection Fees	\$ -			\$ -	Not enough info to calc.
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	
Traffic Impact Fees	\$ -			\$ -	
School Fees	\$ -			\$ -	
Art In Public Places	\$ 178,571.09			\$ 178,571.09	See note(s) below
Building Standards Commission Fee	\$ 715.00			\$ 715.00	
General Plan Maintenance Fee	\$ 89,285.55			\$ 89,285.55	
TOTAL:	\$ 760,946.52		\$ -	\$ 760,946.52	760,946.52

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:					
Plan Review Fee	\$ 116,071.21		\$ -	\$ 116,071.21	
Energy Review Fee	\$ 22,321.39		\$ -	\$ 22,321.39	
Other Fees	**				
Sub Total:	\$ 138,392.60		\$ -	\$ 138,392.60	

FEES TO BE PAID AT PERMIT ISSUANCE:					
Building Permit Fee	\$ 178,571.09		\$ -	\$ 178,571.09	
Electrical Permit Fee	\$ 35,714.22		\$ -	\$ 35,714.22	
Plumbing Permit Fee	\$ 32,142.80		\$ -	\$ 32,142.80	
Mechanical Permit Fee	\$ 30,357.09		\$ -	\$ 30,357.09	
S.M.I.P.	\$ 3,749.99		\$ -	\$ 3,749.99	
Microfiche	\$ 1,785.71		\$ -	\$ 1,785.71	
Fire Department Fees	\$ 62,499.88		\$ -	\$ 62,499.88	
Fire Suppression Fees	\$ 9,161.50		\$ -	\$ 9,161.50	
Sewer Connection Fees	\$ -		\$ -	\$ -	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
School Fees	\$ -		\$ -	\$ -	
Art In Public Places	\$ 178,571.09		\$ -	\$ 178,571.09	See note(s) below
Building Standards Commission Fee	\$ 715.00		\$ -	\$ 715.00	
General Plan Maintenance Fee	\$ 89,285.55		\$ -	\$ 89,285.55	
Sub Total:	\$ 622,553.92		\$ -	\$ 622,553.92	

Business License Fees	\$ 17,857.11				{Fees Calculated By Finance}
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FEES TO BE PAID PRIOR TO OCCUPANCY:					
Traffic Impact Fees	\$ -		\$ -	\$ -	
Business License Fees	**				{Final Fees Verified By Finance}
Other Fees	**				
Sub Total:	\$ -		\$ -	\$ -	

Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

Emeryville Fire Department

Fire Prevention Bureau

**Conditions of
Approval
Page 1 of 2**

Project Name: Emery Station West
Project Address: 59th & Horton Street
Attention: Miroo Desai

Date: Sept. 9, 2009
By: G. Warren

(Check all that apply)

Fire Department Access

- ✓ Provide minimum 20' wide fire lanes or access roadways.
- ✓ Provide minimum 15' vertical clearance for all fire lanes or access roadways.
- ✓ Provide rolled curbs, painted red, clearly marked Fire Lane.
- ✓ Minimum turning radius of 55' at all required vehicle turns (35' inside radius).
- ✓ Provide all weather surface roadways, capable of supporting 65,000 pounds GVW.
- ✓ Provide at least one (1) elevator, sized to accommodate standard ambulance gurney in the horizontal position and three (3) personnel, to serve all occupied floors.
- ✓ Provide a minimum of **three (3)** key boxes and **one (1)** key switch. (Knox Box). Type, size and location dependent on final building plans. Mounting height (center of box) at 6'-0" above grade.
- ✓ Provide a detailed site plan for emergency fire / medical access during construction, including an all weather surface roadway. Plan shall be submitted for EFD approval prior to implementation.
- ✓ Premises Identification
- ✓ Provide numbers in contrast with their background, minimum 6" height and 1" stroke. Numbers shall be clearly visible from the street.

