

**ORDINANCE NO. 95-006**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE  
APPROVING THE PRELIMINARY DEVELOPMENT PLAN FOR THE CHIRON  
DEVELOPMENT PLAN THEREBY REZONING THE PROJECT SITE -- GENERALLY  
BOUNDED BY HOLLIS STREET ON THE EAST, 45TH ON THE SOUTH, AND THE  
SOUTHERN PACIFIC RAILROAD TRACKS ON THE NORTH AND WEST TO  
PLANNED UNIT DEVELOPMENT/ INDUSTRIAL**

**WHEREAS**, the City of Emeryville has received an application from the Chiron Corporation ("Chiron") to construct a business headquarters and research center on the property commonly known as Assessor's Parcel Numbers 049-1041-1, -2-1, -3-3,-4,-5,-27,-28,-29-1,-39,-40,-48,-49,-50,-51,-55,-60,-61, ("Project Site") within the City of Emeryville (the"Project"); and

**WHEREAS**, the project includes a request for the approval of a Preliminary Development Plan, dated June 29, 1995, thereby rezoning the Project Site to Planned United Development Industrial. The Preliminary Development Plan includes a revision to the building intensity restrictions on the Project Site, as well as to the building height restrictions on the Project Site; and

**WHEREAS**, an Environmental Impact Report for the Project has been published and circulated in compliance with the California Environmental Quality Act (CEQA) and state and local guidelines; and

**WHEREAS**, after conducting a public hearing on the Project on July 11, 1995 which hearing was continued to July 17, 1995, which was then continued to a meeting on July 20, 1995, the Planning Commission adopted resolutions recommending that the City Council certify the EIR, adopt Findings of Fact Concerning Mitigation Measures, a Mitigation Monitoring and Reporting Program Findings Concerning Alternatives, and a Statement of Overriding Considerations, approve the proposed amendments to the General Plan, approve the Preliminary Development Plan thereby rezoning the Project Site to Planned Unit Development/Industrial, deny a Vesting Tentative Map, approve a Tentative Map, and approve a Development Agreement; and

**WHEREAS**, the City Council has reviewed and considered the Planning Commission's recommendations, the project application and all related materials; and

**WHEREAS**, the City Council has adopted Resolution No. 95-140 certifying the Environmental Impact Report for the Project as complete, adequate and in compliance with CEQA and state and local guidelines; and

**WHEREAS**, the City Council has adopted Resolution No. 95-141 Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in accordance with the California Environmental Quality Act and state and local guidelines for the Project; and

**WHEREAS**, the City Council has adopted Resolution No. 95-142 adopting amendments to the City of Emeryville General Plan; and

**WHEREAS**, the City Council has adopted Resolution No. 95-143 approving and authorizing the execution of a Participation Agreement between the Emeryville Redevelopment Agency and Chiron; and

**WHEREAS**, the Emeryville Redevelopment Agency has adopted Resolution No. RD55-95, Making Findings Concerning Mitigation Measures, Adopting a Mitigation Monitoring and Reporting Program, Making Findings Concerning Alternatives and Adopting a Statement of Overriding Considerations in accordance with the California Environmental Quality Act and state and local guidelines for the Project; and

**WHEREAS**, the Emeryville Redevelopment Agency has adopted Resolution No. RD56-95 approving and authorizing the execution of a Participation Agreement between the Agency and Chiron; and

**WHEREAS**, prior to approving the Preliminary Development Plan for the Project and thereby rezoning the Project Site to Planned Unit Development/ Industrial, the City Council adopted Resolution No. 95-141 finding that mitigation measures have been imposed on and incorporated in the Project which avoid or substantially lessen environmental impacts; that specific economic, social and other considerations make infeasible the mitigation measures and project alternatives that would avoid or substantially lessen the environmental impacts; and that social, economic and other benefits outweigh the environmental impacts that cannot be fully mitigated; now therefore, be it

**RESOLVED**, that after holding a public hearing on the Preliminary Development Plan for the Project, which will thereby rezone the Project Site to Planned Unit Development Industrial and revise the building intensity and building height restrictions, and having considered the entire record before this Council, including the findings set forth in the staff report, this Ordinance, and in Resolution No. 95-141, and having further reviewed the Preliminary Development Plan for conformity with the General Plan, as amended by City Council Resolution No. 95-142, the City Council of the City of Emeryville hereby finds as follows:

1. The rezoning of the Project Site to Planned Unit Development/ Industrial, as set forth in the Preliminary Development Plan dated June 29, 1995, attached hereto as Attachment G.1, and as conditioned pursuant to the Conditions of Approval, attached hereto as Attachment G.3, is consistent with and conforms to the goals, objectives and policies of the City of Emeryville General Plan, as amended by City Council Resolution No. 95-142, and helps to implement several of the general goals of the General Plan relating to the provision of public facilities, the protection of public health, the development of a variety of uses in a compatible way, the development of visually appealing projects which are sensitive to the urban character of the City and to strengthen the tax base with uses that

respect the City's natural, scenic and historic uses; and

2. The Project Site is suitable for this business and research center in terms of access to the Project Site, the size of the Project Site, and its relationship to similar or related uses; and
3. The rezoning of the Project Site to Planned Unit Development/Industrial ("PUD") as set forth in the Preliminary Development Plan, as conditioned, is not detrimental to the use of land in adjacent zones; and
4. The Preliminary Development Plan, as conditioned, provides for a cohesive, integrated, well-planned development which will contribute to the general well being of the surrounding neighborhood and community. The project is designed to reduce the potential for land use incompatibility with the surrounding lower intensity land uses. Building setbacks and stepbacks, building heights, open space, "liner" buildings, and pedestrian and bicycle amenities have been incorporated into the project design to assure compatibility with the surrounding land uses; and
5. The Project Site provides for sufficient access (i.e., automobile, bicycle, pedestrian and transit) to the buildings and open space areas. The Project Site provides sufficient space for the Project and the proposed facility will be complementary to other industrial, commercial, live/work and transit uses in the neighborhood.
6. The location, size, design and operating characteristics of the Project as controlled by the Preliminary Development Plan, as conditioned, will be substantially compatible with and will not be materially detrimental to the neighborhood character (with consideration given to harmony in scale, bulk, coverage, and density of nearby uses, buildings and structures); the availability of civic facilities (including fire, police and schools) and utilities (including water supply and waste water disposal) at the appropriate stages of development; the capacity and physical character of surrounding streets; the physical safety of the immediate area; and the amount of light falling on adjacent buildings and open space.
7. The Preliminary Development Plan, as conditioned, shows a commitment to the development of a high quality, aesthetically pleasing project with respect to landscaping and grading which will reduce, to the extent feasible, any significant negative impacts on environmental quality, value or stability of the Project Site or the environmental quality or value of improved or unimproved property in the area.
- 8.. The Preliminary Development Plan, as conditioned, will be developed to allow originality as evidenced by the building architecture, the extensive landscaping and open space areas. Nevertheless, this originality will not have a significant adverse impact on the environmental quality or value of improved and unimproved property in the area nor will this originality prevent appropriate development and use of the improved and unimproved property in the area.

9. As more specifically set forth in the Preliminary Development Plan, as conditioned, the Project has been designed to include extensive landscaping and open space, parking areas which are visually screened, pedestrian walks and bicycle paths, signage and illumination that will enhance the environmental quality of the Project Site; and, be it
10. Although the development of the Project would potentially result in significant unavoidable impacts with respect to traffic, air quality, noise, water quality, chemical and physical health and safety, and historical architectural impacts, the benefits of the project outweigh the potential negative impacts. Furthermore, these impacts do not relate to the development of the site as a PUD, but rather to the development of the site in general. The PUD is designated to minimize the environmental impacts of the project.
11. The PUD provides for extensive open space areas available to users of the facilities and to the general public. The plan includes parking structures, an extensive pedestrian and bicycle circulation system and landscaping. The Final Development Plan for each phase of development will be reviewed to insure that these elements are implemented during the construction of the project.

**FURTHER RESOLVED**, in connection with the approval of the Preliminary Development Plan, as conditioned, the City Council hereby incorporates the Findings Concerning Mitigation Measures, Mitigation Monitoring and Reporting Program, Findings Concerning Alternatives, and Statement of Overriding Considerations set forth in Resolution No. 95-141; and, be it

**FURTHER RESOLVED**, that the City Council of the City of Emeryville Does Hereby Ordain As Follows:

**SECTION ONE. APPROVING THE PRELIMINARY DEVELOPMENT PLAN DATED JUNE 29, 1995, FOR THE CHIRON DEVELOPMENT PLAN** The Preliminary Development Plan dated June 29, 1995, attached hereto as Attachment G.1, for the Chiron Development Plan is hereby approved, subject to the conditions of approval attached hereto as Attachment G.3. By approving said Preliminary Development Plan, the Project Site is hereby rezoned to Planned Unit Development/ Industrial and the Zoning District Map of the City of Emeryville's Zoning Ordinance is hereby amended as shown on Attachment G.2 attached hereto. The Building Intensity Map of the City of Emeryville's Zoning Ordinance is hereby amended to be consistent with Attachment C.2 to City Council Resolution No. 95-142 approving amendments to the Emeryville General Plan. The Building Height Map of the City of Emeryville's Zoning Ordinance is hereby amended as shown in Exhibit 4 to the Conditions of Approval attached hereto as Attachment G.3. Furthermore, the uses, building intensity, building height, setbacks, landscaping, buffering, screening, off-street parking and loading, signage, illumination and basic guidelines for development in this Planned Unit Development/ Industrial zoning district shall be governed by the Preliminary Development Plan attached as Attachment G.1, the Zoning Ordinance changes in Attachment G.2, subject to the Conditions of Approval in Attachment G.3.



**SECTION TWO. SEVERABILITY.** The City Council hereby declares that every section, paragraph, clause, and phrase of this Ordinance is severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses, or phrases.

**SECTION THREE. CEQA.** The City Council of the City of Emeryville hereby directs the City Manager or his designee to file a Notice of Determination with the County Clerk of Alameda County and the Office of Planning and Research pursuant to the provisions of Section 15094 of the State CEQA guidelines

**SECTION FOUR. EFFECTIVE DATE AND POSTING OF THE ORDINANCE.** The Ordinance shall take effect thirty (30) days following its final passage. The City Clerk shall cause this Ordinance to be posted or published pursuant to the requirements of Government Code Section 36933.

**SECTION FIVE. CODIFICATION.** The Zoning District Map, Building Industry Map and Building Height Map as referenced in Section One of this Ordinance shall be codified in the Emeryville Municipal Code. The remainder of Section One and Sections Two, Three Four and Five shall NOT be so codified.

**INTRODUCED AND FIRST READ** at a continued special meeting held on Tuesday, August 8, 1995 by the Emeryville City Council, and **PASSED AND ADOPTED** at a regular meeting held on Tuesday, August 15, 1995 by the following vote:

**AYES:** (3) Vice Mayor Bukowski, Councilmembers Davis and Savage

**NOES:** (0) None **ABSENT:**

**EXCUSED:** Mayor Kassis **ABSTAINED:** Councilmember Harper

*K. Bukowski*  
VICE-MAYOR

**ATTEST:**

*John A. Flores*  
CITY CLERK

**APPROVED AS TO FORM:**

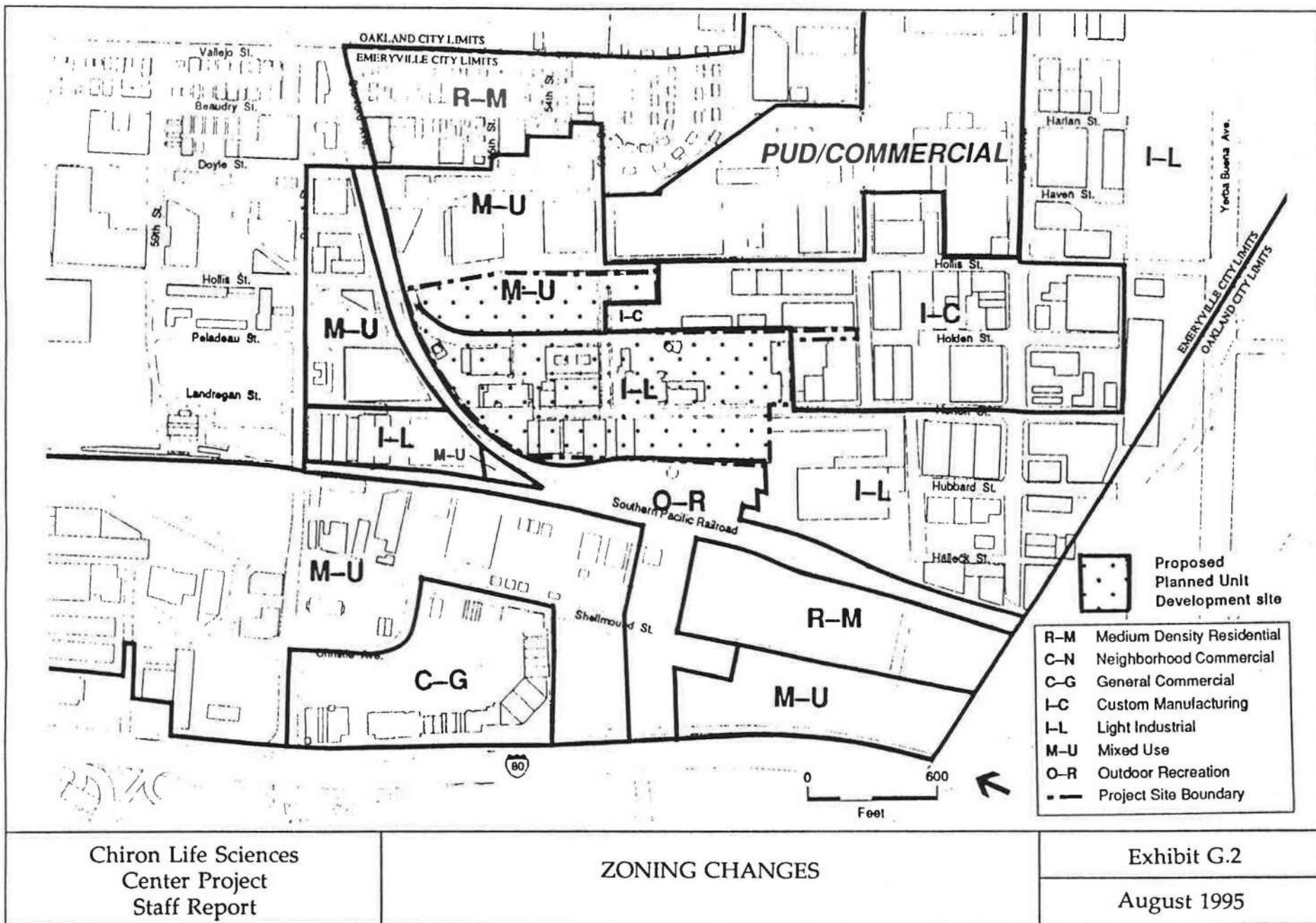
*Michael G. Bridle*  
CITY ATTORNEY

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G.1  
Preliminary Development Plan.

(Incorporated by Reference - Included with August 2, 1995 Agenda)

G.2  
Figure of Proposed Zoning Changes.



Chiron Life Sciences  
Center Project  
Staff Report

## ZONING CHANGES

Exhibit G.2

August 1995



G.3  
Conditions of Approval.

CONDITIONS OF APPROVAL  
CHIRON DEVELOPMENT PLAN

August 2, 1995

COMPLIANCE WITH APPROVED PLANS

1. To the extent any of these conditions are inconsistent with the Development Agreement and/or Participation Agreement, those agreements shall supersede these conditions, provided the relevant agreement has not been terminated.
2. The project shall substantially comply with the Preliminary Development Plan dated June 29, 1995, and Tentative Map dated July, 1995 except as hereinafter modified. *Timing: All Final Development Plans and Final Maps (or Parcel Maps) will be reviewed for consistency with this condition.*
3. The applicant shall be responsible for assuring that any successor in interest in the property is informed of the terms and conditions of this approval. *Timing: Prior to sale of property or any portion of the property.*
4. In the event the applicant undertakes no construction pursuant to the Preliminary Development Plan or Tentative Map, then applicant shall have no obligation under these conditions of approval. In the event that the applicant constructs buildings or makes improvements to the project site in accordance with the approved Preliminary Development Plan and fails to substantially comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and to cure any such failure within a reasonable time after notice from the City shall be cause for the revocation of this approval, or modification of conditions of approval. *Timing: Appropriate proceedings would be initiated at the discretion of the Planning Director or upon request by a City Council or Planning Commission Member.*

HOLD HARMLESS CLAUSE

5. a. The applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, its officers, agents, and employees (the "Indemnified Parties") against all claims, demands, and judgements or other forms of legal and/or equitable relief, which may or shall result from any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final approvals of the Preliminary Development Plan, other zoning approvals granted pursuant to the Development Plan, certification of the attendant EIR, approval of the Statement of Overriding Considerations, and granting of any permit issued in accordance with the Development Plan or Subdivision Maps. The 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 excluding, 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. 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.

- b. The applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the Indemnified Parties and their insurers against all claims, demands, and judgements for damages or other forms of legal and/or equitable relief, which may or shall result from the applicant's design, construction and/or maintenance of the public improvements set forth in a Final Map or Final Development Plan, provided that the defense, hold harmless and indemnification obligation set forth in this section shall only apply to judgements for damages or other forms of legal and/or equitable relief to the extent that the harm to the complaining party either occurs prior to the time that the public improvement is accepted by the City of Emeryville, under whose jurisdiction the public improvement lies, that is the subject of the claim, demand or judgement, or to the extent that such harm is caused by a hidden defect in a public improvement which has been accepted, but not altered by the City. Final judgements or binding arbitration rulings of gross negligence or wilful misconduct against the Indemnified Parties shall not give rise to a duty of applicant to indemnify the Indemnified Parties. The 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 excluding, 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. 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. If the applicant provides the defense of the Indemnified Parties and a final judgement or binding arbitration ruling is rendered finding the Indemnified Parties having acted with gross negligence or wilful misconduct, then the Indemnified Parties shall be obligated to reimburse the applicant for reasonable costs incurred.
- c.
  - i. Selection of Counsel. The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties to the extent the duty to defend arises out of subsection a., above. The applicant, its successors and assigns, shall have the right to select counsel to represent the Indemnified Parties to the extent the duty to defend arises out of subsection b., above. The City hereby consents to representation of the Indemnified Parties by the counsel selected by the applicant, its successors or assigns, including its successors or assigns, with respect to any claim, demand, judgment or other form of legal and/or equitable process covered by subsection b., above.
  - ii. Cooperation. In the event of any legal action instituted by a third party covered by subsections a. and/or b. above, Chiron and the City shall cooperate in defending such actions.

- iii. Settlement. Chiron shall have the sole right to abandon or settle any claim, demand, judgment or other form of legal and/or equitable process covered by subsection b., above.