Water Supply & Fire Hydrants

- ✓ Provide new fire hydrants: number and locations dependent on final site plans.
- ✓ All private hydrants shall be included in the regular Fire Department testing program.
- ✓ Fire hydrant(s) shall provide the required fire flow of 2,000 gpm flowing from 2 hydrants for a period of 2 hours.
- ✓ Fire hydrants shall comply with current EBMUD requirements.
- ✓ Fire hydrants shall not exceed 250' spacing.
- ✓ Fire hydrant(s) to be located not more than 45' from any fire department connection.
- ✓ Fire Protection Systems & Equipment
- ✓ Provide fire extinguishers. Field verification required for proper placement, mounting, type and size of extinguishers.
- ✓ Provide an automatic fire sprinkler system; system design shall comply with EFD requirements for the particular project. Sprinkler system shall be monitored by a UL listed central station.

Emeryville Fire Department

Fire Prevention Bureau

**Conditions of
Approval
Page 2 of 2**

Project Name: Emery Station West
Project Address: 59th & Horton Streets
Attention: Miroo Desai

Date: Sept. 9, 2009
By: G. Warren

Fire Protection Systems & Equipment (cont.)

- ✓ Provide one or more fire department connection(s) as specified by EFD.
- ✓ Provide Class I manual wet standpipe system in all stairwells and throughout the building so that all portions of the building are within 120' of hose lines. At least one outlet shall be provided on the roof. Standpipe shall be combined with building fire sprinkler system, with a minimum of 65 psi at the top most outlet.
- ✓ Provide an approved fire alarm / smoke detection system with central station monitoring.
- ✓ Provide an approved automatic fire extinguishing system (Wet-chemical, UL 300, FM-200, etc) for specialized uses / equipment.
- ✓ Provide approved Excess Flow Valves (EFV) for any new or reconnected gas service.
- ✓ Provide a storage room for fire fighting equipment, with a minimum area of 64 square feet, (8' X 8'), keyed for fire department access only, location as per EFD. For high-rise buildings, the room shall comply with Section 403.6 of the California Building Code.
- ✓ Provide specialized fire fighting / medical equipment, as specified by EFD. (Separate document, attached).
- ✓ Provide a mechanical smoke control / exhaust system with automatic control. Control panel shall be located as specified by EFD.

Exiting & Emergency Illumination

- ✓ Provide EXIT sign graphics and lettering with **Red** color. Exit signs shall be visible from all points in the building and from any direction of approach. Field verification required for final occupancy approval. Exit signs shall be internally illuminated, unless approved otherwise. Maximum spacing between Exit signs shall not exceed 100'.
- ✓ Approved exit plans shall be posted when required by the Fire Chief.
- ✓ Provide emergency lighting units for exit path illumination, as well as dispersal points and refuge areas.
 - Minimum of 1 foot-candle at the floor
 - 90-minute duration.
- ✓ Provide an on-site standby power system conforming to NEC Article 700 and EFD Standard No. 01-013.
- ✓ Provide approved stairway identification signs at each floor level in all stairwells.
- ✓ Provide a minimum of one stairwell serving all occupied floors, including the roof.

Construction Sign - Minimum 3" letters

XYZ PROJECT
ACE DEVELOPMENT COMPANY
Approved Construction Hours:
7am to 6pm
(Pile Driving 8am to 5pm)
Monday through Friday
Contractor: Acme Construction
123-456-7890
For complaints or concerns call
Joe Smith at 098-765-4321

3 feet

4 feet

STORMWATER POLLUTION PREVENTION AND SOURCE CONTROL MEASURES
City of Emeryville, California
Revised 3/8/06

The numbers in Parentheses, e.g. "(I.A.)" refer to the specific measures in the "Alameda Countywide Clean Water Program Source Control Measures Model List" approved by the ACCWP on July 27th, 2004.

There are four sections in this document:

- A. Grading and Drainage – pages 1-4.
- B. Site Plan and Source Control Measures – pages 5-10
- C. Construction Practices – page 11
- D. Post-Occupancy Maintenance and Operational BMPs – pages 12-13

A. Grading and Drainage

1. All projects shall incorporate appropriate site design measures to minimize impacts to water quality. These may include, but are not limited to, the following: (a) minimizing impervious surfaces, especially directly connected impervious surfaces, (b) clustering buildings, (c) preservation of quality open space, (d) maintaining and/or restoring riparian areas and wetlands and establishing vegetated buffer areas to minimize pollutants in stormwater runoff or minimize peak runoff. The following is a list of possible drainage systems: a vegetated roof, supported turf or permeable pavement, dry-wells or cisterns to catch roof runoff, and/or grassy swales. The City has adopted "Stormwater Treatment Guidelines for Green Dense Redevelopment" and a treatment sizing worksheet, available on the City's website at: <http://www.ci.emeryville.ca.us/planning/> Plans shall include stormwater pollution prevention and control features to limit to the maximum extent practicable the entry of pollutants into stormwater runoff, and as required by the City's current NPDES permit.

2. Numeric Sizing Criteria for Pollutant Removal Treatment Systems:
The City of Emeryville requires that treatment BMPs be constructed for applicable projects, as defined in section C.3.c. of the City's NPDES permit. These BMPs must incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff. As appropriate for each criterion, the projects shall use, or appropriately analyze, local rainfall data to be used for that criterion.

- A. Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:
 - 1. The maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No.23/ASCE Manual of Practice No. 87, (1998), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or
 - 2. The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the

California Stormwater Best Management Practices Handbook, (1993), using local rainfall data.

- B. Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:
1. 10% of the 50-year peak flow rate; or
 2. The flow runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or
 3. The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity. (per the Alameda Countywide Clean Water Program on 3/8/2004)

3. The City of Emeryville adopted stormwater treatment guidelines on December 6th, 2005. The guidelines serve as one part of the City of Emeryville's compliance with the requirements associated with the joint NPDES permit. The City prefers vegetative design solutions such as those described in the guidelines rather than mechanical solutions. This is because vegetative solutions treat stormwater more effectively, involve easier maintenance and inspection, improve air quality and provide green aesthetics. Therefore, the City desires to see vegetative solutions whenever possible. Developers of projects subject to hydraulic sizing criteria for treatment requirements shall be required to retain either a firm that is listed by the Bay Area Stormwater Management Agencies Association ("BASMAA") as qualified in stormwater treatment design (www.basmaa.org/documents, Qualified Post-Construction Consultants List), or a firm that demonstrates similar qualifications to those on the BASMAA List, to design on-site stormwater treatment measures. The stormwater treatment design consultant shall make a good faith effort to meet the entire treatment requirement using vegetative solutions. If the stormwater treatment design consultant concludes that vegetative solutions are not feasible due to site characteristics, building uses or other legitimate reasons, and the City concurs, the City will consider allowing on-site mechanical solutions. In some cases, upon recommendation of the stormwater treatment design consultant, a combination of vegetative and mechanical solutions may be allowed. If mechanical solutions are utilized, the mechanism must be approved by the City, and Developer must demonstrate that the mechanical design will remove fine sediments and dissolved metals as well as trash and oil. If stormwater treatment is required the applicant shall also provide, before the Planning Commission hearing, calculations showing the percentage of on-site stormwater treatment through mechanical means and percentage of on-site treatment through vegetative means.

4. The design of any stormwater quality treatment measures incorporated in the project must incorporate the treatment control design guidance for vector control included in the Alameda Countywide Clean Water Program's Vector Control Plan.

Some of main issues are access:

- Design stormwater treatment devices to be easily and safely accessible without the need for special requirements (e.g., OSHA requirements for "confined space").
- If utilizing covers, include in the design spring-loaded or light-weight access hatches that can be opened easily for inspection.

- Provide all-weather road access (with provisions for turning a full-size work vehicle) along at least one side of large above-ground structures that are less than 25 feet wide. For structures that have shoreline-to-shoreline distances in excess of 25 feet, a perimeter road is required for access to all sides.