*Timing: Ongoing throughout the life of the project.*

#### MITIGATION MEASURES

6. All mitigation measures identified in the EIR prepared for the project shall be considered conditions of approval of the Tentative Map and Planned Unit Development, as may be further refined and/or clarified by the following conditions or any terms of the Development Agreement. The applicant shall be responsible for compliance with all mitigation measures adopted as part of the Final Environmental Impact Report for the project except as specified in the Development Agreement. Implementation of the mitigation measures shall be adhered to in accordance with the Mitigation Monitoring and Reporting Plan approved as part of the project. The Mitigation Monitoring and Reporting Plan identifies the time frame and responsible party for implementation and monitoring of each mitigation measure adopted by the Emeryville City Council. Overall responsibility for monitoring compliance with the mitigation measures will be the responsibility of the City of Emeryville Planning Director. *Timing: As specified in the Mitigation Monitoring and Reporting Program prepared for the project.*

#### GENERAL PDP CONDITIONS

7. The Planned Unit Development Plan shall be amended to be consistent with project conditions of approval and submitted to the City Planning Department prior to submittal of the first Final Development Plan. *Timing: Chiron to submit amended PDP within 30 calendar days of project approval, and City to make best efforts to respond within 60 calendar days thereafter.*
8. The PDP shall be amended to make clear that the reduced project site alternative (i.e. no Rifkin and PG&E Tank Farm parcels) as set forth in Section 4 of the PDP is not being approved as a part of this PDP but that the PDP, as conditioned herein, is being approved without the P.G. & E. Tank Farm parcel. *Timing: In accordance with condition 7.*

#### Land Use

9. Permitted square footages of each use shall be as specified in the PDP. Each FDP application shall include a breakdown of square footages of land use, demonstrating that the additional square footage covered by that FDP does not cause an exceedance of the maximum square footage of each use permitted by the PDP at full build out of the project. *Timing: Each Final Development Plan will be reviewed for compliance with this condition.*



## **Construction Sequencing**

10. After completion of the construction of the minimum project as defined in the PDP, all new research and development buildings shall be constructed fronting on Hollis Street north of 53rd Street (excepting the northern corner reserved for the administrative tower) until the project's Hollis Street frontage north of 53rd Street is built out, except if a research and development building is constructed in association with the ESF building. The goal of this condition is to insure that parcels fronting on Hollis Street are developed prior to development of the rest of the project site. *Timing: Each final development Plan will be reviewed for compliance with this condition.*

## **Height**

11. The PDP shall be amended to be consistent with the height limits specified in Exhibit 4 attached hereto. *Timing: In accordance with condition 7.*

## **Floor Area Ratio (FAR)**

12. The PDP shall be amended to permit an FAR of 2.33:1. *Timing: In accordance with condition 7.*

## **Setbacks**

13. The PDP shall be amended to include the revised building setbacks and stepbacks as specified in Exhibits 4 through 11 attached hereto. *Timing: In accordance with condition 7.*

## **Openspace/Landscaping/Pedestrian Circulation**

14. The PDP shall be amended to be consistent with Exhibit 2 attached hereto specifying the landscaping requirements for semi-public and public openspace areas. *Timing: In accordance with condition 7.*
15. The openspace specifications in the PDP shall be amended to reflect elimination of 53rd Street and Horton Street as a part of the project site. In addition, the PDP shall be amended to reflect that if the applicant chooses to proceed with the Horton Street Extension (as described in Condition No. 36) instead of the Horton Street Bypass, Alternate 1, the area of the Horton Street Extension will be eliminated as part of the project site. If the Horton Street Bypass is constructed, Horton Street and the Horton Street Extension may then become a part of the project site, if said street is abandoned by the City after appropriate public hearings. *Timing: In accordance with condition 7.*
16. In the event murals are proposed on the building facade, additional information on said murals shall be submitted with each FDP. *Timing: With each Final Development Plan which includes a mural.*
17. The PDP shall be amended to prohibit asphalt sidewalks within the project on a interim or permanent basis except as approved by the Planning and Public Works Directors.

Asphalt sidewalks shall only be permitted to accommodate construction period pedestrian circulation. *Timing: In accordance with condition 7.*

18. The PDP shall be amended to prohibit drop-off zones on or along the Hollis Street Frontage. *Timing: In accordance with condition 7.*
19. Each Final Development Plan shall be designed to insure pedestrian circulation to and through the project, and from parking lots, parking structures, drop off zones, and bus stops to project buildings is provided. *Timing: Each Final Development Plan will be reviewed for compliance with the above condition.*

#### VESTING TENTATIVE MAP

20. The application for a Vesting Tentative Map is denied and the map submitted is to be amended to be consistent with the project conditions of approval and ~~conditioned upon~~ removal of the term "vesting" from the map. The revised map shall be submitted to the City Public Works Department prior to submittal of the first Final Development Plan. *Timing: Chiron to submit amended Tentative Map within 60 calendar days of project approval, and City to make best efforts to respond within 60 calendar days thereafter.*
21. Prior to issuance of any building permits for the first building in any Final Map Phase (excepting building permits required for the demolition, rough grading or other non-structural permits), the applicant shall record a Final Map (or Parcel Map if applicable) which includes the parcel on which the proposed building is located in accordance with the California Subdivision Map Act and the City's Subdivision Ordinance. Said map shall be substantially consistent with the Tentative Map as conditioned and shall include the following:
  - a. Designation of easements.
  - b. Location of all existing and proposed easements as required below.
  - c. Improvement plans for all sewers and storm drain improvements needed to serve each Final Map or Parcel Map area shall be submitted with the Final Map or Parcel Map for that area. Furthermore, in order to insure that said improvement plans are consistent with the anticipated needs of the entire project, preliminary improvement plans for the balance of the project shall also be submitted.
  - d. Any other items necessary to comply with the conditions of approval set forth herein.

*Timing: With the submittal of each Final Map or Parcel Map.*

#### PARCEL OWNER AGREEMENTS

22. In the event Chiron sells any parcels(s) within the site, agreements shall be recorded acceptable to the City Attorney which describe how utilities, pedestrian bridges between buildings, parking, driveways, landscape/hardscape lighting, project identification signs, on-site security, and similar areas of tenant concern are shared and maintained by Chiron and the purchaser of any such parcel. A copy of these agreements shall be submitted for

review and approval by the Emeryville City Attorney and recorded at the time of transfer of the parcels. *Timing: These agreements shall be recorded at the time of transfer of the parcels.*

## STREET IMPROVEMENTS

### **Street Signage**

23. The street improvement plans shall include street signage details (including signs indicating areas of pedestrian, bicycle and emergency vehicle access). The street signage details shall be subject to approval by the City Public Works Director and the Planning Director. *Timing: Plans detailing proposed street signage shall be submitted with the street improvement plans.*

### **Holden Street**

- 24a. "Holden Street between Stanford Avenue and 45th Street shall be improved with consistent with Exhibit 3 attached hereto subject to the following. Applicant shall provide at least eleven (11) parking spaces available and accessible to the general public on the Holden Street service lane immediately north of 45th Street (the "Holden Street Parking Area") at all times during the term of applicants existing lease of this area. Further, applicant shall design and construct an access/exit lease of this area. Further, applicant shall design and construct an access/exit gate system to control ingress and egress on the Holden Street service lane further north of the Holden Street Parking Area. Ingress to the Holden Street service lane from 45th Street and egress from the Holden Street service lane to 45th Street shall be signed and posted by applicant solely for government emergency vehicles and vehicles accessing the Holden Street Parking Area. In the event applicant no longer has control of the Holden Street Parking Area, applicant shall provide a like number of parking spaces available and accessible to the general public on that part of the project site south 53rd Street, subject to review and approval of the Planning Director.

*Timing:* Prior to occupancy of Building 4. In the event the applicant shall exercise its right to purchase any part of that parcel between 53rd Street and 45th Street referred to as Assessor's Parcel Number 049-1041-061, then applicant shall include the Holden Street Parking Area, which is a part of APN 049-1041-061, in such exercise of its right to purchase."

- 24b. The preliminary development plan shall be amended to reflect and show that access to the project site south of 53rd Street between Horton Street and the Holden Street service lane may access that part of the site off of Horton Street consistent with Exhibit 3: Vehicular Access and Parking.

### **Hollis Street**

25. The applicant shall be responsible for the design and cost of construction of all Hollis Street improvements relating to the project including the reconstruction of curb, gutter, sidewalks along the project frontage, installation of landscaping and irrigation systems,

street lights, the re-striping of Hollis Street between Stanford Avenue and the southern border of the project on Hollis, re-signing to restrict parking on Hollis Street between Stanford Avenue and the southern border of the project on Hollis and the undergrounding of over-head utilities and all public utilities subject to review and approval by the City Public Works and Planning Directors. These improvements shall be designed in compliance with the approved PDP as amended to comply with conditions of approval. *Timing: In accordance with condition 7. Improvement plans for Hollis Street shall be submitted with the first Final Map (or Parcel Map) application for lots with frontage along Hollis Street or with the building permit which ever occurs first. Hollis Street improvements, with the exception of undergrounding along Hollis Street, shall be completed prior to occupancy of the first building (Building 4). Except as set forth in the Development Agreement, undergrounding of utilities shall be completed no later than prior to occupancy of the second building along Hollis Street.*

26. The parking lot within or adjacent to the administrative tower shall be designed to include loading areas to serve retail uses. A minimum of 10 spaces shall be reserved for use by proposed retail uses. Said parking spaces may not be located so as to require motorists to back onto Hollis Street. *Timing: In accordance with condition 7. Loading zones and parking spaces shall be constructed and designated prior to occupancy of any retail uses in the administrative tower.*
27. No vehicular access to the site shall be permitted along the project's Hollis Street frontage except for the two entry/exit points identified on the Preliminary Development Plan. These entrances shall be limited to right-in/right-out only and signed and constructed appropriately subject to approval by the Public Works Director. *Timing: Improvement Plans for Hollis Street must be submitted with the first Final Map (or Parcel Map) application or building permit application (whichever occurs first). Improvements to Hollis Street shall be completed prior to occupancy of the first building on Hollis Street.*
28. Public Access easements shall be granted over all public openspace areas along Hollis Street as shown in Exhibit 2. Semi-public openspace areas as shown in Exhibit 2 shall be open to the public from 8:00a.m. to 5:00p.m., Monday through Friday, except with respect to the park at the corner of 53rd Street and Hollis Street which shall be open from 8:00a.m. to sunset seven days a week. *Timing: Easements for public access along Hollis Street north of 53rd Street, shall be recorded with the recordation of the first Final Map (or Parcel Map) or prior to approval of the First building permit whichever occurs first. Easements for public access along Hollis Street south of 53rd Street shall be recorded within 30 calendar days of approval of a final development plan for said area.*
29. Except as may be provided in the Development Agreement or Participation Agreement, Chiron shall remove sufficient surface parking along Hollis Street after 18 years from project approval, to provide an interim landscape strip, no less than fifty feet (50') wide, which will completely screen the remaining parking area. Said landscaped area may be removed upon development of this site with buildings. Chiron will be responsible for providing the necessary replacement parking necessitated by converting these parking areas to landscaped areas. *Timing: 18 years from the approval of the project by the City Council.*



## 53rd Street

30. The Tentative Map is conditioned to maintain the existing 53rd Street as a public street between Hollis and Horton Streets.
31. 53rd Street shall remain a public street at all times throughout development of the project and shall have a cross-section which includes two 15' sidewalks, two 15' lanes (to accommodate cars and bikes), street trees, street lights, and associated landscape/hardscape treatment consistent with Exhibits 6 and 9. 53rd Street shall remain a designated bicycle route (Class 3) and appropriate signage provided.
32. 53rd Street between Hollis and Holden Street shall be improved consistent with Exhibits 6 and 9 prior to occupancy of the first building. *Timing: More detailed development plans for this section of 53rd Street shall be submitted with the first Final Development Plan (Building 4). Above improvements shall be completed prior to occupancy of the first building (Building 4).*
33. 53rd Street between Holden and Horton Street shall be improved consistent with Exhibits 6 and 9 with the first parking structure (Building 12a) to create a consistent frontage along the length of the Chiron Project. *Timing: More detailed development plans for this section of 53rd street shall be submitted with the Final Development Plan for the first parking structure (Building 12a). Improvement Plans for this section of 53rd Street shall be submitted with the Final Map (or Parcel Map) or building permit application covering this area, whichever is submitted first.*
34. Public Access easements shall be granted over all public openspace areas along 53rd Street as shown in Exhibits 2, 6 and 9. Semi-public open space areas as shown in the PDP shall be open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday, except with respect to the park at the corner of 53rd Street and Hollis Street which shall be open from 8:00a.m. to sunset seven days a week. *Timing: Easements shall be recorded with the recordation of each Final Map (or Parcel Map) which includes parcels adjacent to 53rd Street or prior to approval of building permits associated with improvements along 53rd Street, whichever occurs first.*

## Horton Street/Horton Street Extension/Horton Street Bypass Alternate 1

35. The Tentative Map is conditioned to maintain the existing Horton Street as a public street between 53rd Street and north of 45th Street.
36. Except as may be provided in the Development Agreement, the Tentative Map is conditioned upon Chiron either dedicating or providing sufficient funds to the City for the acquisition of the necessary right of way, width as specified in Exhibit 10 , for the northerly extension of existing Horton Street from 53rd Street to the Stanford Avenue Extension (the "Horton Street Extension"), with respect to the first Final Map submitted to the City requiring public access to the Horton Street Extension after January 1, 1996, only if Chiron has not selected to proceed with the Horton Street Bypass, Alternate 1 as depicted in the Preliminary Development Plan.

37. In the event the Horton Street Extension is provided through the project, it shall have a typical cross-section which includes two 12' lanes, 5' bike lanes in both directions, sidewalks shall be as described in Condition 90. The PDP shall be amended to reflect these changes. Horton Street Extension shall be constructed to accommodate a Class 2 bike lane with appropriate signage and striping. *Timing: The PDP shall be revised in accordance with condition 7. More detailed development plans for Horton Street Extension shall be submitted by January 1, 1996. The timing of construction of these improvements is specified in Condition 42.*
38. Horton Street Extension at the intersection of the Stanford Avenue Extension shall provide a 12' through lane in each direction, one 10' left turn lane, and 8' foot sidewalks on each side. The PDP shall be amended to reflect this condition. The design of this intersection shall be reviewed and approved by the Emeryville Public Works Director. *Timing: The PDP shall be revised in accordance with condition 7. More detailed development plans for Horton Street Extension shall be submitted by January 1, 1996. The timing of construction of these improvements is specified in Condition 42.*
39. The Horton Street Bypass, Alternate 1, can be constructed at any time in lieu of the Horton Street Extension as long as the Bypass has the appropriate connection to Landregan Street and the Stanford Avenue Extension, 53rd Street connects to the Bypass (only if Horton Street south of 53rd Street is closed as a public street) and appropriate easements have been dedicated along the western edge of the Bypass to provide area for a platform to accommodate the possible future pedestrian/bike bridge crossing as shown in the General Plan Circulation Element, if feasible. The Horton Street Extension may then become a private street if said street is abandoned by the City after appropriate public hearings if necessary. Horton Street between 53rd Street on the north and the intersection of Horton Street and the Horton Street Bypass, Alternate 1, on the south may also then become a private street if 53rd Street is extended westerly to the Horton Street Bypass and said portion of Horton Street is abandoned by the City after appropriate public hearings. The connection of 53rd Street to the Bypass is described in more detail in Condition 90. Design Conditions for Horton Street Bypass. *Timing: Street Improvement Plans will be reviewed for compliance with the above condition.*
40. If the Horton Street Bypass Alternate 1 is not already constructed in lieu of the Horton Street Extension, upon the construction of Building 12a parking structure, the applicant shall construct the further extension of Stanford Avenue west of the Horton Street Extension, as a private drive/street, to provide access and turnaround area for Building 12a (in the same general alignment of the Horton Street Bypass Alternate 1). Parking access to the Building 12a parking structure shall be prohibited from Horton Street, and appropriate easements shall be dedicated along the western edge of this further extension of Stanford Avenue to provide area for a platform to accommodate the possible future pedestrian/bike bridge crossing as shown in the General Plan Circulation Element, if feasible. *Timing: Street Improvement Plans will be reviewed for compliance with the above condition.*

41. Street Improvement Plans for the Horton Street Bypass Alternate 1 or the Horton Street Extension (including connections to Landregan, Peladeau and Stanford Avenue) shall be submitted by the applicant, reviewed and approved by the City Public Works Department prior to January 1, 1996. *Timing: Improvement plans for Horton Street (extension or bypass) shall be submitted prior to January 1, 1996.*
42. Construction of the Horton Street Extension and the connection to Landregan Street and the Stanford Avenue Extension to the intersection with the Horton Street Extension and the connections to Peladeau and Holden Streets shall be completed prior to June 1, 1999 or the completion of the construction of the Building 12a parking structure, whichever occurs first. *Timing: Prior to June 1, 1999 or the construction of Building 12a.*

#### Stanford Avenue Extension

43. Street Improvement Plans for the westerly extension of Stanford Avenue between Hollis Street and the Horton Street Extension (the "Stanford Avenue Extension"), (including connections to Landregan, Peladeau and the Horton Street Bypass or the Horton Street Extension) shall be submitted by the applicant by January 1, 1996. The cross-section of Stanford Avenue in this area shall be as depicted in Exhibit 11. Stanford Avenue in this area shall include Class II bicycle lanes (one in each direction). In addition, access from Stanford to Holden Street (which will be a private street serving the Chiron campus) shall also be shown. The Street Improvement Plans shall include the relocation of the railroad spur and appropriate safety equipment as required by the PUC. *Timing: Improvement plans for Stanford Avenue Extension shall be submitted by January 1, 1996.*
44. For the timing of Stanford Avenue Extension improvements see Condition Number 42 above.

#### BICYCLE USE

45. Secured bike lockers or bike corrals and bicycle parking shall be provided in close proximity to the lab facilities, office spaces and retail spaces. Special paving within designated bicycle routes on the project site shall provide a surface suitable for bicycle use.

The applicant's current TSM (Transportation Systems Management) program shall be revised as follows:

- a. Applicant should consider the implementation of a program to provide a monthly cash benefit to employees who do not use parking provided by Chiron.
- b. Applicant should support the provision of bicycle lockers, bicycle racks in the paid area of BART stations, monitored bicycle parking at BART stations, as well as bicycle rentals available at BART stations.
- c. Applicant should consider the provision of bicycle racks on shuttles funded by applicant.

- d. Applicant should consider the acquisition of a fleet of bicycles for employee use during the day, within the project site or as loaners for employees experimenting with bicycle commuting. Applicant should consider the acquisition of bicycles prior to or concurrently with the acquisition of vehicles for similar such uses.
- e. Applicant should consider expanding the commuter breakfasts/lunches to include bicycle commuting.
- f. Applicant shall revise its TSMP to reflect that City and/or the Agency will not be providing funding for the shuttle beyond December 31, 1996.

*Timing: Each Final Development Plan will be reviewed for consistency with this condition.*

#### STREET LIGHTING

- 46. The applicant shall submit detailed lighting plans with each Final Development Plan application. The lighting plan must specify street light design, arm length and spacing and demonstrate adequate light coverage. The lighting plan shall be subject to review and approval of the Public Works and Planning Directors. *Timing: Prior to approval of each Final Development Plan. Improvement Plans submitted with each Final Map or Building permit application must include a lighting plan which is consistent with the approved FDP.*
- 47. Lighting plans for all public streets shall be submitted with the public improvement plans for these streets. Street lights on all public streets shall conform to the street light design shown in Figure 3.6.10 in the PDP unless otherwise approved by the City Public Works and Planning Directors. *Timing: The street lighting plan demonstrating compliance with this condition shall be submitted with the public improvement plans for these streets.*

#### GENERAL MAINTENANCE CONDITIONS

- 48. Chiron shall maintain public and semi-public landscaping and hardscape improvement areas within the boundaries of the project site. *Timing: As these improvements are constructed.*
- 49. Chiron shall assume maintenance of all public street surface improvements including but not limited to special street pavers, street lighting, street trees, landscape irrigation and street furniture, but excluding conventional street surfaces and traffic control devices, within the project site. *Timing: As these improvements are constructed.*
- 50. Chiron shall assume maintenance responsibility for all private sewers along Holden Street within the project limits. *Timing: As these improvements are constructed.*
- 51. Chiron shall be responsible for the maintenance of storm drains in any non- standard street section within public rights-of-way within the project site. For purposes of this condition a "non-standard street section" shall mean a street wherein the storm drains lie approximately in the middle of a street as opposed to along the edge of a street right-of-way. The applicant shall dedicate a minimum 15' wide easement to the City for the



maintenance of the 24" line along Holden Street from 45th Street to line B (Temescal Creek) and the 30" line from Line B to Line A (Temescal Creek) as shown in Exhibit 15. *Timing: As these improvements are constructed. Said easement along Holden Street shall be granted prior to construction of this line.*

52. Access easements for the maintenance of existing and proposed public utilities shall be recorded over all public utilities within the project boundaries. *Timing: These easements shall be dedicated with the Final Maps (or Parcel Maps) recorded for each lot to be incumbered by an easement or prior to their construction of these utilities whichever occurs first.*
53. The project applicant shall remove any graffiti from building walls and fences within 72 hours of discovery in a manner which will retain the existing color and texture of the original wall/fence to the extent feasible. Building materials amendable to graffiti removal shall be used to the extent feasible. *Timing: Building Permits shall be reviewed for compliance with the above condition. Ongoing throughout the life of the project as to graffiti removal.*
54. The project applicant shall maintain all landscaping improvements in a healthy, growing condition at all times. Landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. *Timing: Ongoing throughout the life of the project.*

#### PUBLIC IMPROVEMENT CONSTRUCTION

55. The applicant shall be responsible for developing and submitting to the City the construction documents for the utilities and public improvements required for the Project. The City shall review the construction documents, make any necessary revisions, and construct utilities and public improvements at the times set forth in the project approvals. The applicant shall have reasonable rights to monitor the progress of construction.