And dry system design principles that prevent mosquito breeding:

- Structures should be designed so they do not hold standing water for more than 72 hours.
- Incorporate features that prevent or reduce the possibility of clogged discharge orifices (e.g., debris screens). The use of weep holes is not recommended due to rapid clogging.
- Pipes should be designed and constructed for a rate of flow that flushes the system of sediment and prevents water backing up in the pipe. Storm drains should be constructed so that the invert out is at the same elevation as the interior bottom to prevent standing water.
- Use the hydraulic grade line of the site to select a treatment system that allows water to flow by gravity through the structure. Pumps are not recommended because they are subject to failure and often require sumps that hold water.
- Design distribution piping and containment basins with adequate slopes to drain fully and prevent standing water. The design slope should take into consideration buildup of sediment between maintenance periods. Compaction during grading may also be needed to avoid slumping and settling.
- Avoid the use of loose riprap or concrete depressions that may hold standing water.
- Avoid barriers, diversions, or flow spreaders that may retain standing water.
- Use mosquito net to cover sand media filter pump sumps.
- Use aluminum “smoke proof” covers for any vault sedimentation basins.

5. Stormwater treatment measures that function primarily as infiltration devices (such as infiltration basins or trenches) shall, where practical, protect groundwater from pollutants that may be present in urban runoff. The vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least ten feet (10'), and in areas characterized by highly porous soils or high ground water tables, additional analysis may be required by the City. Infiltration devices will not be recommended as treatment measures for areas of industrial or light industrial activity, automotive repair shops, car washes, fleet storage areas, nurseries, and areas subject to high vehicular traffic (25,000 or greater average daily traffic [ADT] on main roadway or 15,000 or more ADT on any intersecting roadway). Infiltration devices shall be located a minimum of 100 feet horizontally from any water supply well.

6. If the project includes one or more permanent stormwater quality treatment control measure(s), a Stormwater Treatment Measures Maintenance Agreement (Agreement) shall be executed between the Project Owner and the City and recorded with the County Recorder's Office of the County of Alameda. The Agreement must be executed before the Certificate of Occupancy is issued. The property owner shall prepare, to the City's satisfaction, and submit four required Exhibits to the Agreement: (1) a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; (2) a maintenance plan, including specific long-term maintenance tasks and a schedule, and

incorporating the treatment control operation and maintenance guidance for mosquito control from the Alameda Countywide Clean Water Program's Vector Control Plan; (3) a standard Treatment Measure Operation and Maintenance Inspection Report form (template to be provided by the City); and (4) checklists appropriate to the type of treatment measure(s) that will be used on the property (to be provided by the City).

7. Vegetated areas designed to treat stormwater shall be constructed and maintained using non-chemical practices in order to avoid discharging pollutants of concern into the City stormdrain system. Compost, vermicastings and similar products shall be used as fertilizers instead of NPK chemical fertilizers. Pest control practices using insecticidal soaps and bio-degradable plant oils shall be used to control pests instead of chemical products containing, for example, glyphosate and synthetic pyrethroids.

8. All on-site storm drain inlets shall be stenciled or labeled "No Dumping! Flows to Bay" or equivalent, using methods approved by the City. (I.A.)

9. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.

10. Prior to the commencement of any clearing, grading and/or excavation resulting in a land disturbance of one acre or more, the applicant shall submit to the City: (a) a copy of the project's Storm Water Pollution Prevention Plan (SWPPP) and (b) evidence to the City that a Notice of Intent (NOI) has been submitted to the (California) State Water Resources Control Board. The SWPPP shall contain the erosion, sediment and pollution control BMPs (some of which are described in Section C of this document) and the BMPs shall be in place before any work begins as appropriate for that phase of construction. The plan and BMPs should be checked daily, especially around storm events, and updated as necessary. A daily log should be kept stating that BMPs have been checked are effective.