#### UTILITY CONSTRUCTION

56. Utilities to be constructed within the 53rd Street, Holden Street, Horton Street, and Hollis Street rights-of-way shall be constructed prior to completion of the surface street improvements for that street where the utilities are proposed to be located (paving, curb, gutter, sidewalk, landscaping, etc.) unless otherwise specified by these conditions of approval. *Timing: Prior to completion of street improvements for each street.*
57. The timing and extent of all public utilities shall be as described in the PDP except as conditioned below. Detailed utility improvement plans shall be submitted to the Public Works Department for approval. Sizes of these utilities may change. Actual sizes shall be determined by utility providers and the City of Emeryville Public Works Department. *Timing: as specified in the PDP.*

#### **Storm Drain**

58. The storm drain system, project hydraulics and connections to box culverts shall be subject to review and approval by the City of Emeryville Public Works Department and

the Alameda County Flood Control District. *Timing: The storm drain system and project hydraulics shall be shown on improvement plans submitted with the first Final Map (or Parcel Map) or with the First Final Development Plan whichever occurs first.*

### Sanitary Sewer

59. A Sanitary Sewer Monitoring program shall be submitted to the Public Works Director no later than November 1, 1995. The purpose of this monitoring is to insure that the project will reduce I/I sufficient to mitigate the increased flow from the project. Flow monitoring shall commence immediately upon approval of the monitoring plan by the Public Works Director. Flow monitoring shall occur as follows:
- a. During the 1995 wet weather season prior to completion of any required sanitary sewer improvement in order to establish the base line wet weather flow;
  - b. During the first rainy season following completion of the sanitary sewer improvements associated with the first building (Building 4); and
  - c. During the first rainy season following completion of the sanitary sewer improvements associated with the minimum project.

### Water System

60. The PDP shall be amended to reflect the timing of construction of the water distribution system specified in Exhibit 13. The water distribution Improvement Plans shall be developed in compliance with Exhibit 13 and the additional conditions from the City of Emeryville Fire Department (listed below). *Timing: The revised PDP shall be submitted in accordance with condition 7. Improvement Plans for water distribution shall be submitted with each building permit or Final Map (or Parcel Map) application whichever occurs first.*

### Undergrounding of Utilities

61. The PDP shall require that all new on-site electrical service and communication lines be placed underground. *Timing: The revised PDP shall be submitted in accordance with condition 7. All building permits and Improvement Plans will be reviewed for compliance with this condition.*
62. The PDP shall be amended to reflect the timing of undergrounding utilities as specified in Exhibit 14. *Timing: The revised PDP shall be submitted to the Planning Department in accordance with condition 7. Improvement plans for undergrounding shall be submitted with each building permit or Final Map (or Parcel Map) application whichever comes first.*

### Grading

63. No grading shall occur without a grading permit issued by the Emeryville Public Works Department. *Timing: Throughout construction.*

64. If grading shall occur within the period of October 15 through April 15 it shall comply with an erosion control plan approved by the Emeryville Public Works Department. *Timing: Throughout the construction of the project.*
65. The applicant shall post and maintain at least four signs distributed throughout the job site identifying a responsible contact person and a 24-hour telephone number to call to resolve problems with noise, dust, or other construction-related issues. This sign shall be approved by the Emeryville Planning Director prior to issuance of a grading permit. *Timing: Prior to issuance of the first building or grading permit and ongoing during construction.*
66. The finished floor elevation of all buildings on the site shall be at least 1 foot above the floodway near the lowest elevation of the project. *Timing: Each building permit application will be reviewed for compliance with the above condition.*

#### **Police Department Conditions**

67. In order to maintain current levels of police service, the applicant shall pay the city an annual fee of \$80,000 for the services of a police officer to provide traffic control during the construction phase of the project. During periods when there is no construction, the police officer shall primarily be assigned to provide patrol services to the Chiron project site and surrounding areas. Said annual fee shall commence upon commencement of construction on the project site and terminate upon the earlier of 30 years from project approval or the completion of construction activities on the project site. *Timing: Upon commencement of construction on the project site.*
68. If the Development Agreement is terminated, and construction has commenced on the project site then the applicant shall provide sufficient funds to the City at that time in order to provide the following:
  - a. Two (2) Portable radios;
  - b. E-tech portable citation computer;
  - c. Desk, chair, PC, answering machine, noise monitoring device;
  - d. Two mobile digital terminals;
  - e. One (1) police car and accompanying safety equipment; and
  - f. Police Officer training.

*Timing: Upon termination of the Development Agreement and commencement of construction on the project site.*

69. Applicant shall submit its plans and specifications regarding security crime prevention hardware and lighting to the Police Department for review and approval. *Timing: Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
70. Each building shall be equipped with in-progress crime burglar detection alarms. Citizen "call" boxes shall be strategically placed around the campus. *Timing: Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*

71. An Emergency Operations Center shall be established on the campus for use in the event of a major police matter. The room shall be of suitable size and contain necessary equipment as established by the Emeryville Police Department. *Timing: in accordance with Condition 7.*

#### **Fire Department Conditions**

72. New hydrants shall be installed as follows: 1) every 200 feet along the streets as per Emeryville Fire Department or within 30 feet of any fire sprinkler/standpipe fire department connection; and 2) hydrants shall be East Bay Municipal Utility District 4 1/2 steamer by 2 1/2 outlet. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
73. Applicant shall comply with all fire sprinkler requirements as set forth in the applicable codes. Buildings or areas to annunciate individually by zone. Tamper switches shall be provided as required by the Emeryville Fire Department. All sprinkler valves to be tamper controlled. Rack sprinklers and/or cages for flammable liquids and/or compressed gasses are required by the Emeryville Fire Department. These features shall be shown on proper drawings and final design for review and approval by the Emeryville Fire Department. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
74. All standpipes installed as part of the project shall meet the following requirements: 1) be combined with sprinkler system with 2 1/2 inch NST gate outlets; 2) Fire Department connections to sprinklers shall have one 30 degree 5 inch stortz and two 2-1/2 inch inlets; and 3) located per Fire Department needs. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
75. Smoke detectors shall be required to annunciate alarm of fire by zone, mechanical (with location), electrical (with location), or other areas as may be designated by the Emeryville Fire Department. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
76. Equipment carts shall be located in areas designated by the Emeryville Fire Department in locked areas adjacent to Fire Department access areas. All cart rooms in the administrative towers shall have building controls for electrical ventilation, heating, and other building systems as needed. The number of equipment cart rooms and carts shall be determined by the Emeryville Fire Department. Carts shall be equipped per Emeryville Fire Department requirements. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
77. All fire alarms shall: 1) activate by water flow and annunciate at alarm panel or panels; 2) sound audible alarm of involved building(s); 3) all alarm of smoke or water flow will show location zones on alarm panels as approved by the Emeryville Fire Department; and 4) alarm company will be able to relay zone to Fire Department. *Timing: All Final*



*Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*

78. Fire alarm annunciator panels and large Knox boxes are to be installed at entry points as designated by the Emeryville Fire Department. Knox boxes shall be a minimum size of 8"x10" to house required maps and five (5) sets of keys. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
79. For the administrative towers, safe zones shall be established on the project to accommodate: 1) non-ambulatory occupants; 2) fire fighting staging areas per Emeryville Fire Department; 3) compartmentalized as per Emeryville Fire Department using magnetic closures with indicator at command center that doors are closed; and 4) all elevators shall have safe zones adjacent to the elevator doors as per Emeryville Fire Department. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
80. Button board or digital alarm panels shall be provided which show visual display of all smoke detectors by zone and individual miscellaneous rooms as well as water flow zones. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
81. For the administrative towers, individual building electrical shutoff, off and reverse of heating/ventilation system switch, general alarm switch to shut off and activate fire alarm manually for each building shall be provided per Emeryville Fire Department requirements. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
82. A 4A20BC (minimum) size fire extinguisher may be provided and located as per Emeryville Fire Department requirements in lieu of providing a house line. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
83. The applicant shall install a 4-way light locking system as specified by the Fire Department on the traffic signal at the intersection of Stanford and Hollis and four (4) other intersections to be determined by the City, and supply an appropriate number of vehicle emitters for Emeryville Fire Department's apparatus. *Timing: The system shall be installed at Stanford and Hollis with mitigation measure C.6.c. and at all other intersections prior to occupancy of Building 4.*
84. Low voltage fire-resistant coated wiring will be used when not in conduit. *Timing: All Final Development Plans, Building Permit Applications and Improvement Plans will be reviewed for compliance with the above condition.*
85. The applicant shall pay for Fire and Building Inspection consultants on an as needed basis for the project. *Timing: Chiron shall authorize a contract for a Fire and Building*

*Inspection consultant services prior to issuance of the first building permit. This contract shall be extended as need throughout the construction phase.*

86. With building of the administrative Tower at Hollis and Stanford Avenue, applicant shall install a microwave repeater on the roof of the tower subject to review and specifications of the Fire Department. If AC Transit is still located in its present location on 45th Street at the time applicant proceeds to construct the administrative tower, applicant shall meet and cooperate with AC Transit to prepare a study to determine if the administrative tower interferes with AC Transit's communication systems. If the study determines that the tower interferes with the communication system, applicant shall install a microwave repeater on the roof of the tower subject to reasonable review and specifications of AC Transit. *Timing: The Final Development Plan and Building Permit Application for the Hollis/Stanford Administrative Tower will be reviewed for compliance with this condition. Required microwave repeater(s) shall be installed prior to occupancy of the tower.*

#### BUILDING PERMITS

87. All final building plans shall be consistent with approved Final Development Plans. *Timing: Each building permit application shall be reviewed by the Planning Director.*
88. The applicant shall notify the City in writing of its intent to prepare final construction drawings prior to but not more than twelve (12) months prior to filing an application for a building permit and request that the City's approval of the use of the building and construction standards in effect at the time of the notification be used. Upon the City's approval of this request, which shall not be unreasonably withheld, Chiron shall be entitled to use the building and construction standards in effect at the time of the notice as long as the final submittal of plans takes place within twelve (12) months from the notice.

#### WASTE REDUCTION AND RECYCLING

89. Except with respect to demolition and construction solid waste which is addressed by Mitigation Measure D.8, in order to assist the City with its obligations under AB 939 to divert 50 % (by weight) of all solid waste generated in the City away from landfills by the year 2000, the applicant shall provide to the public works department a source reduction and recycling plan with the goal of diverting 50% (by weight) of all solid waste generated on the project site away from landfills by the year 2000 and carry out all feasible measures to implement said plan. The applicant shall update and revise said plan in response to changed requirements as a result of federal state or local law.

#### DESIGN

##### 90. Design Conditions

##### Land Use

- A. Land uses shall be governed by the Land Use Map, Exhibit 1, except as modified herein.

- B. Predominant land use shall be Research and Development (as defined in Table 3-2 of the PDP) along Hollis Street. Buildings fronting on Hollis Street, with the exception of the administrative tower at the corner of Hollis Street and Stanford Avenue, shall be designed and constructed for ultimate research and development use with no more than one (1) floor for administration use in addition to liner uses (as defined in Table 3-2 of the PDP). However, on an interim basis, up to 50% of the research and development space may be used for administration use.
- C. Once the Hollis Street frontage is built out with research and development buildings, buildings between Holden and Horton Streets can be built either as research and development facilities or administration facilities. In no event, however, shall the total administration use exceed 662,000 square feet on the project site.
- D. Rooftop and podium level mechanical space shall be permitted as needed to support the various uses.
- E. Freestanding parking structures must be located west of Horton Street.
- F. Uses located south of 53rd Street and east of Holden Street shall be limited to open space, Chiron auditorium and conference center, and liner uses.<sup>1</sup>
- G. Retail up to 10,000 square feet is permitted on ground floor with particular emphasis in Building 1 and the auditorium.
- H. In the event the Development Agreement is terminated, all uses provided for pursuant to the Preliminary Development Plan shall thereafter be permitted contingent upon issuance of a Conditional Use Permit by the City of Emeryville Planning Commission.

#### Circulation/Access

- A. Circulation and Access for the project is shown on Exhibit 3.
- B. Streets shall comply with cross sections (Exhibits 7, 9, 10, and 11) and treatment/design criteria described below.
- C. Curb Cuts/Driveways (excludes ADA requirements).
  - 1. None permitted along Hollis, except as provided in Condition 27.
  - 2. No new curb cuts/driveways along 53rd Street. Relocation of existing curb cuts/driveways permitted (six curb cuts/driveways exist).

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<sup>1</sup> Liner uses are defined as Chiron uses which may consist of: administrative offices; conference and meeting rooms; training and education facilities; health and exercise rooms; break and refreshment areas; food service, unless otherwise specifically defines in these guidelines.

3. No new curb cuts/driveways along Horton Street. Relocation of existing curb cuts/driveways permitted (14 curb cuts/driveways exist).
4. Curb cuts/driveways along Project frontage of Stanford Street limited to 3 (Holden, CMF Service, and Horton).
5. Service docks/service areas shall be limited adjacent to public streets; they shall be concentrated along Holden Street. One service dock would be permitted on Horton Street while Horton is a public Street. Loading at the dock on Horton Street shall be restricted to non-peak periods. If Horton is privatized, additional docks may be allowed.
6. Primary access to parking structures shall be from Horton Street bypass or private driveways along the SP right of way. Any secondary access shall be reviewed and approved by the Public Works director.
7. Unless otherwise permitted by city or in these guidelines driveways/curb cuts shall not exceed 22' in width.

## Height

The maximum height of all habitable space shall be 90 feet, with the following exceptions (also see Exhibit 4):

### A. Administrative Tower at Hollis/Stanford.

1. A tower of 225' will be allowed on the Building 1 site, provided that
  - a. The tower portion of the building is set back from Hollis Street by at least 160' at the juncture of Buildings 1 and 2 and from Stanford Avenue by 5' to 45';
  - b. The bulk of the tower shall diminish toward the top as follows:
    - i. between 175' and 225': floorplate average of: 7,500 gross square feet.
    - ii. between 130' and 175': floorplate average of: 11,000 gross square feet.
    - iii. between 90' and 130': floorplate average of: 18,000 gross square feet.
    - iv. between 0' and 90': No maximum floorplate;
  - c. Additional square footage of up to 10% may be added to each floorplate if the design intent of providing a slender tower with a sculptural silhouette is achieved; and
  - d. The tower has sculptural quality and is architecturally integrated with the lab buildings.



B. South Administrative Complex.

1. A second administrative complex up to 200' in height will be permitted on the west side of Horton Street south of 53rd Street under the following conditions.
2. The Administrative Tower at the Southwest corner of Hollis Street and Stanford Avenue shall have already been constructed and occupied.
3. The complex shall be comprised of a maximum of two tower structures each sculpturally shaped to create a visually interesting silhouette.
4. If two towers are constructed, they shall vary in height by at least 50' and be separate from one another by at least 100'.
5. The two towers may be connected with enclosed space up to a height of 125 feet, provided that such enclosed space is stepped back from the face of the building by at least 30 feet, that it is designed to be an integral part of the overall architectural form and that said enclosed space connection does not exceed an average maximum floorplate of 7,000 gross square feet.
6. The towers shall have a similar architectural expression as the tower at Hollis and Stanford and shall be architecturally integrated with the parking garage below.

C. R&D Buildings Between Holden and Horton.

1. Buildings north of 53rd Street will be allowed to a height of 125' if
  - a. All of Hollis Street sites are built out; and
  - b. Additional height above 90' is set back from the property line of 53rd Street and Horton Street by 60'.
2. Buildings south of 53rd Street will be allowed to a height of 125' if the sites north of 53rd Street between Holden and Horton Street have been built out.

D. Parking Structures (West of Horton).

1. Except for towers as described above, height of structures west of Horton Street shall not exceed 75'.

E. Auditorium/Conference Center.

1. The predominant height of structures south of 53rd and east of Holden Street shall not exceed 35' to ensure solar access to open space.

2. Up to 10,000 square feet shall be permitted to a height of 55', provided that such additional height
  - a. is provided for the auditorium space; and
  - b. is a sculptural form of visual and architectural interest.

F. Mechanical and Building Appurtenances.

1. Mechanical penthouses shall be located within the prescribed height limits, described above except as follows:
  - a. Along Hollis Street, mechanical penthouses will not be permitted within 45' stepback/encroachment area; however, they will be permitted above the 90' height to a maximum height of 110' and if the width is no greater in dimension than the encroachment, and they are architecturally integrated within the building.
2. On Research and Development buildings, vent shafts up to a maximum diameter of 30' and maximum height of 20' will be permitted above the prescribed height limits (including allowances for mechanical penthouses) if they are designed as sculptural forms integral to the architectural expression of the building. Within 45' stepback/encroachment area along Hollis Street a single such vent shaft will be permitted on each building.
3. Architecturally integrated elevator penthouses will be permitted 20' above the prescribed height limits, or as required by building code.
4. Building parapets may extend up to 3'6" above height limits.

**Bridges Across Public Rights of Way**

- A. All pedestrian and/or utility bridges within public rights-of-way must be architecturally compatible in design with buildings. All bridges must have vertical clearance of 16 feet above public roadways and floor elevation cannot be more than 30' above grade with the exception of the bridge on 53rd Street between Hollis and Holden which may have a vertical clearance of 18 feet over public roadways and the floor elevation cannot be more than 26 feet above grade. Maximum width of bridge is 25'. Solid or open railings as required by code. Any enclosures above railing height will only be allowed at discretion of city.
- B. No bridges allowed within Hollis Street or Stanford Street rights of way.
- C. On 53rd Street (between Hollis and Horton) a maximum of two bridges are permitted as follows:
  1. Only 1 per block, not including water feature bridge.

2. The bridge between Hollis and Holden must be designed and as an integral and compatible part of the 53rd Street park.
- D. Within Horton Street right of way up to three bridges will be permitted, with no more than 2 bridges south of 53rd Street and only 1 north of 53rd Street.

#### **Hollis Street Frontage Requirements**

##### **A. Setbacks/Stepbacks/Encroachments.<sup>2</sup>**

Exhibits 1 and 4 through 8 depict the setbacks/stepbacks/encroachments as described in detail below. All setbacks shall be measured from the property line.

1. Auditorium Site (southwest corner of 53rd/Hollis).
  - a. Setback of 12'.
2. Building 4 (0' - 230' [+/- 20'] north of 53rd Street).
  - a. 45' setback; and
  - b. encroachment to within 2 feet of property line allowed under the following conditions:
    - i. encroachment cannot exceed 55% of frontage (excluding architectural/sculptural wall elements).
    - ii. arcade of 12' clear depth x minimum of 20' height must be provided along encroachment.
    - iii. height of encroachment cannot exceed 75', except mechanical appurtenances as under Height.
3. Building 3 (230 - 450' [+/- 20'] north of 53rd Street).
  - a. 45' (south) - 55' (north) setback; and
  - b. encroachments to within 12 feet of property line under the following conditions:
    - i. encroachment cannot exceed 55% of frontage (excluding architectural/sculptural wall elements).
    - ii. arcade of 12' clear depth x 20' height must be provided along encroachment.

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<sup>2</sup> Encroachments are defined as exceptions to the setback or stepback requirement, but no encroachment would extend beyond the property line into public right of way. The term encroachment is not meant to require the issuance of a separate permit nor vest discretion as to whether such encroachments may occur in the future.

- iii. height of encroachment cannot exceed 75', except mechanical appurtenances as described under Height.
- 4. Building 2 (450' - 665' [+/- 20'] north of 53rd Street).
    - a. 50' (north) - 75' (south) setback; and
    - b. encroachments to within 12' - 30' of property line allowed under the following conditions:
      - i. encroachment cannot exceed 55% of frontage (excluding architectural/sculptural wall elements).
      - ii. arcade of 12' clear depth x a minimum of 20' height must be provided along encroachment
      - iii. height of encroachment cannot exceed 75', except mechanical appurtenances as described under Height.
  - 5. Building 1 (665' - 850' [+/- 20]).
    - a. 50' (north) - 80' (south) setback; and
    - b. encroachment to within 12' of property line under the following conditions:
      - i. encroachment shall not exceed 25% of frontage; and,
      - ii. the height of the encroachment cannot exceed 75'.