11. For projects involving clearing, grading or excavation resulting in disturbance of less than one acre of land, the applicant shall have in place erosion, sediment and pollution controls (described in Section C of this document) to the maximum extent practicable using the current standard BMPs as required by the City.

B. Site Plan and Source Control Measures

The site plan shall include the following items:

1. Pervious Surfaces:

To the maximum extent practicable projects shall limit impervious surface areas, especially impervious areas directly connected to the storm drain system such as the historical standard design for roof drains. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.

2. Refuse and Recycling Areas: (I.G.)

a. New or redevelopment projects such as food service facilities, recycling facilities and/or multi-family residential complexes or similar facilities shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.

b. Runoff from food service areas, trash enclosures, recycling areas, and/or food compactor enclosures or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

3. Vehicle/Equipment and Commercial/Industrial Cleaning: (I.J.)

a. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system.

b. Commercial/industrial facilities having vehicle/equipment cleaning needs and new residential complexes of 25 units or greater shall either provide a roofed, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs (faucets) and installing signs prohibiting such uses. Vehicle/equipment washing areas shall be paved, designed to prevent run-on to or runoff from the area, and plumbed to drain to the sanitary sewer. A sign shall be posted indicating the location and allowed uses in the designated wash area. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

c. Commercial car wash facilities shall be designed and operated such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer. The applicant shall contact EBMUD for specific connection and discharge requirements.

4. Loading Docks:

(I.M.)

- a. Loading docks shall be graded to minimize run-on to and runoff from the loading area [and/or be covered]. Roof downspouts shall be positioned to direct stormwater away from the loading area. Stormwater runoff from loading dock areas shall be drained to the sanitary sewer, or diverted and collected for ultimate discharge to the sanitary sewer. [Or – Stormwater runoff from loading dock areas shall be connected to a post-construction stormwater treatment measure(s) prior to discharge to the storm drain system]. The applicant shall contact the local permitting authority [and/or sanitary district with jurisdiction] for specific connection and discharge requirements.
- b. Door skirts between the trailers and the building shall be installed to prevent exposure of loading activities to rain, unless one of the following conditions apply:: the loading dock is covered, or the applicant demonstrates that rainfall will not result in an untreated discharge to the storm drain system.

5. Food Service Equipment Cleaning:

(I.F.)

- a. Food service facilities (including restaurants and grocery stores) shall have a sink or other floor mat, container, and equipment cleaning area, which is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the storm drain. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in this area. The applicant shall contact EBMUD for specific connection and discharge requirements.

6. Outdoor Process Activities/Equipment:

(I.H.)

(Examples of businesses that may have outdoor process activities and equipment include machine shops and auto repair shops, and industries that have pretreatment facilities.)

- a. Process activities shall be performed either indoors or in roofed outdoor areas. If performed outdoors, the area shall be designed to prevent run-on to and runoff from the area with process activities.
- b. Process equipment areas shall drain to the sanitary sewer system. The applicant shall contact EBMUD for specific connection and discharge requirements.

7. Fuel Dispensing Areas:

(I.L.)

- a. Fueling areas shall have impermeable surfaces (i.e., Portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.

b. Fueling areas shall be covered by a canopy that extends a minimum of ten feet in each direction from each pump. Alternative: The fueling area must be roofed and the roof's minimum dimensions must be equal to or greater than the area within the grade break or fuel dispensing area which is defined as the area extending a minimum of 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus a minimum of one foot, whichever is greater. The canopy or roof shall not drain onto the fueling area.

8. Pesticide/Fertilizer Application: (I.D.)

a. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Landscape designs should utilize Integrated Pesticide Management practices such as those detailed in the "Bay Friendly Landscaping Guidelines" available at www.StopWaste.Org.

b. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.

c. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:

1. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
2. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
3. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
4. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
5. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design. Examples of IPM principles and techniques include:
 - a. Select plants that are well adapted to soil conditions at the site.
 - b. Select plants that are well adapted to sun and shade conditions at the site.