B. Ground Level Treatments.

- 1. Auditorium Site (southwest corner of 53rd/Hollis).
  - a. Arcade of 12' clear depth and a minimum 20' height required along building frontage;
  - b. Streetscape treatments same as described for Buildings 2, 3 and 4 below; and
  - c. Liner uses same as described for 53rd Street (south side).
- 2. Buildings 2, 3, and 4.
  - a. Arcades along the areas of setback encroachment as described above;
  - b. Garden areas - high quality, highly maintained, highly vegetated, public art, water features, open to public, places to sit, liner uses that activate space. Mechanical elements will be limited and must be architecturally integrated and approved by the Planning Director.



- i. Between buildings 3 & 4
    - 100' along frontage with depth of 20' - 30'
    - Concept: major water wall with seating
  - ii. Between Buildings 2 & 3
    - 100' along frontage with depth of 40'
    - Concept: sequence of gardens with a continuous walkway
  - iii. Buildings 1 & 2
    - 40' 50' along frontage with depth of 40' 30'
    - Concept: seating area with combination of hard softscape that allows for seating areas from Building 1;
- c. Corner Plazas
- i. 53rd & Hollis
    - Minimum 50' of frontage with 45' depth
    - Concept: hardscape with major sculpture and trees
  - ii. Stanford & Hollis.
    - Minimum 150' of frontage with 50' depth
    - Concept: lushly planted orchard with a series of vertical water features - major panel of grass within hardscape;
- d. Walkways
- i. Continuous walking surface that is hardscape with a minimum width of 12' in front of Buildings 2 and 3 and 10' in front of Building 4 (open to the sky).
  - ii. Continuous row of street trees set back 2' from property line in front of Buildings 1, 2, and 3. Second row of trees parallel with building fronts.
  - iii. High quality surface (e.g. pre-cast, concrete or granite unit pavers with accent banding).
  - iv. Ground cover/softscape panels and/or parkway strips are encouraged to provide variation and relief.
  - v. Walkway surface treatment shall be extended within arcade areas.
  - vi. Walkways shall be designed to provide a continuous and uninterrupted route from arcade to arcade.
  - vii. Minimum of 2 feet of hard surface with same paving treatment as described above shall be provided along Hollis Street curb;
- e. Liner Uses are intended to:
- i. Ensure outlook onto areas of walkways, arcades and gardens to provide a sense of security; and
  - ii. Promote active and interesting pedestrian streetscape environment.

f. Such uses shall be configured:

- i. Along Building 1 and plaza frontage: up to 10,000 sf of retail use oriented to Stanford and Hollis Streets, such as restaurant, food-service, local serving retail.
- ii. Along Building 2, 3 & 4: Liner uses of a minimum depth of 20' such as Chiron offices, food-service facilities, and other public-oriented activities shall be provided along at least 50% of the

Hollis Street frontage oriented to activate the garden areas and arcades. The frontage of liner uses shall be comprised of punctured/glazed openings floor to ceiling with the result that 50% of the wall area is glazed. If liner uses are not provided along the back wall of the arcades, an art wall shall be provided.

- Entries to liner uses shall be provided from each building to the gardens to encourage extension of activities between indoors/outdoors.

### 53rd Street/Open Space Corridor Requirements

A. 53rd Street requirements are depicted in Exhibit 9.

B. Setbacks/Stepbacks/Encroachments

1. 53rd Street (North Side)

a. ~~No~~ setback requirements are as follows:

- i. Continuous 3' setback along the 53rd Street frontage;
- ii. Corner plaza at Hollis/53rd as described above.
- iii. Corner plazas of 45' x 45' on both sides of Holden Street; the eastern of which may include an entry pavilion no taller than 40' in height.
- iv. Corner plaza of 45' x 45' at Horton Street; and

b. Stepback of 10 feet above 75' height.

2. 53rd Street (South Side Between Hollis and Holden Streets).

- a. Buildings along this frontage shall consist of special purpose public oriented uses such as an auditorium, conference center, cafe or other similar uses and be set back from the property line to create a major open space of at least 30,000 sf oriented to both Hollis and 53rd Streets;
- b. If the PG&E Tank Farm Site is acquired all 30,000 square feet of this park shall be provided south of 53rd Street between Hollis and Holden Streets with the following key dimensions:

- i. A minimum space of 100 feet square shall be provided at the Hollis/53rd Street corner within the property currently owned by Chiron.
  - ii. A space of at least 80 feet deep shall be provided along the remaining 53rd Street frontage within the PG&E tank farm property.
  - iii. Up to 15% of the 30,000 square foot openspace requirements (4,500 square feet) can be provided within covered arcades that are accessible to the public.
- c. In the event Chiron or the Agency do not acquire Parcel No. 17 (PG&E Tank Farm) the auditorium may be constructed on other portions of the Site, including, at Chiron's election, Parcel No. 11 (the parcel fronting Hollis Street south of 53rd). However, Chiron may only construct the auditorium on Parcel No. 11, subject to the following conditions:
  - i. Parcel No. 11 shall only be developed as a park and must remain a park until such time as the auditorium is constructed.
  - ii. Approximately 15,000 square feet of Parcel No. 11 at the corner of Hollis and 53rd Streets shall remain developed as a park.
  - iii. The minimum size of this park shall be 100 feet x 100 feet as measured westerly and easterly from the corner of Hollis and 53rd Streets.
  - iv. Up to 15% (i.e 2250 square feet) of this park can be provided within covered arcades that are accessible to the public. In addition, one new curb cut would be allowed along 53rd Street to provide service access for the use(s) on this site.
  - v. An additional 15,000 square feet of park shall be provided in one contiguous area on the site either adjacent to 53rd Street or, with approval by the City, a location adjacent to a public right-of-way.
  - vi. Chiron shall make the auditorium available to community groups for limited use at times which do not interfere with the operations of Chiron and at a reasonable cost. Chiron shall have final rights to control the users and the terms of use.
  - vii. Chiron shall obtain City approval of the design of the auditorium during the regular Final Development Plan and Design Review approval process which shall be consistent with the rest of the project.
- d. 53rd Street (south side between Holden and Horton).
  - i. 20' setback (between Holden and Horton).
  - ii. 10' setback above 75' (between Holden and Horton).
  - iii. corner plaza at Holden Street of minimum (+/- 10%) 45' x 45' with entry pavilion encroachment allowed to a 40' height.
  - iv. corner plaza at Horton Street of 45' x 45' open to sky.

C. Ground Level Treatments.

1. 53rd Street (North Side).

- a. Walkway - continuous walking surface open to sky of minimum 13' ~~10'~~ width.
  - i. continuous row of street trees along curb.
  - ii. High quality surface (e.g. pre-cast, concrete or granite unit pavers with accent banding).
  - iii. Ground cover/softscape panels and/or parkway strips are encouraged to provide variation and relief;
- b. Liner uses of a minimum depth of 20' such as Chiron offices, food-service facilities, lobby space and other public-oriented activities shall be provided along the 53rd Street frontage arcade. This frontage of the arcade wall shall be comprised of punctured/glazed openings floor to ceiling with the result that approximately 40% 50% of the wall area is glazed. If the liner uses are not provided along the back wall of the arcade, an art wall must be provided; and
- d. Corner Plazas.
  - i. 3 plazas along 53rd at Hollis, Holden and Horton.
  - ii. Special paving (e.g. precast or granite unit pavers) shall be extended across the streets to create cohesive gateway and intersection effect.
  - iii. Concept for Hollis/53rd Street Plaza - gateway treatment with sculpture, water feature bridging 53rd Street.
  - iv. Concept for Holden/53rd Street Plaza - minimum (+/- 10%) 200' x 130' 150' (inclusive of intersection and entry pavilion described under encroachments above) central plaza with major building entries oriented to plaza and entry pavilion buildings as described under encroachments above.
  - v. Concept for Horton/53rd Street Plaza - minimum (+/- 10%) 180' x 80' (inclusive of intersection and entry plaza) plaza with major water feature and landscape elements.

2. 53rd Street (South Side).

- a. Walkways.
  - i. continuous walking surface minimum of 10' width open to sky with public right of way.
  - ii. continuous street trees along curb.



b. Open Space.

- i. linear water feature from Hollis to Horton that recalls Temescal Creek and connecting to pools at Hollis and Horton Streets.
- ii. Informal tree planting with significant areas of ground cover.
- iii. Hardscape areas concentrated along building edges and entries to support activities and pedestrian circulation.

**Liner Uses**

- A. East of Holden (Parcels No. 11. and 17) - liner uses with a depth of at least 20' are required adjacent to the open space. Under arcades an art wall may be allowed in place of liner uses.
- B. Exceptions will be permitted to provide entry lobbies to the auditorium and conference center provided that such entries do not exceed 25% of the frontage facing the open space, or as limited by code.

**Horton Street Frontage Requirements**

- A. If existing Horton Street or the Horton Street Extension is a public street at the time of construction of buildings with frontage on Horton Street or the Horton Street Extension then the following provisions shall apply:
  1. See Exhibit 10 for Horton Street cross-section.
  2. Setbacks/Stepbacks/Encroachments.
    - a. East Side.
      - i. Setback = 35'
      - ii. Encroachment permitted to the property line under the following conditions:
        - Maximum frontage of any encroachment along the street (excluding pedestrian bridges) shall not exceed 55% of the total building frontage (assumes an average building footage of 230' [+/- 10%]. Each encroachment would be interrupted by open space between buildings.
        - Gardens or plazas shall be provided within the setback areas for the remainder of the frontage. (minimum of 80 feet between two buildings).
        - Buildings within setback area shall be stepped back a minimum of 15 feet above a height of 75'; and
    - b. West Side.
      - i. Setback = 0'

- B. If Horton Street or the Horton Street Extension is not a public street at the time of construction of buildings with frontage on Horton Street or the Horton Street Extension and the Horton Street Bypass has been constructed, then the setbacks on the east side and west side of said streets may be 0'.
- C. Ground Level Treatments.
  - 1. Garden areas - high quality, highly maintained, highly vegetated, public art, open to public, places to sit.
  - 2. Walkways.
    - a. Continuous walking surface that is hardscape with a minimum width of 8' (open to the sky);
    - b. Continuous row of street trees along the curb edge;
    - c. High quality surface (e.g. pre-cast, concrete or granite unit pavers with accent banding); and
    - d. Ground cover/parkway strips is encouraged along curb to provide variation and relief.

#### **Horton Street Bypass**

- A. If the bypass is constructed.
  - 1. It shall be designed as a boulevard with
    - a. Landscaped eastern edge to provide a double row of trees adjacent to the building wherever feasible.
    - b. landscaped median wherever feasible.
    - c. Landscaped western edge with a single row of trees wherever feasible.
    - d. One 5' bike lanes in each direction.
  - 2. 53rd Street shall be extended as a vehicular/bicycle/ pedestrian street west from Horton Street to the Bypass if Horton Street between 53rd Street on the north and the intersection of Horton Street and the Bypass on the south is abandoned as a public street. This extension of 53rd Street shall have a right of way of 60' with a 34' roadway (two 12' vehicle lanes and two 5' bike lanes) and sidewalks on each side of 13'in width. The roadway may be covered by the parking structure (Building 13) but must have a minimum height of 20'. The alignment of this roadway can be offset from the existing 53rd Street alignment no more than 160' measured from center line to center line.

3. Where the Horton bypass intercepts with Horton Street on the north and of the project site, special open space treatment shall be provided, including significant landscaping and water features. Where the Horton bypass intercepts with Horton Street on the south end of the project site, similar landscaping and water features shall be provided except if in conflict with Exhibit 3: Vehicular access and parking.
- B. If the bypass is not constructed,
1. access to the garages shall be provided via a private driveway connecting to the Stanford/Horton intersection. This driveway shall be approximately 22' in width.
  2. a pedestrian bicycle corridor of at least 30' in width shall be provided between Horton Street and the Southern Pacific right of way. The path may be covered by the parking structure (building 13), but must have a minimum height of 20'. The alignment of this corridor can be offset from the existing 53rd Street alignment no more than 160' measured from center line to center line.

**Stanford Avenue Frontage Requirements (See Exhibit 11)**

- A. Stanford Avenue shall be designed as a boulevard with
1. Landscaped southern edge with double row of trees adjacent to the building wherever feasible.
  2. Landscaped median wherever feasible.
  3. Landscaped northern edge consisting of a single row of trees wherever feasible.
- B. Setbacks/Stepbacks.
1. Minimum 5' setback.
  2. Above 75' upper portions of the building shall be stepped back (See Tower conditions described above under height).
- C. Ground Level Treatments.
1. Arcade of at least 12' depth (clear) and a minimum 20' height is required along frontage of Building 1.
  2. Walkways.
    - a. Continuous walking surface that is hardscape with a minimum width of 10' (open to the sky);

- b. Continuous double row of street trees defining the walkway;
  - c. High quality surface (e.g. pre-cast, concrete or granite unit pavers with accent banding);
  - d. Ground cover/softscape panels and/or parkway strips are encouraged to provide variation and relief; and
  - e. Minimum of 2 feet of hard surface shall be provided along Stanford Street curb.
- 3. Open Space - informal planting of trees with ground cover softscape should be provided between Building 1 and Stanford Street.
  - 4. Plaza at Holden and Stanford Streets.
    - a. Special treatment (e.g. high quality paving) shall be applied at the intersection of Holden and Stanford to create auto plaza marking the drop-off entry to Building 1. The area of the plaza shall be approximately 150' x 60' (+/- 10%) inclusive of Holden Street and pavilion areas.

#### **Landscape/Streetscape Materials and Treatment**

The following provides a description of the materials and treatments that will be employed in the streetscape and open space areas of the Chiron Life Sciences campus development:

##### **A. Sidewalks.**

Except as provided under 53rd Street Intersection Plazas below, unit pavers (concrete or a material of equal or better quality) set over a concrete subslab and designed in a consistent manner throughout will be installed along all sidewalk areas accessible to the public within the project, including: Hollis Street, 53rd Street, Horton Street, Stanford Street and the hardscape portions of the garden areas and plazas along their length as applicable. Additionally, if Holden Street serves as a public or semi-public pedestrian way north of the "Holden Street Parkway Area (in addition to its role as a service corridor), it too shall be treated in a similar manner.

##### **B. 53rd Street Intersection Plazas.**

The "intersection plazas" along 53rd Street at the Hollis, Holden and Horton Street intersections shall be constructed of a special paving material that provides accent and contrast with the unit pavers on the sidewalks (e.g., a durable stone unit paver system such as granite). This paving treatment shall extend over the intersection areas, and shall be designed to meet City Public Works standards related to vehicular loads.



C. Curbs and Gutters.

At the 53rd Street intersection plazas, curbs and gutters shall be designed in a manner that is consistent with the materials employed in the plazas to extend the treatment of the plazas across the intersections. Elsewhere along all public streets, curbs and gutters shall be concrete, and constructed in a manner consistent with City standards and dimensions.

D. Street Trees.

Street trees along Hollis, 53rd, Stanford, Holden and Horton Streets will be *Populus nigra* "italica" or another rapid growth, columnar shaped tree acceptable to the City of Emeryville. Trees planted in paved areas shall be planted in tree pits constructed with both sufficient planting soil and uncompacted surface area to support the species selected and shall incorporate an automatic irrigation system. If soil testing warrants, a subdrainage system will be installed. Species with invasive surface rooting characteristics will be planted with root barriers to protect adjacent pavements from uplift.

E. Lawn Areas.

Lawn areas along Hollis, Horton and Stanford Streets shall be planted with sod over properly amended and graded soil. Automatic irrigation will be installed; drought tolerant grass species will be favored.

F. Specialized Trees.

Specialized tree plantings within plazas and gardens shall be planted per the guidelines outlined in Street Trees above, and shall include one or more of the following species deemed acceptable by the City of Emeryville:

Oak sp.	Jacaranda
Deodar Cedar	Chestnut
Redwood	Alder
Pinus sp.	Honeylocust

G. Hedge Plantings.

Hedge plantings utilized along the interim surface parking lot and/or within garden or plaza areas shall be planted in amended planting soil beds, mulched and watered with an automatic irrigation system. Edging will be installed to maintain a precise transition to lawn areas. If soil testing warrants, an underdrainage system will be installed. One or more of the following species will be employed:

Photinia  
Laurel  
Privet

## Architectural Treatment/Building Materials

- A. Chiron shall use the generalized materials, color palette, building facades, and screening utility elements described below.

1. Generalized Materials and Color Palette.

- a. The exterior materials of the building have been selected with reference to construction materials commonly found in the Emeryville area including masonry materials, exterior tile, stone, metals, stucco, and glass. The character of material selections emphasizes the quality of natural finishes including a variety of textures, surfaces, unit sizes, and colors;
- b. The primary exterior cladding will consist of a durable masonry or cementitious material in a light ocher to terra cotta color range which will be assembled in a patterned method to bring a sense of scale and texture to the broad surfaces of the research complex. The continuity of the exterior surface materials will relate a variety of functional building types (laboratories, administrative offices, utility buildings, etc.) in a cohesive material expression. Metal window returns and projecting metal sun shades articulate a sense of surface depth within the exterior surfaces;
- c. The podium level, consisting of the first 22 to 26 feet of the building height, will be constructed of light color stone veneer sections with deep-set window and door openings. The stone expression is extended to create enclosing walls and beams at the street level for gardens and plazas. The stone units will relate to concrete pavers and patterned concrete which will be utilized for walkways and plaza surfaces;
- d. The top major level of the research complex is shared functionally by mechanical systems and administrative offices. The offices will be set back from the surface of the research blocks approximately 10 to 15 feet and expressed in a different material, perhaps an exterior type of plaster system with a strong sense of color. This will relieve some of the height at the edge of the building and create a distinct top level for the building forms; and
- e. Specific elements including entry nodes, mechanical exhausts and fresh air intakes may be constructed of different materials and geometric forms to provide identity and a sense of scale throughout the site. These elements provide opportunities for rich accent colors such as purples and yellows which will enhance their ability to create interest and variety.

2. Building Facades.

Pedestrian-scaled arcades, spaces, facades, landscaping features, and art work will serve to enliven the Hollis Street frontage. Building faces themselves will

modulate along the property line either coming forward or receding to provide vest-pocket parks, plazas, and entry zones. Architectural features will further enhance the experience through projected or deep-set window openings, the decorative grill-work at certain points, and the incorporation of light fixtures, graphics, and signage. Similar treatments will be found in the site's interior facades to extend the project's "village-like" character and corporate identity.

3. Screening Utility Elements.

The site surroundings currently have an industrial character and functional elements are often exposed to public view with minimal screening and noise abatement. Where utility functions on the site cannot be architecturally screened from public view, they may be built as sculptural elements and integrated into the design (e.g. exhaust stacks, hood, and duct-work). Special attention will be paid to material, shape, texture, color, and placement. Any utility functions at or closer to grade level will be screened from public view and will be provided with noise suppression features.

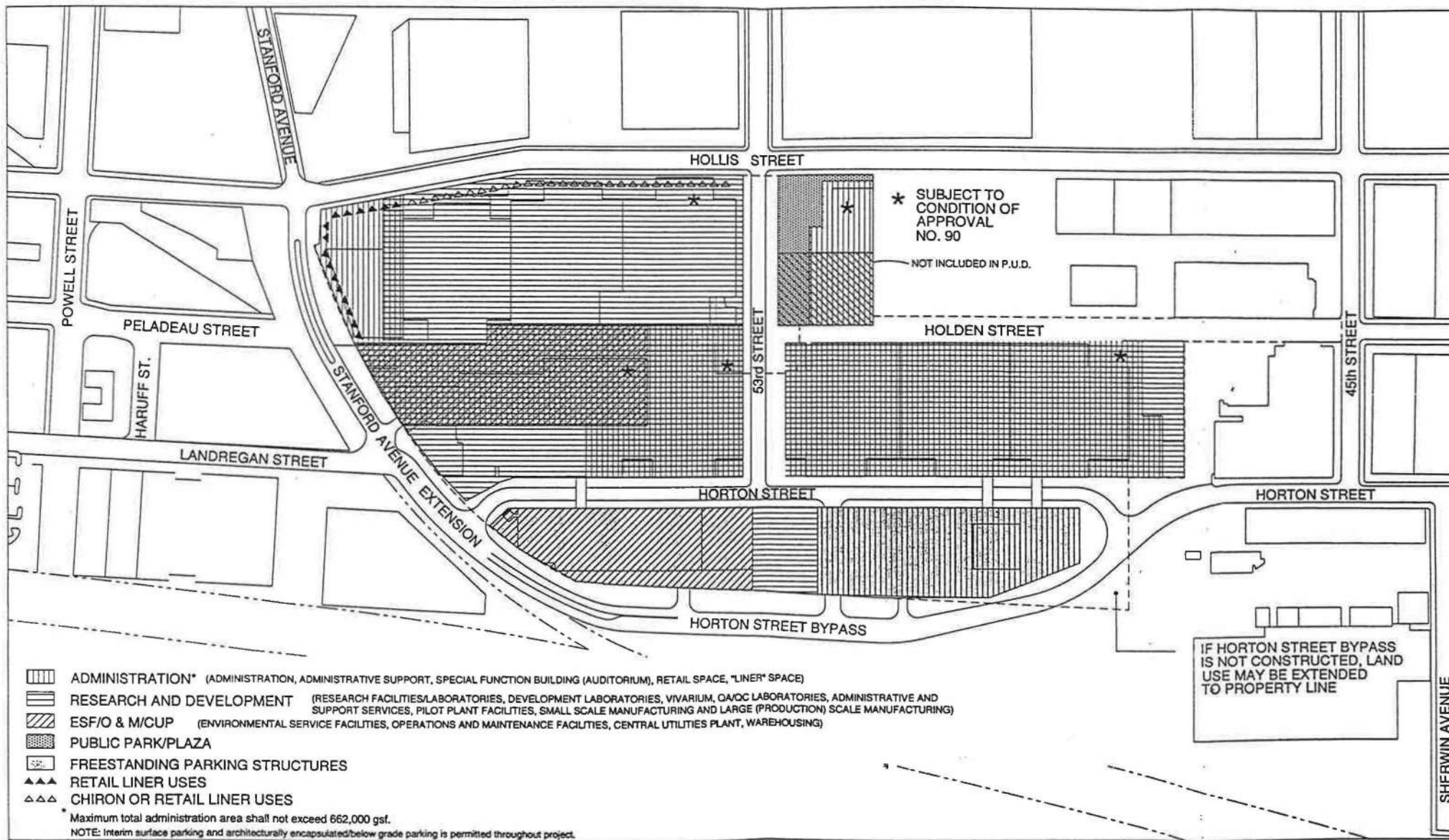
4. Administrative Office Tower.

The character of the tower architecture will relate to the expression of the laboratory modules through a continuation of exterior materials and proportions at the base of the building. As the tower rises above the lower section, changes in materials and proportions present a lighter image for the upper levels. Relief and scale will be provided in the surface of the tower through deep-set windows, cut away sections of the building, terrace conditions, and stepbacks at multiple levels.

### Description Of Initial Project

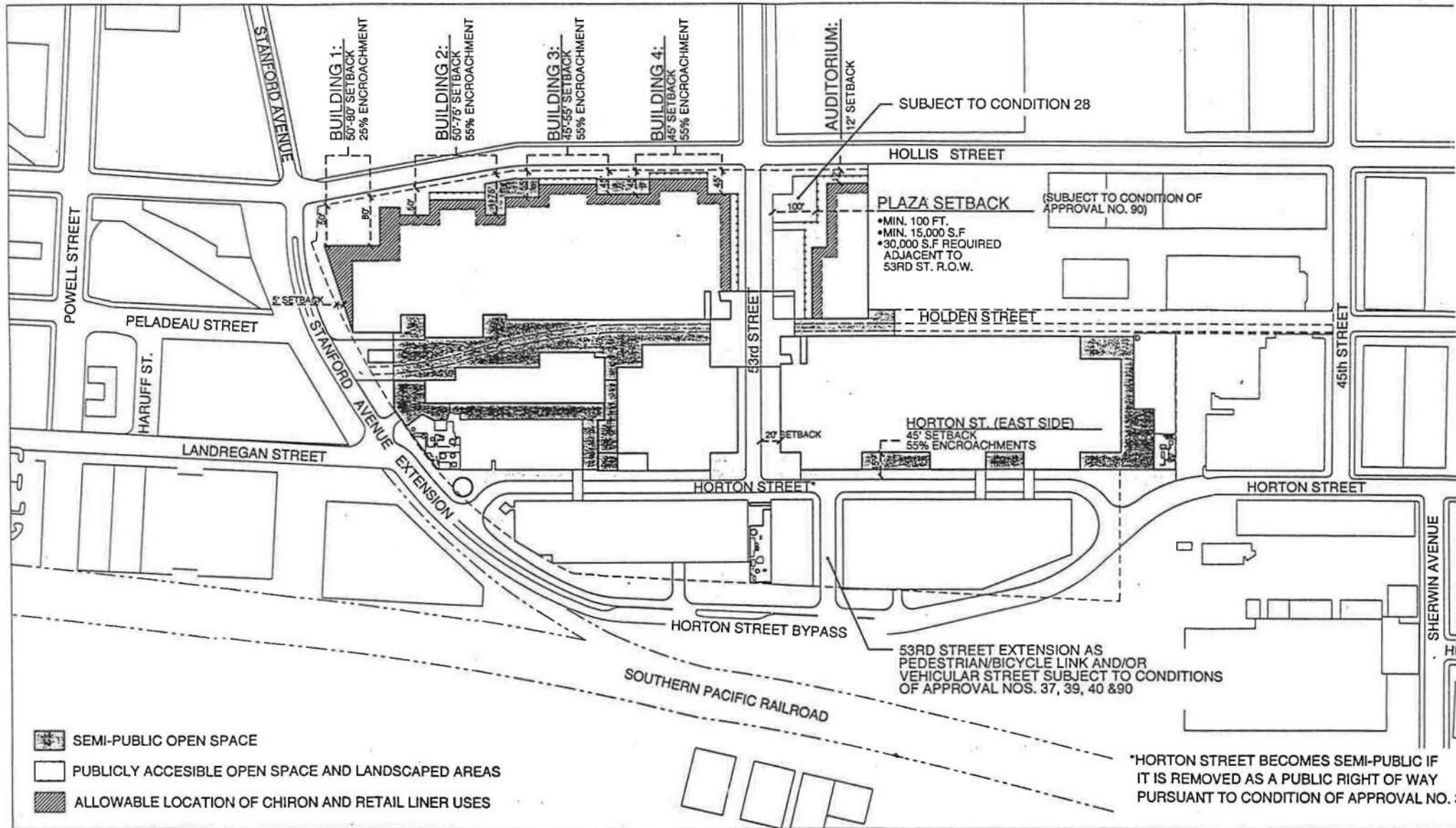
A. See Exhibit 12.

91. To the extent there is any inconsistency between these written conditions of approval and Exhibits 1 through 12 herein, the written conditions shall supersede the Exhibits.



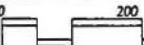
JULY 25, 1995

# Chiron Life Sciences Center EXHIBIT 1: LAND USES

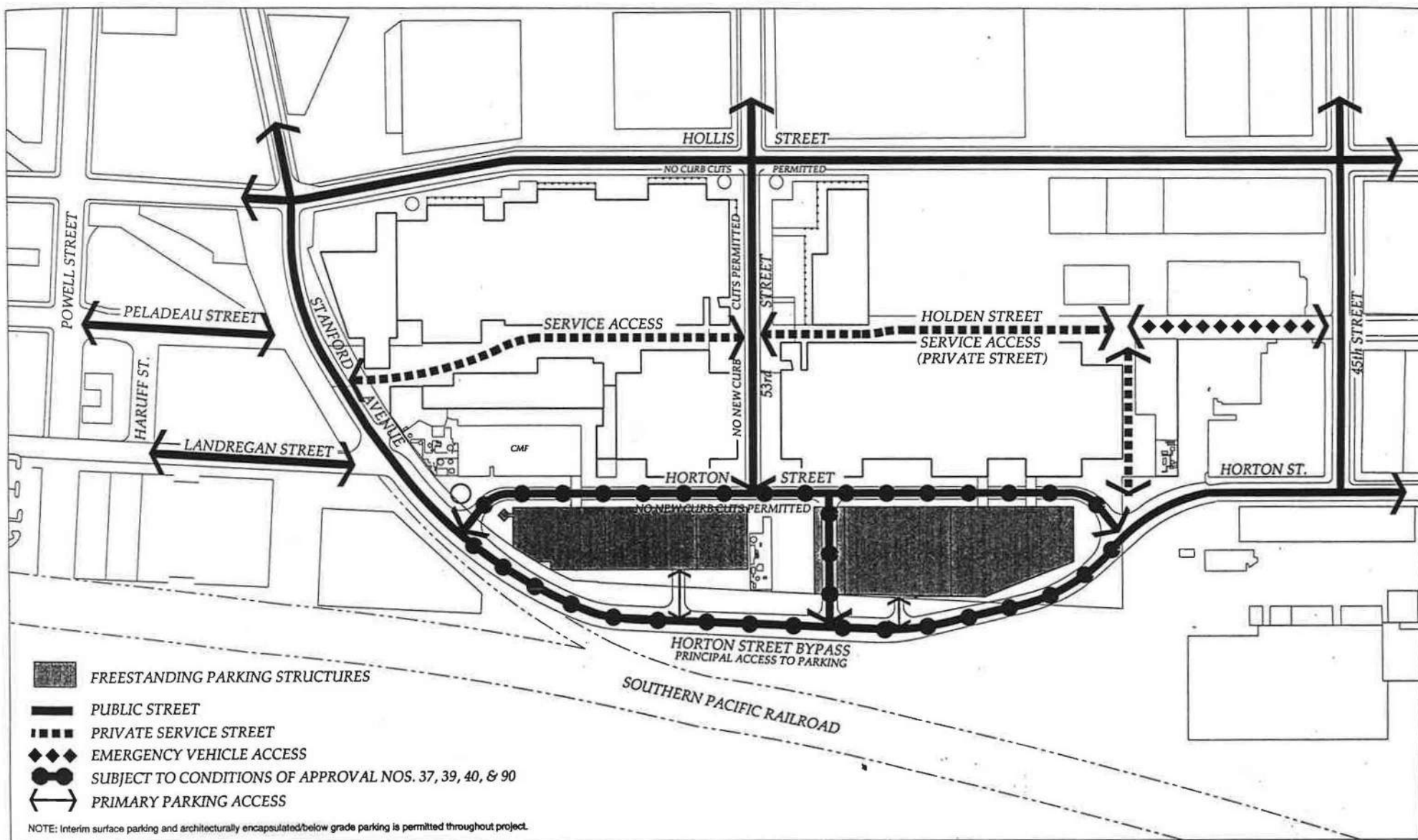


JULY 25, 1995

# *Chiron Life Sciences Center* **EXHIBIT 2:** **OPEN SPACE AND LANDSCAPED AREAS**



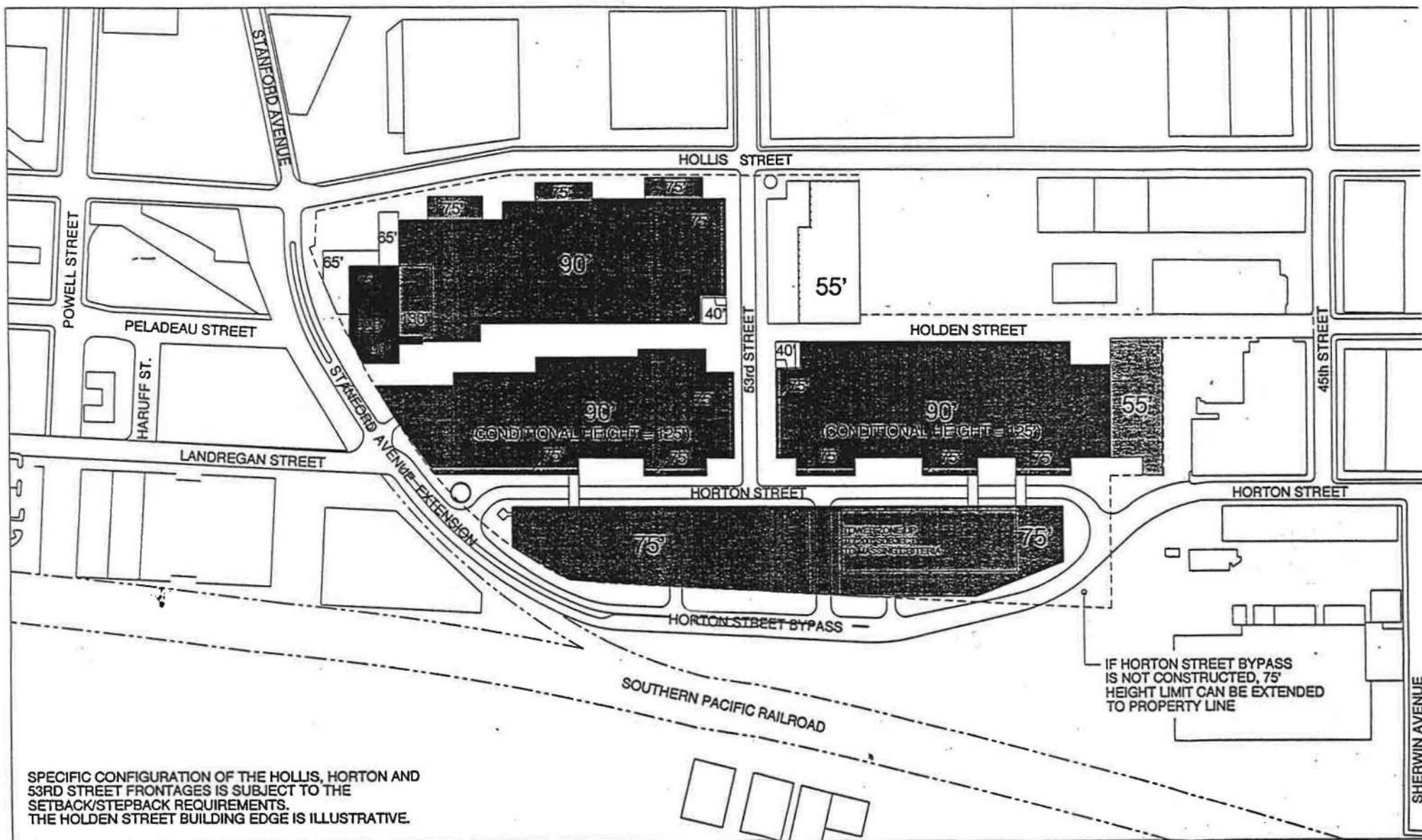




AUGUST 10, 1995

# Chiron Life Sciences Center EXHIBIT 3: VEHICULAR ACCESS AND PARKING

Prepared for the City of Emeryville by ROMA Design Group



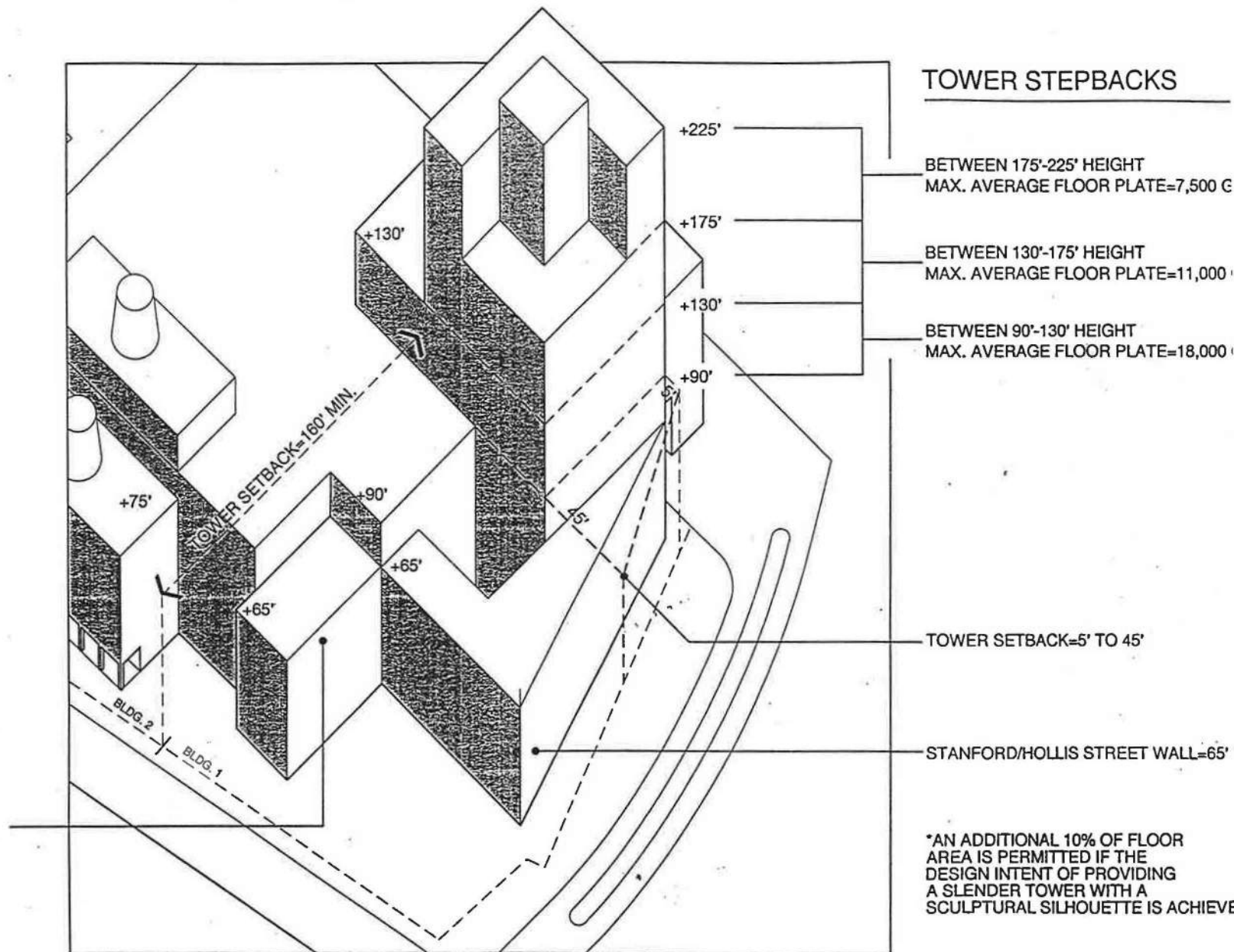
July 19, 1995

## Chiron Life Sciences Center

### EXHIBIT 4: HEIGHT LIMITS

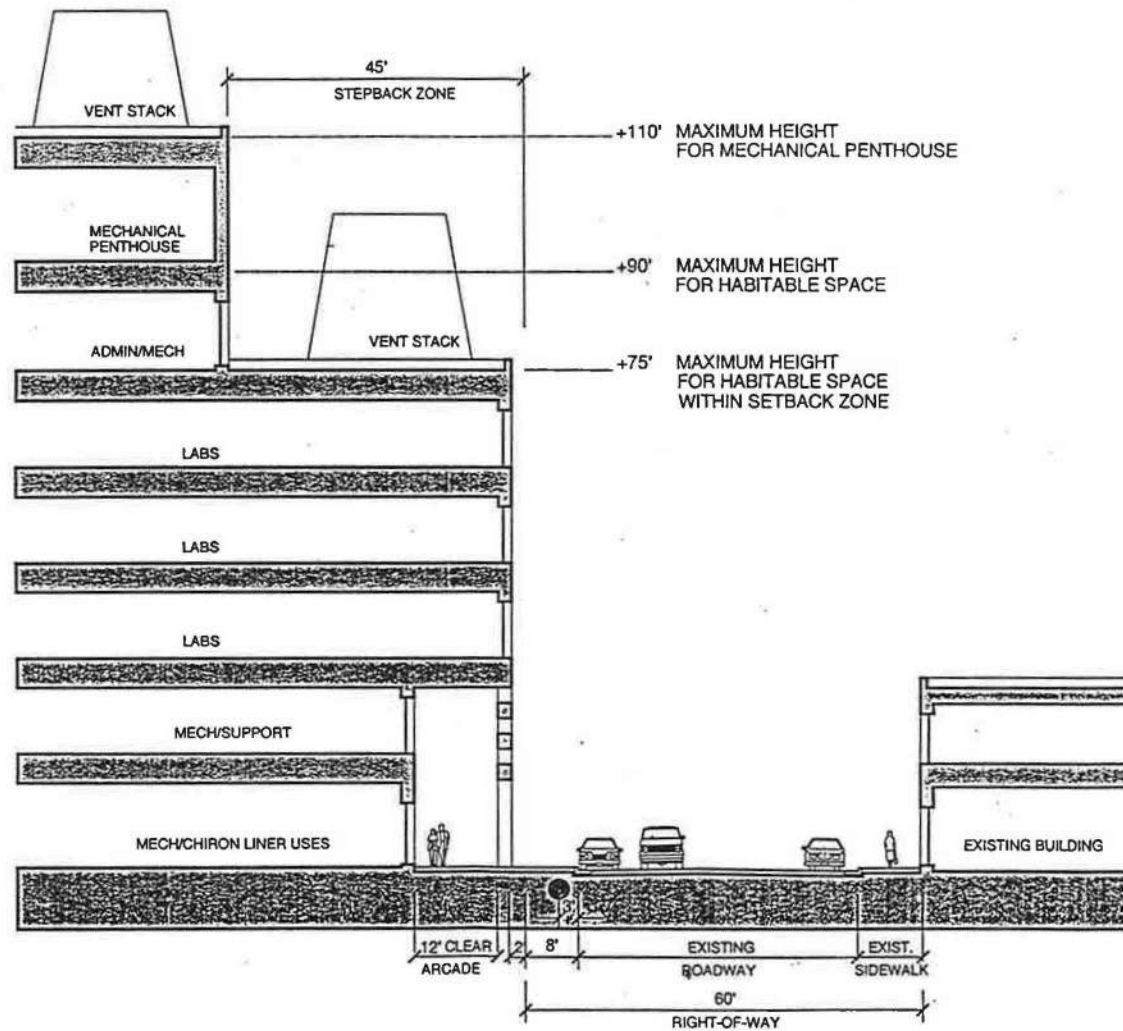
ENCROACHMENT WITHIN BUILDING 1  
SETBACK AREA=65' MAX. HEIGHT

JULY 14, 1995



*Chiron Life Sciences Center*  
EXHIBIT 5:  
ADMINISTRATIVE TOWER (HOLLIS/STANFORD)