Consider future conditions when plants reach maturity. Consider seasonal changes and time of day.

- c. Provide irrigation appropriate to the water requirements of the selected plants.
- d. Select pest- and disease-resistant plants.
- e. Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
- f. Use “insectary” plants in the landscaping to attract and keep beneficial insects.

d. Landscaping shall comply with City of Emeryville’s water efficient landscape requirements which requires compost as a soil amendment for new landscapes, for example.

9. Interior Floor Drains: (I.B.)

Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

10. Parking Garages: (I.C.)

Interior level parking garage floor drains shall be connected to the sanitary sewer system. The applicant shall contact the City of Emeryville and EBMUD for specific connection and discharge requirements. (I.C.)

11. Pool, Spa, and Fountain Discharges: (I.E.)

a. Pool (including swimming pools, hot tubs, spas and fountains) discharge drains shall not be connected directly to the storm drain or sanitary sewer system, unless the connection is specifically approved by EBMUD.

b. Subject to local requirements, when draining is necessary, a hose or other temporary system shall be directed into a sanitary sewer clean out. The clean out shall be installed in a readily accessible area, example: within 10 feet of the pool. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

c. Subject to local requirements, swimming pool, spa and fountain water may be allowed to discharge to the storm drains if the water has been dechlorinated, the water is within ambient temperature, and no copper-based algae control projects have been added to the water.

d. If commercial and public swimming pool discharges are discharged to land where the water would not flow to a storm drain or to a surface water, the discharge may be subject to the requirements of the State Water Resources Control Board’s (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.

12. Outdoor Equipment/Materials Storage:

(I.I.)

- a. All outdoor equipment and materials storage areas shall be covered and bermed, or shall be designed with BMPs to limit the potential for runoff to contact pollutants
- b. Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- c. All on-site hazardous materials and wastes, as defined and/or regulated by the California Public Health Code and the local Certified Unified Program Agency (CUPA), (for Emeryville this is the Alameda County Environmental Health Department), must be used and managed in compliance with the applicable CUPA program regulations and the facility hazardous materials management plan approved by the CUPA authority.

13. Vehicle/Equipment Repair and Maintenance:

(I.K.)

- a. Vehicle/equipment repair and maintenance shall be performed in a designated area indoors, or if such services must be performed outdoors, in an area designed to prevent the run-on and runoff of stormwater.
- b. Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, acid-containing batteries or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas.
- c. Vehicle service facilities shall not contain floor drains [unless the floor drains are connected to wastewater pretreatment systems prior to discharge to the sanitary sewer, for which an industrial waste discharge permit has been obtained. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.]
- d. Tanks, containers or sinks used for parts cleaning or rinsing shall not be connected to the storm drain system. Tanks, containers or sinks used for such purposes may only be connected to the sanitary sewer system if allowed by an industrial waste discharge permit. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

14. Fire Sprinkler Test Water:

(I.N.)

Fire sprinkler test water shall be drained to the sanitary sewer system, with approval from the City and EBMUD, or drain to landscaped areas where feasible. In the event that the sanitary district does not approve the connection and drainage to landscaped areas is infeasible, the applicant may propose an alternative method of providing for drainage of fire sprinkler test

water, such as by filtering and dechlorinating the water prior to discharge to a storm drain, subject to approval by RWQCB staff.

15. Miscellaneous Drain or Wash Water:

(I.O.)

- a. Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- b. For small air conditioning units, air conditioning condensate should be directed to landscaped areas as a minimum BMP. For large air conditioning units, in new developments or significant redevelopments, the preferred alternatives are for condensate lines to be directed to landscaped areas, or alternatively connected to the sanitary sewer system after obtaining permission from the sanitary sewer's owner. As with smaller units, any anti-algal or descaling agents must be properly disposed of. Air conditioning condensate lines may discharge to the storm drain system provided they are not a source of pollutants.
- c. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable or into systems designed for stormwater treatment adjacent to the building with impervious sub-barriers as needed.
- d. Roof top equipment, other than that producing air conditioning condensate, shall drain to the sanitary sewer. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- e. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements. These conditions shall be required for automotive related businesses.

C. Construction Practices

Construction workers shall:

1. Maintain and replace filter materials as necessary to ensure effectiveness and prevent flooding. Dispose of filter particles in the trash.
2. Broom sweep the sidewalk and street adjoining the site daily, scraping off caked-on mud and dirt.
3. Minimize removal of natural vegetation or ground cover, and replant as soon as possible.
4. Stabilize all cut and fill slopes as soon as possible after grading is completed.
5. Ensure that concrete, gunite and plaster supply trucks and operations do not discharge wash water into street gutters or drains.
6. Create and use a contained, covered area on the site for storing bags of cement, paints, flammables, oils, fertilizers, pesticides and any other materials used on the project site that could be discharged to the storm drain system by wind or a spill.
7. Place tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
8. Gather all construction debris daily and place it in a container which is emptied or removed weekly.
9. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
10. For projects with on-site storm drain inlets, clean all inlets immediately prior to the rainy season (October 1), and as required by the City Engineer.
11. Install straw wattles, berms, check dams as appropriate to contain and/or filter stormwater and the sediments from the site.
12. Hydroseed or cover exposed soil with tarps, loose straw or mats to reduce erosion and sediment suspension in stormwater.
13. Check all on-site machinery and vehicles for oil, fuel and other machine fluid leaks on a daily basis and fix machinery or capture all leaked fluids.

D. Post-Occupancy Maintenance and Operational BMPs

For projects installing post-construction stormwater treatment systems, as required by provision C.3 of the City NPDES permit, a Stormwater Treatment Measures Operation and Maintenance (O&M) Agreement must be signed by the property owner before the issuance of the building permit (see A.6 above in this document.)

The following section describes Operational best management practices (BMPs) that rely on private property owners to implement following construction of projects.

For commercial and industrial projects and residential projects with ten units or more, before the City issues the Certificate of Occupancy, the applicant must submit evidence of a lease agreement, purchase and sale agreement, or a set of covenants, conditions and restrictions (CC&Rs) that includes the following practices and specifies who will perform them and who will monitor the performance.

1. Paved Sidewalks and Parking Lots: (II.A.)

Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Washwater containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain and shall be collected and discharged to the sanitary sewer. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

2. Private Streets, Utilities and Common Areas: (II.B.)

a. The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

b. For residential developments, where other maintenance mechanisms are not applicable or otherwise in place a property owners association, architectural committee, maintenance assessment district, special assessment district, or similar arrangement shall be created and shall be responsible for maintaining all private streets and private utilities and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping and will include the maintenance responsibilities described in the maintenance plan, which is included as an attachment to the stormwater treatment measure O&M agreement for the subject property. CC&Rs creating the association shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map and recorded prior to the sale of the first residential unit. The CC&Rs or special assessment district shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association or the special assessment district.

3. On-site Storm Drains: (II.F.)

All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season and as required by the City Engineer.

4. Vehicle/Equipment Repair and Maintenance: (II.C.)

- a. No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinsewater from parts cleaning operations into storm drains.
- b. No vehicle fluid removal shall be performed outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any spilled fluid will be in an area of secondary containment. Leaking vehicle fluids shall be contained or drained from the vehicle immediately.
- c. No person shall leave unattended drip parts or other open containers containing vehicle fluid, unless such containers are in use or in an area that cannot discharge to the storm drain, such as an area with secondary containment.

5. Fueling Areas: (II.D.)

The property owner shall dry sweep the fueling area and spot clean leaks and drips routinely. Fueling areas shall not be washed down with water unless the wash water is collected and disposed of properly (i.e., not in the storm drain).

6. Loading Docks: (II.E.)

The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill clean-up.

7. Outdoor Storage Areas:

Manage outdoor storage to minimize stormwater contact with pollutants, covering stored materials as required by the City Engineer.