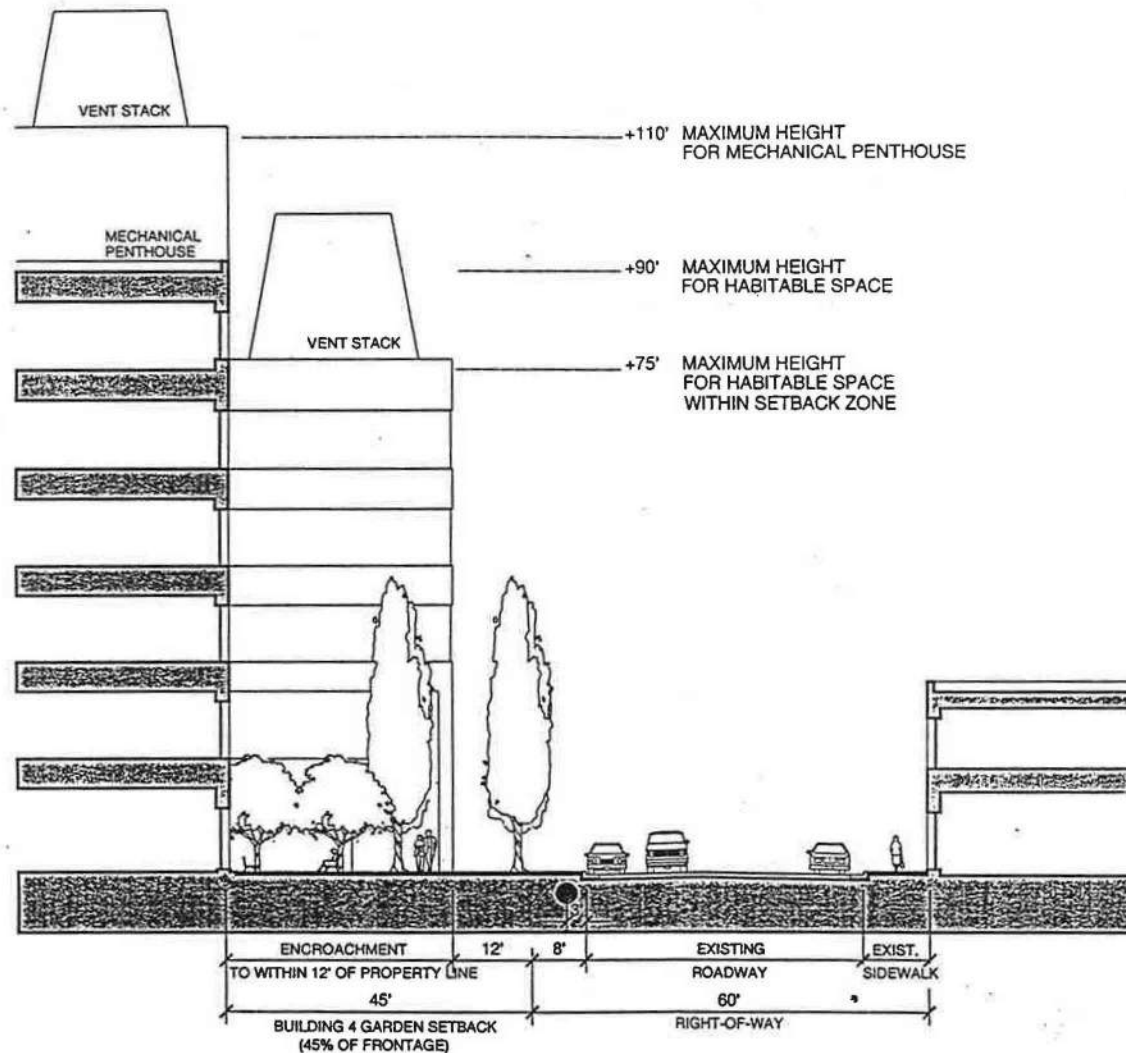


JULY 14, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 7a:  
*Hollis Street Section at Arcade/Building 4*

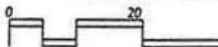
*Prepared for the City of Emeryville by ROMA Design Group*

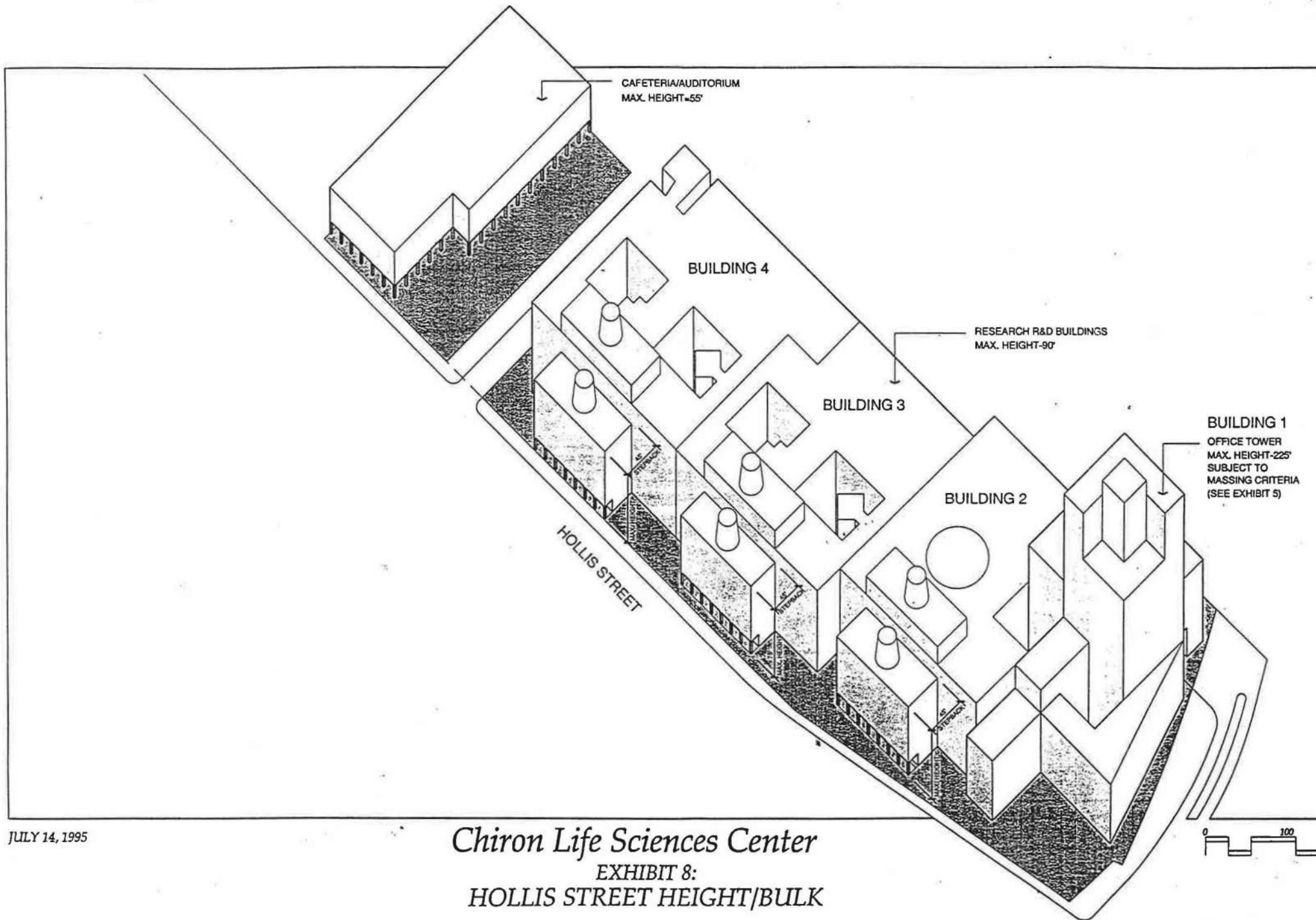




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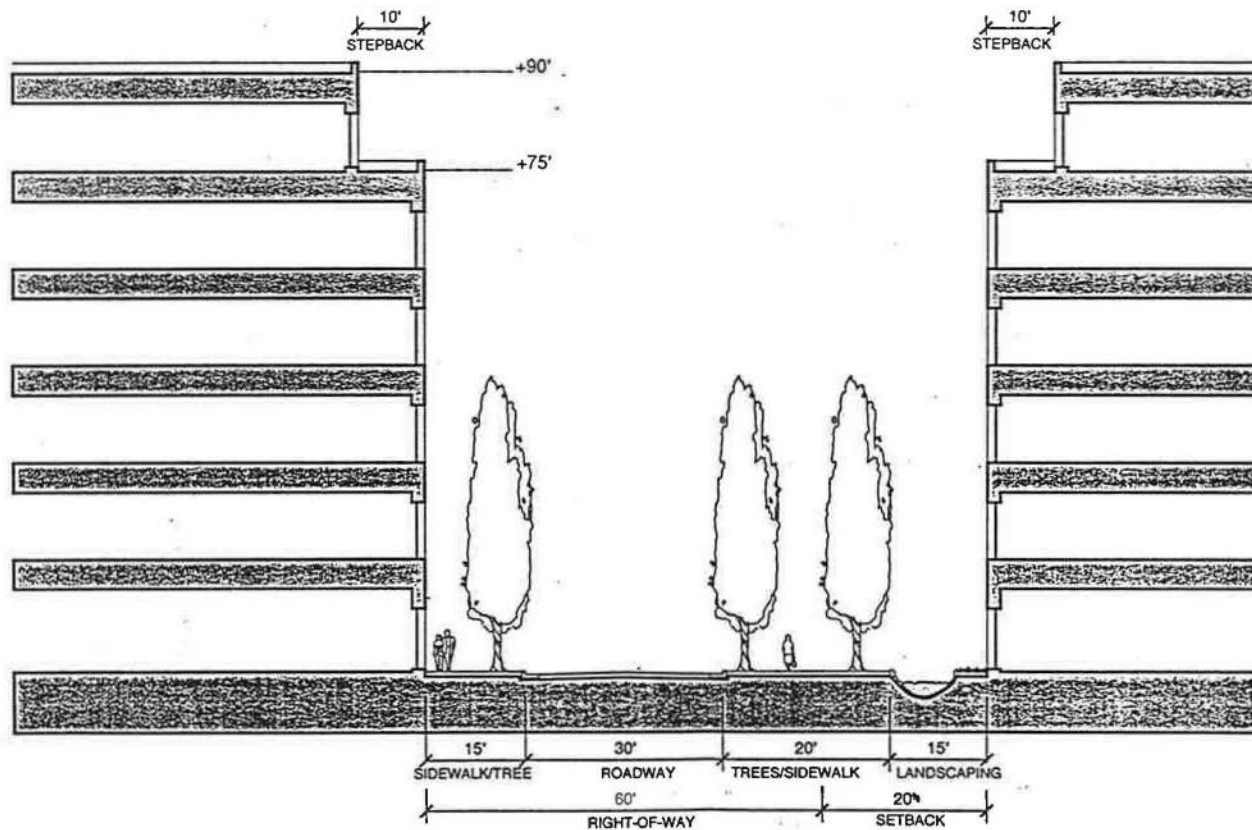
*Chiron Life Sciences Center*  
 EXHIBIT 7b:  
 Hollis Street Section at Garden/Buildings 3 and 4





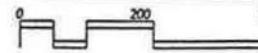
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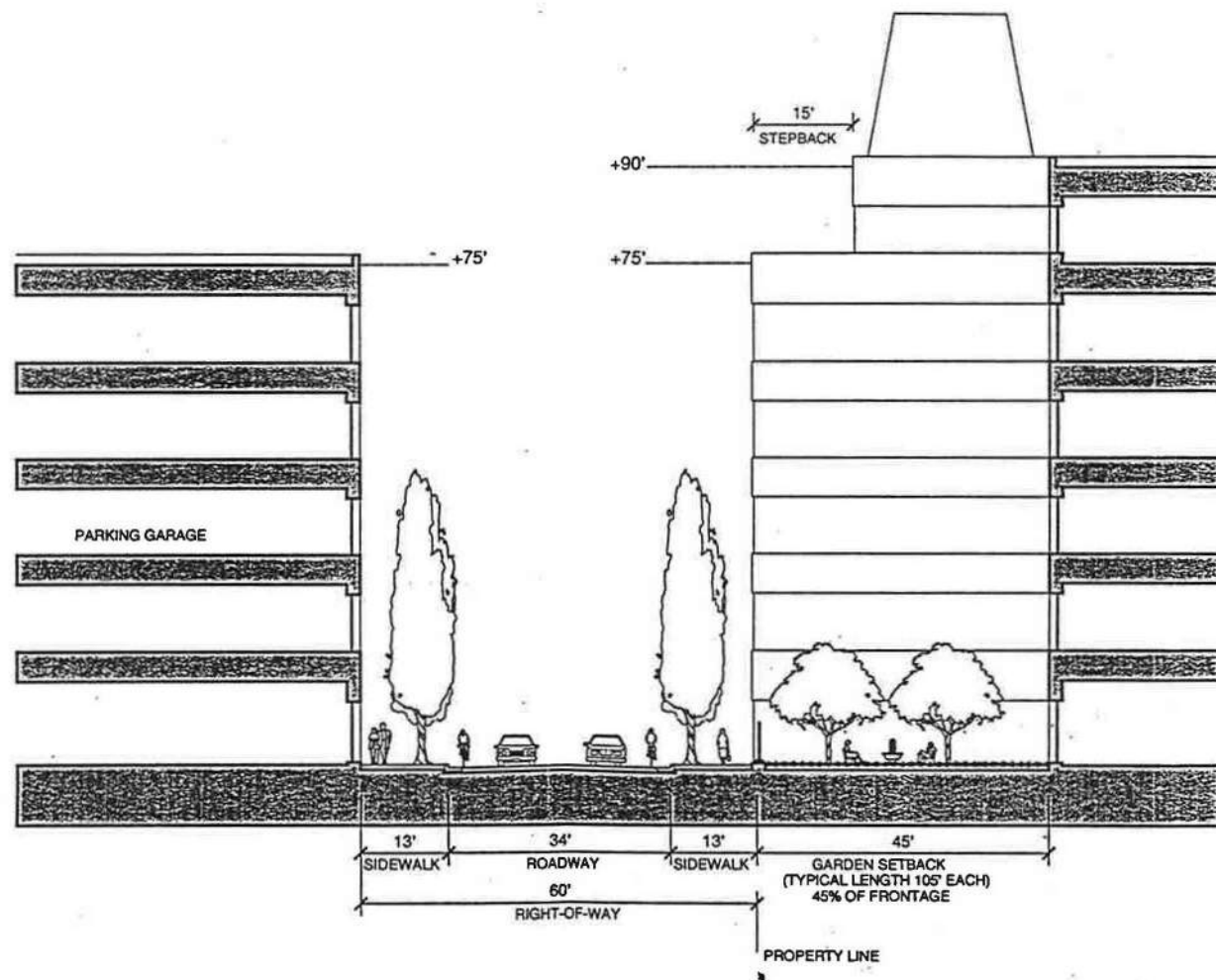
*Chiron Life Sciences Center*  
EXHIBIT 8:  
HOLLIS STREET HEIGHT/BULK



JULY 14, 1995

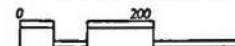
*Chiron Life Sciences Center*  
 EXHIBIT 9:  
 53rd Street Section (West of Holden)

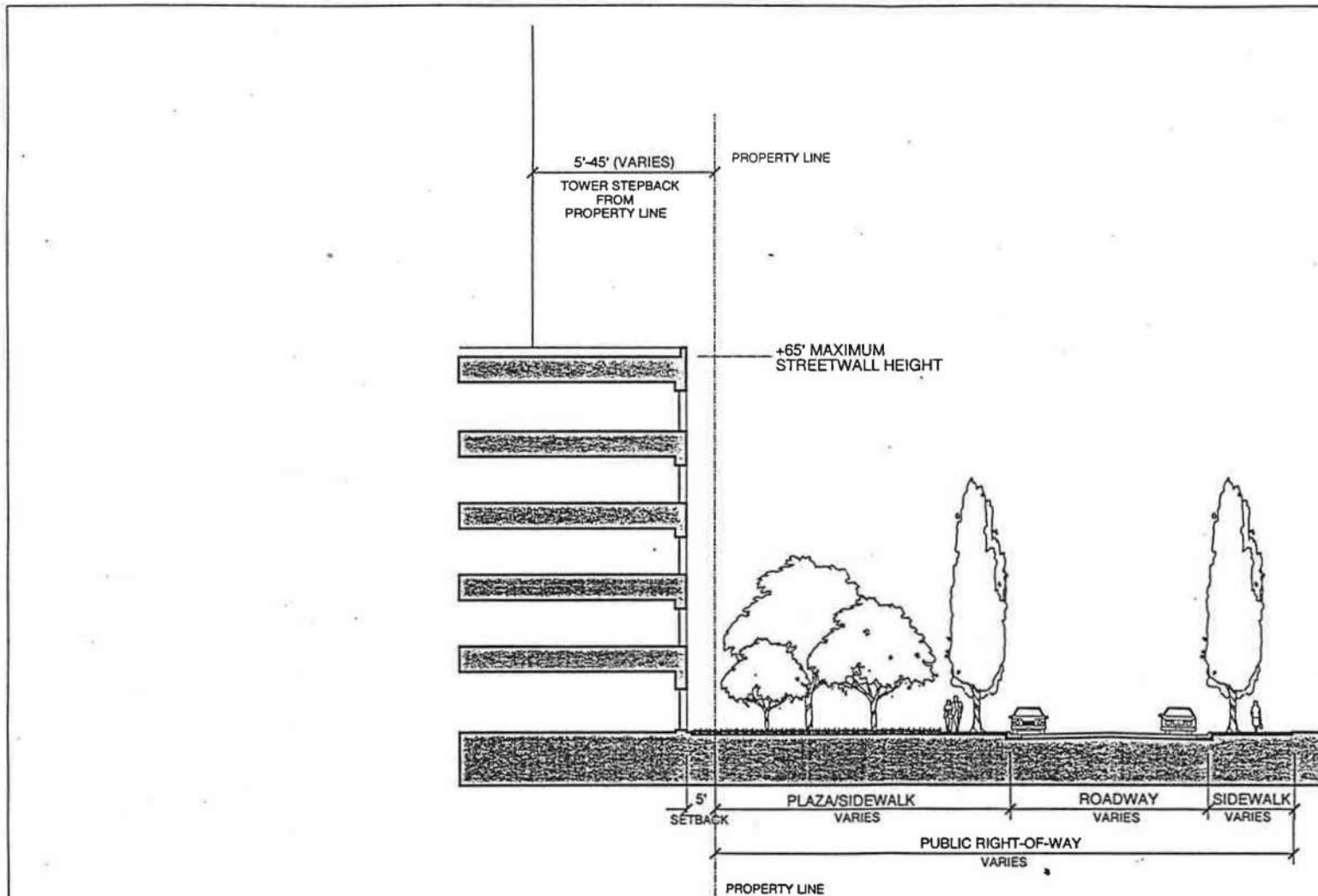




JULY 14, 1995

# *Chiron Life Sciences Center* EXHIBIT 10: Horton Street Section





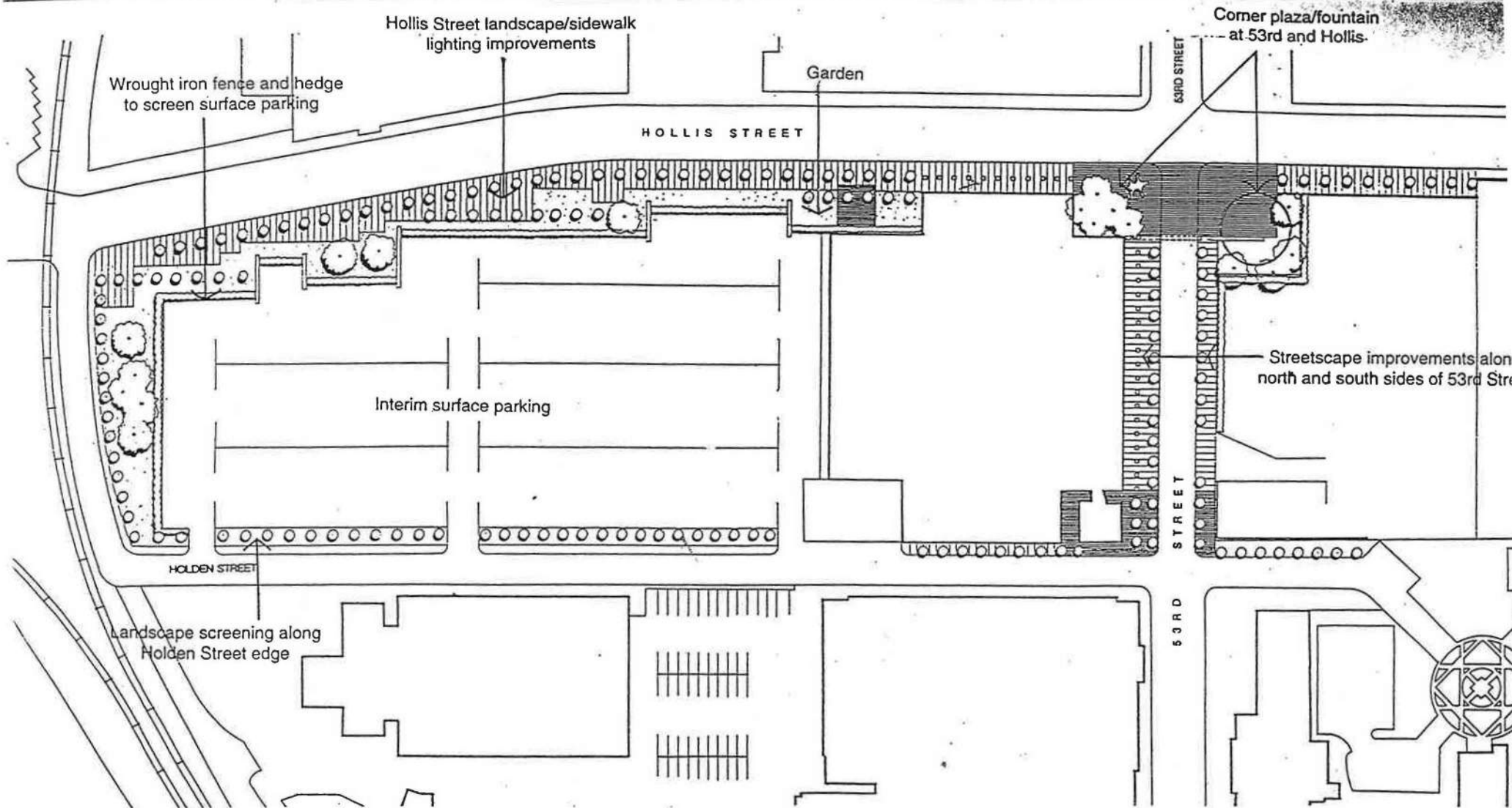
JULY 14, 1995

## Chiron Life Sciences Center

### EXHIBIT 11: Stanford Avenue Section

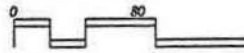


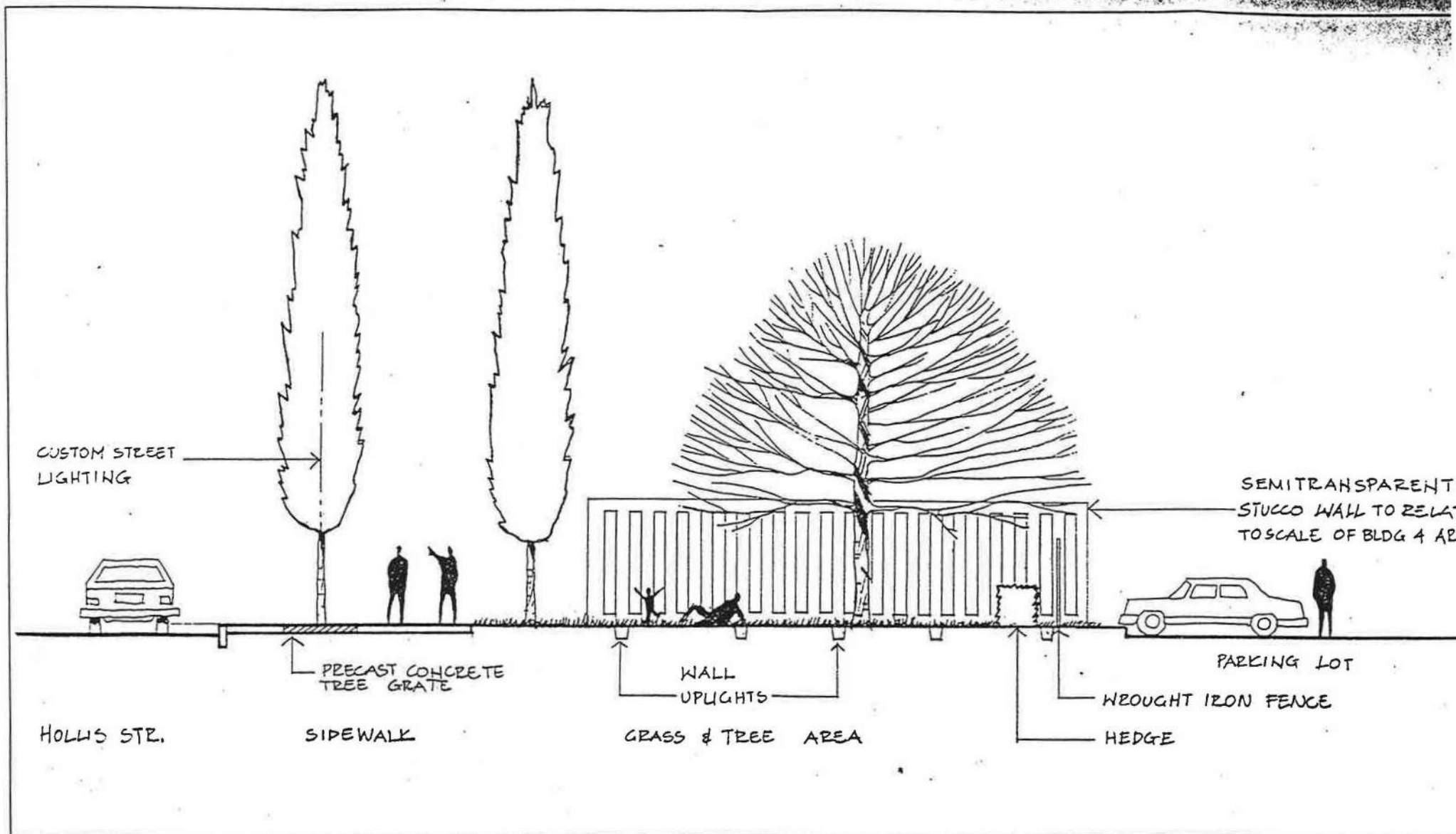




14, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 12a:  
 INITIAL PROJECT

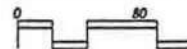


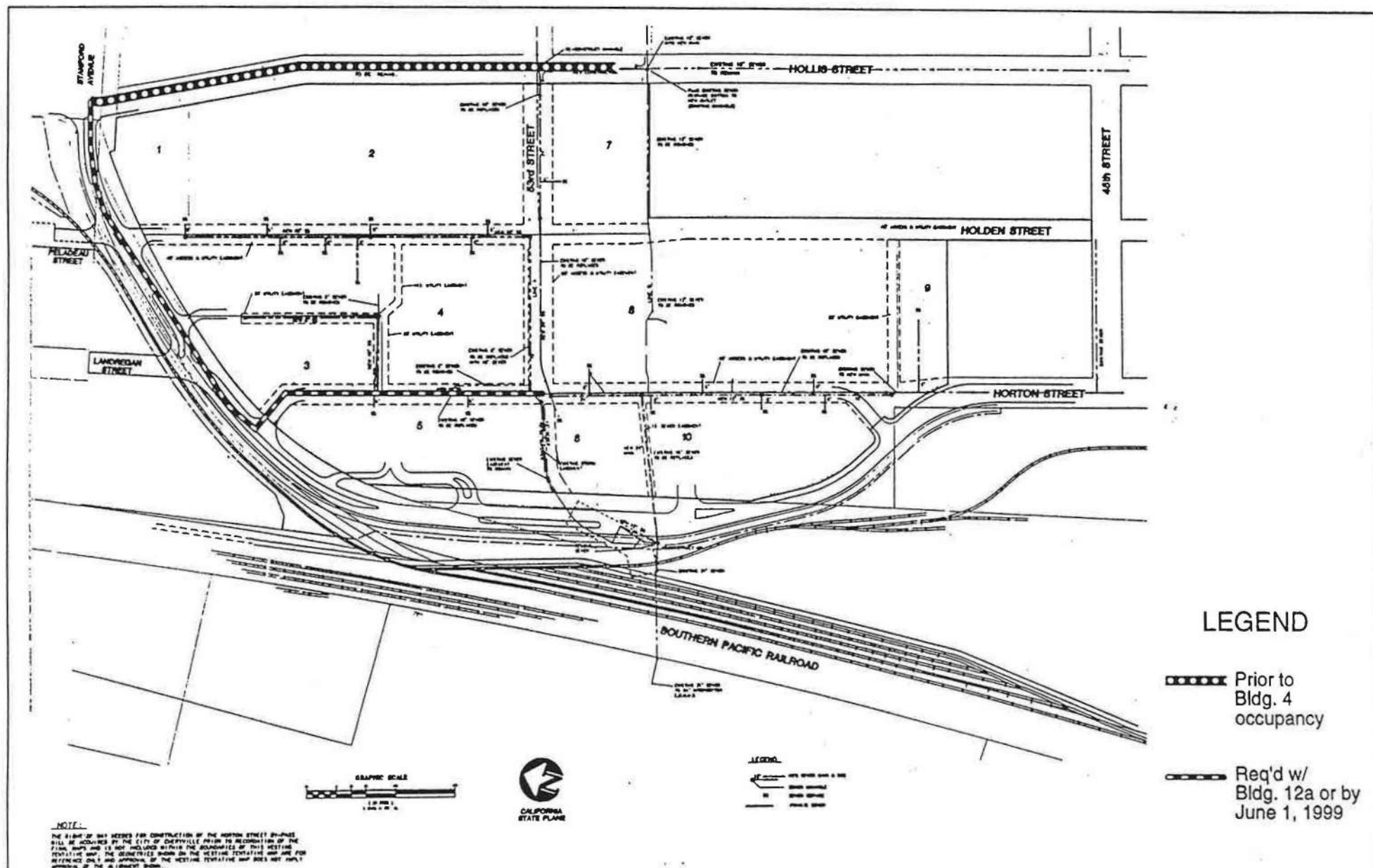


JULY 14, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 12b:  
 INITIAL PROJECT: SECTION THROUGH HOLLIS  
 AT INTERIM PARKING LOT

Prepared for the City of Emeryville by ROMA Design Group

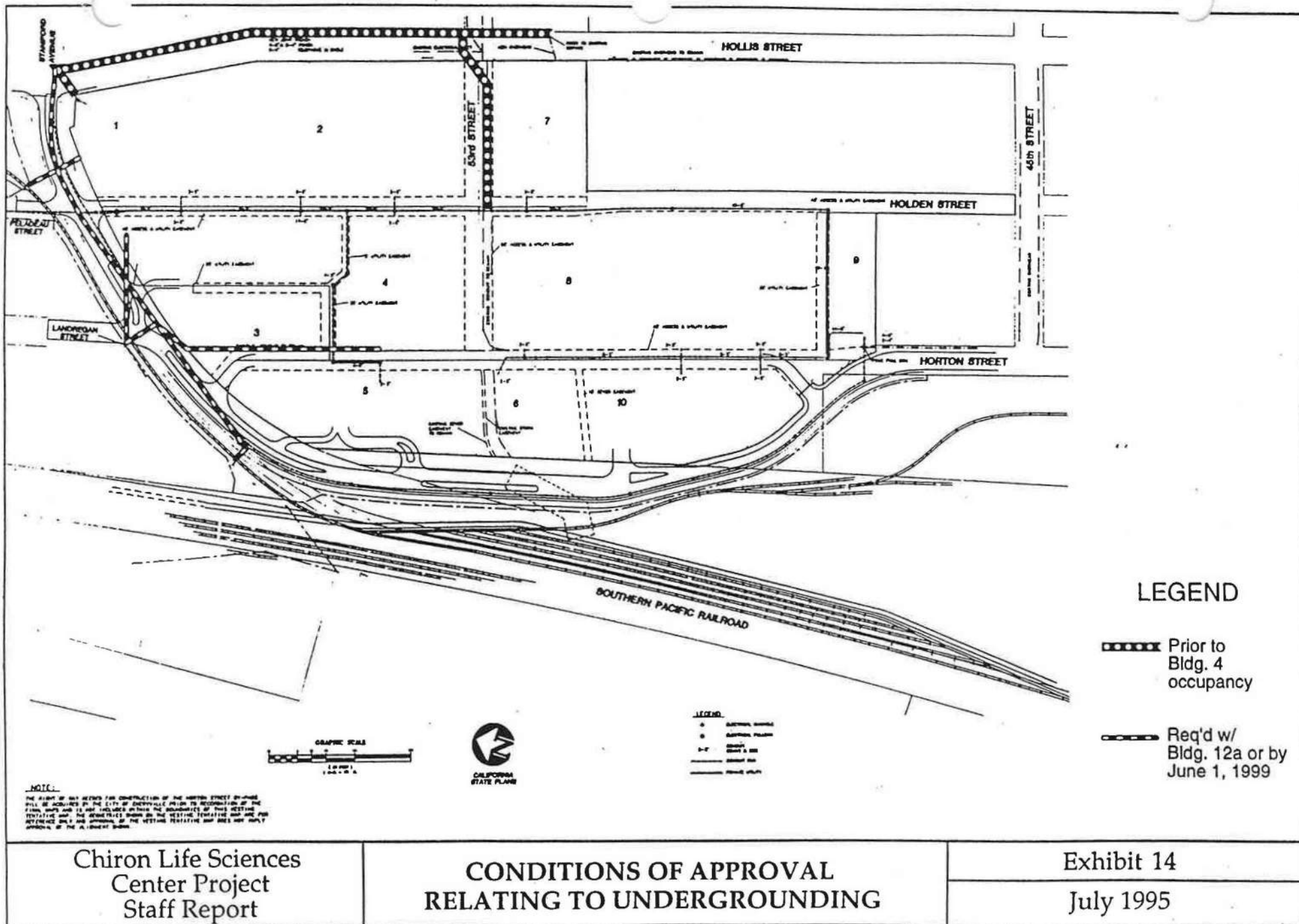


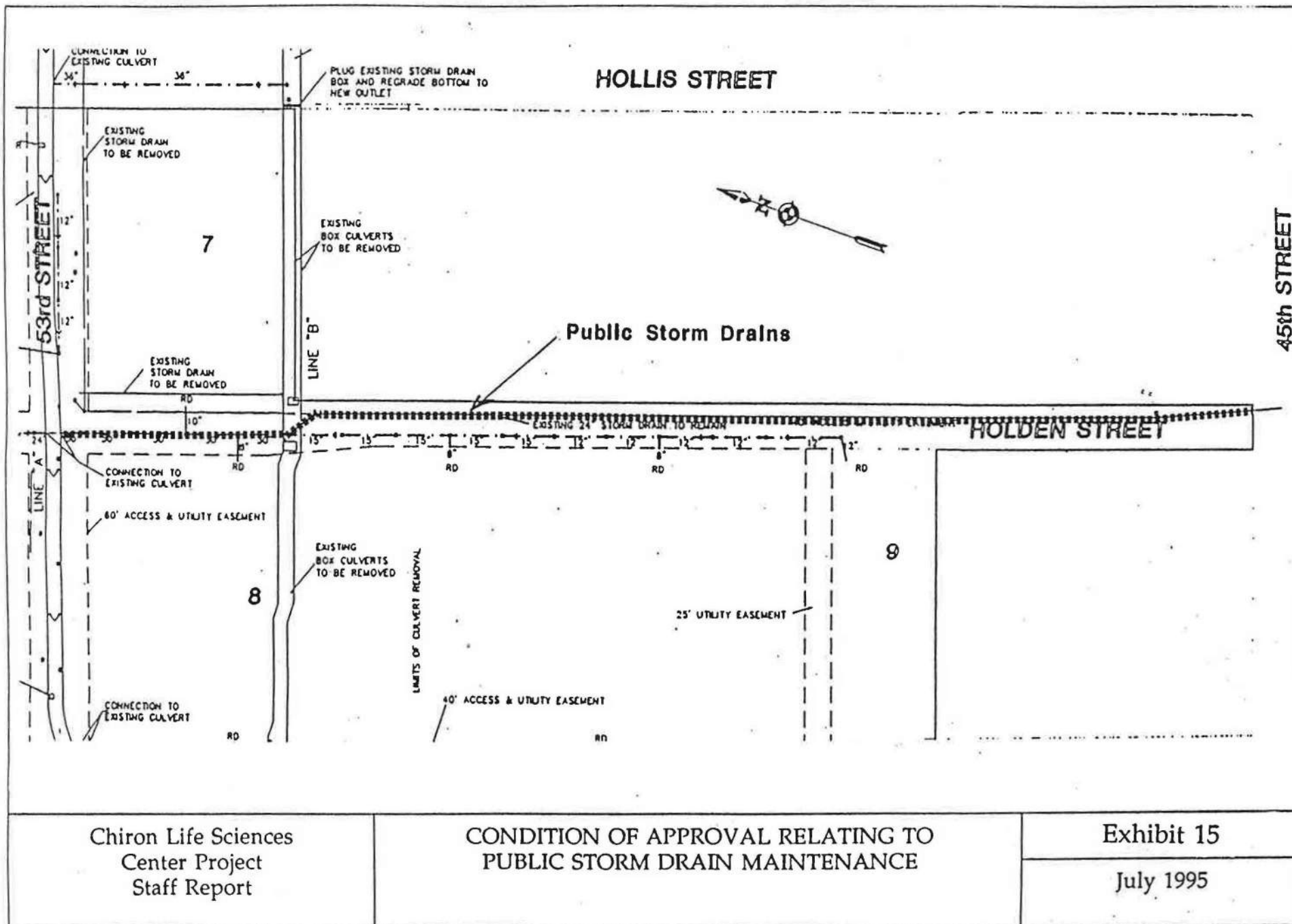


Chiron Life Sciences  
Center Project  
Staff Report

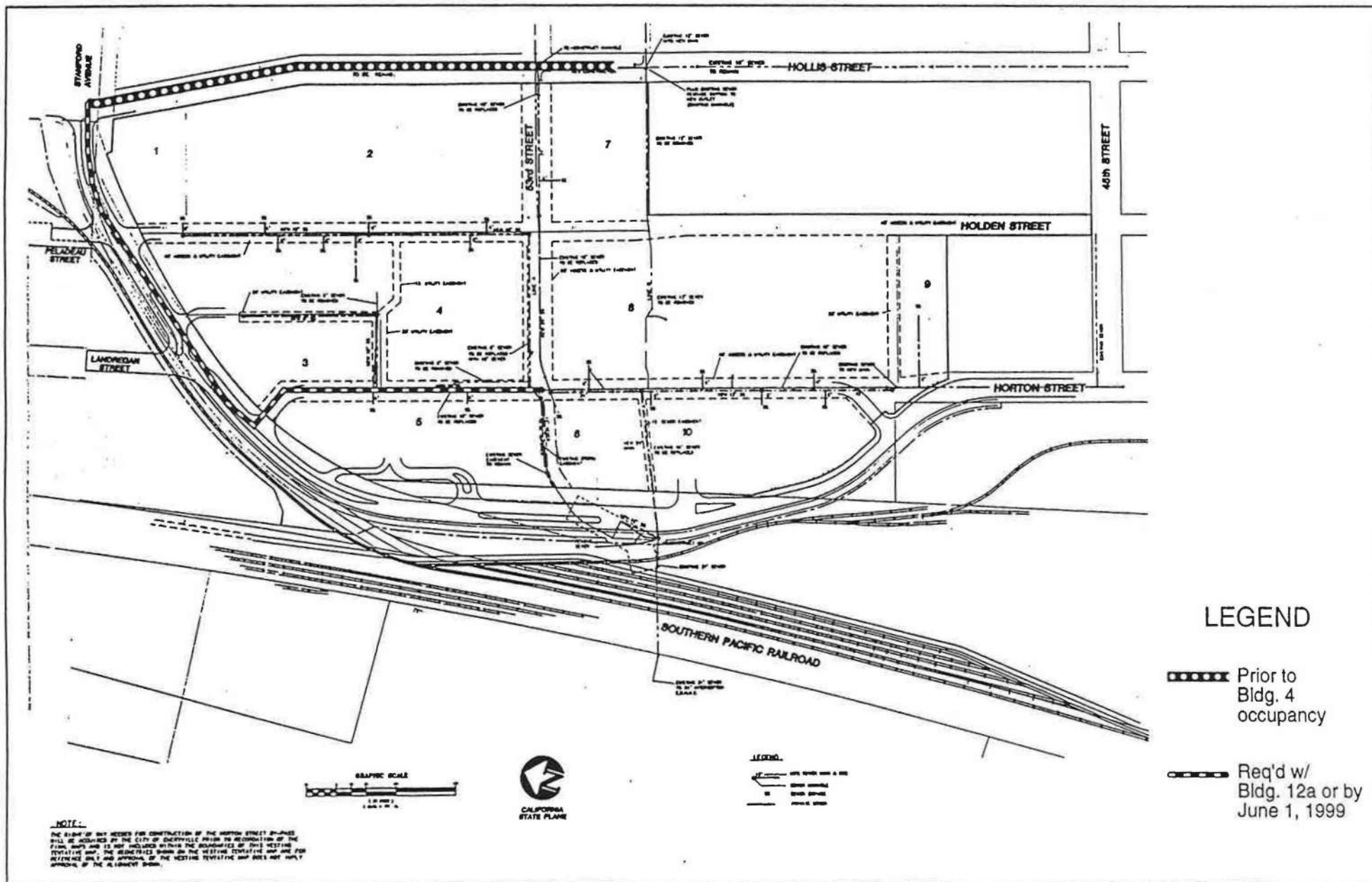
# CONDITIONS OF APPROVAL RELATING TO WATER DISTRIBUTION

Exhibit 13  
July 1995







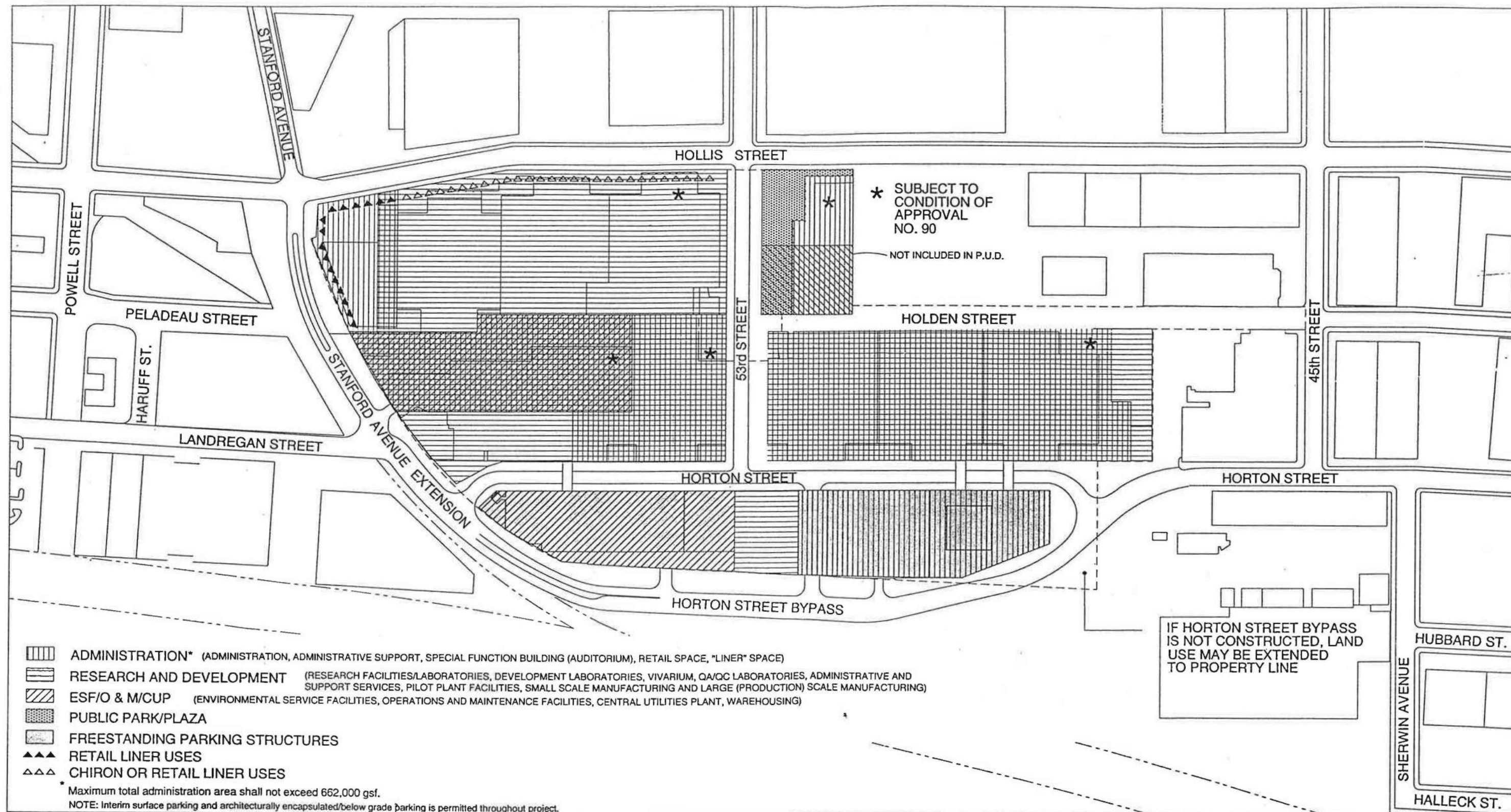


Chiron Life Sciences  
Center Project  
Staff Report

# CONDITIONS OF APPROVAL RELATING TO WATER DISTRIBUTION

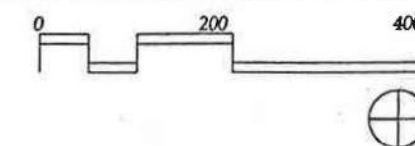
Exhibit 13  
July 1995



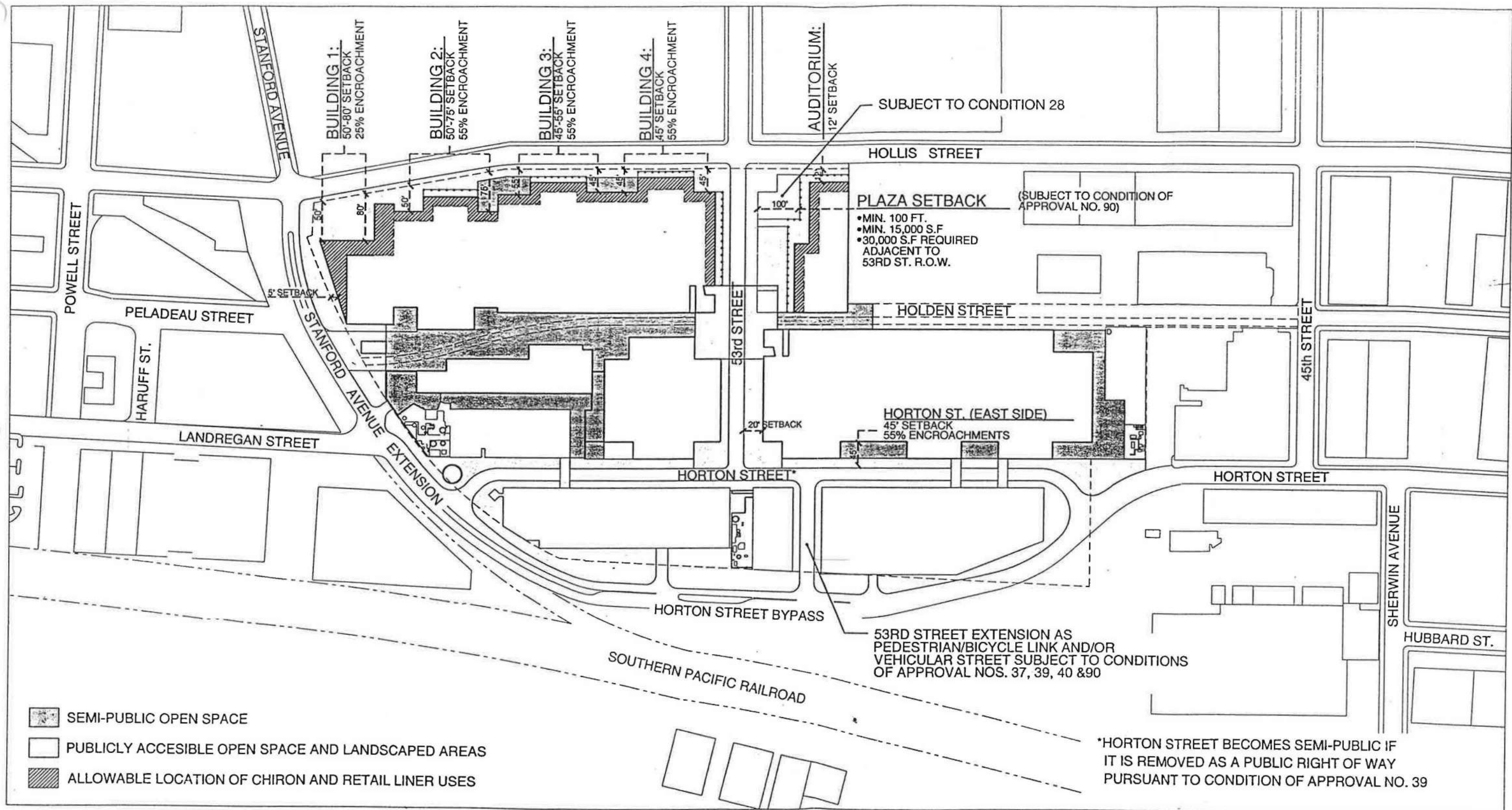


JULY 25, 1995

# Chiron Life Sciences Center EXHIBIT 1: LAND USES



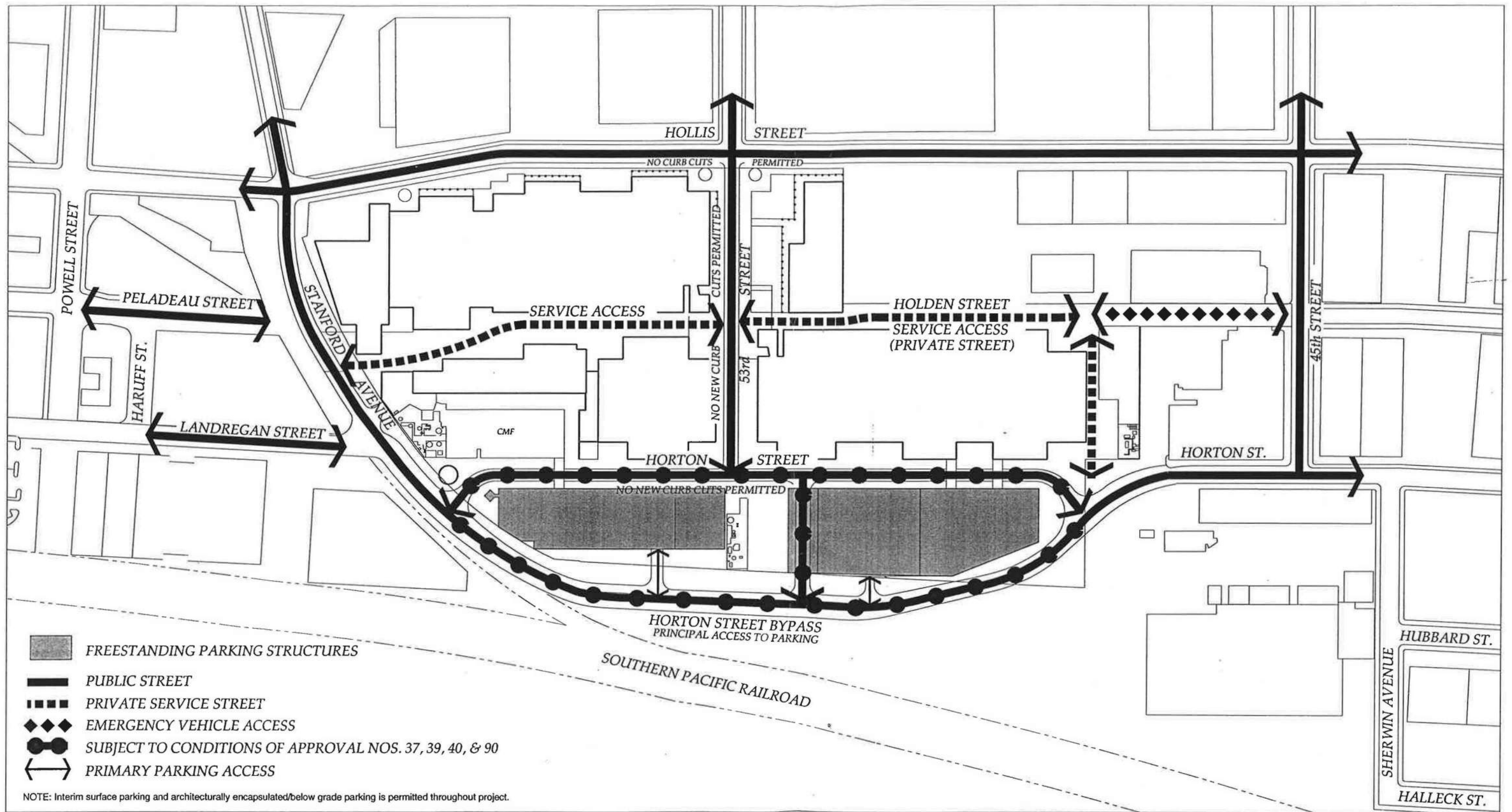




JULY 25, 1995

# *Chiron Life Sciences Center* EXHIBIT 2: OPEN SPACE AND LANDSCAPED AREAS

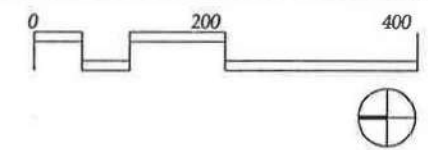
Prepared for the City of Emeryville by ROMA Design Group



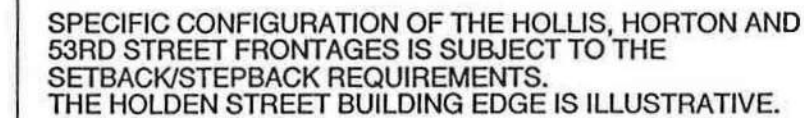
AUGUST 10, 1995

# Chiron Life Sciences Center EXHIBIT 3: VEHICULAR ACCESS AND PARKING

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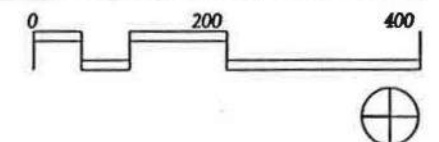


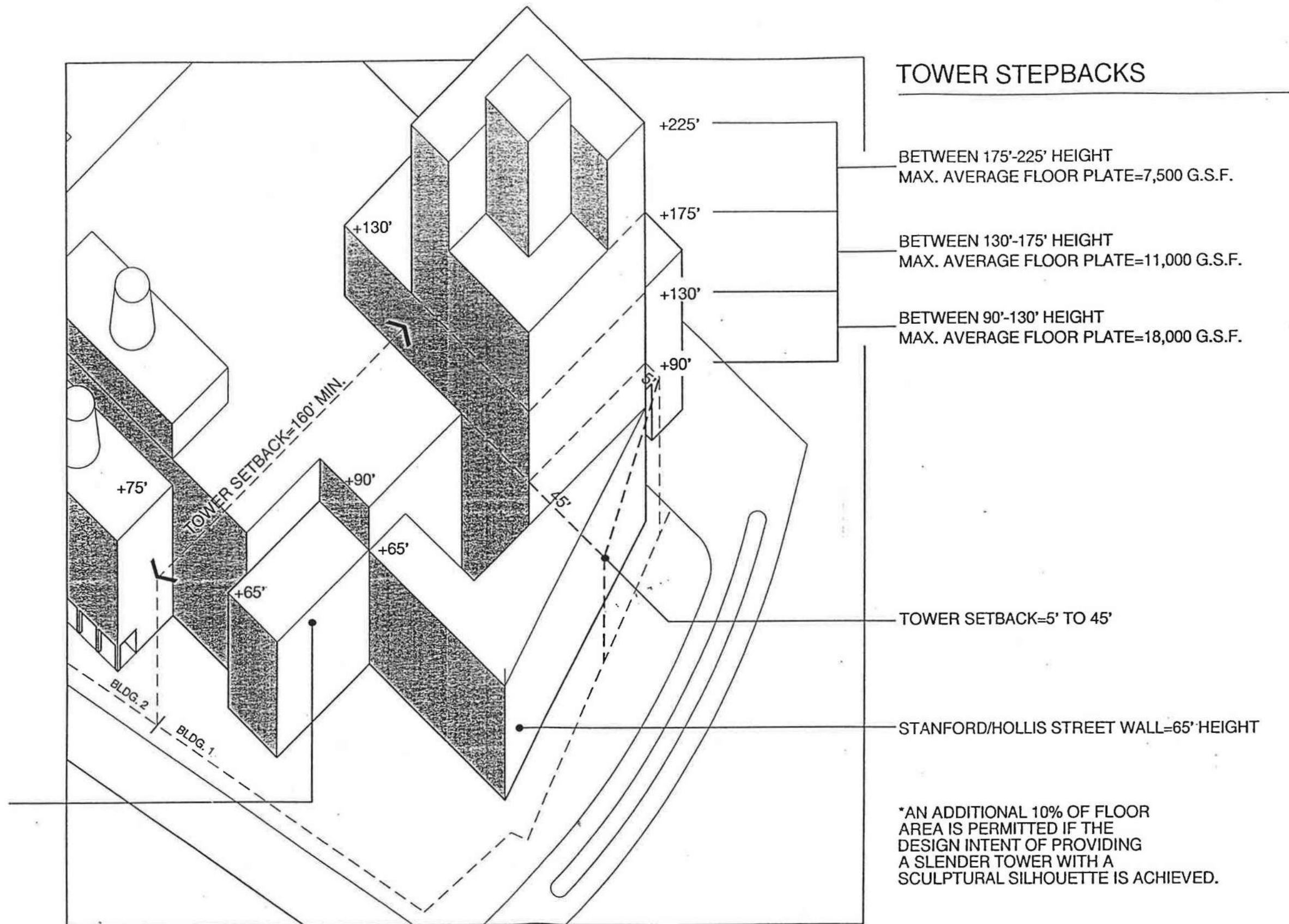
# Chiron Life Sciences Center

## EXHIBIT 4: HEIGHT LIMITS

*EXHIBIT 4:*

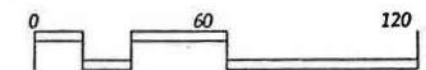
## HEIGHT LIMITS

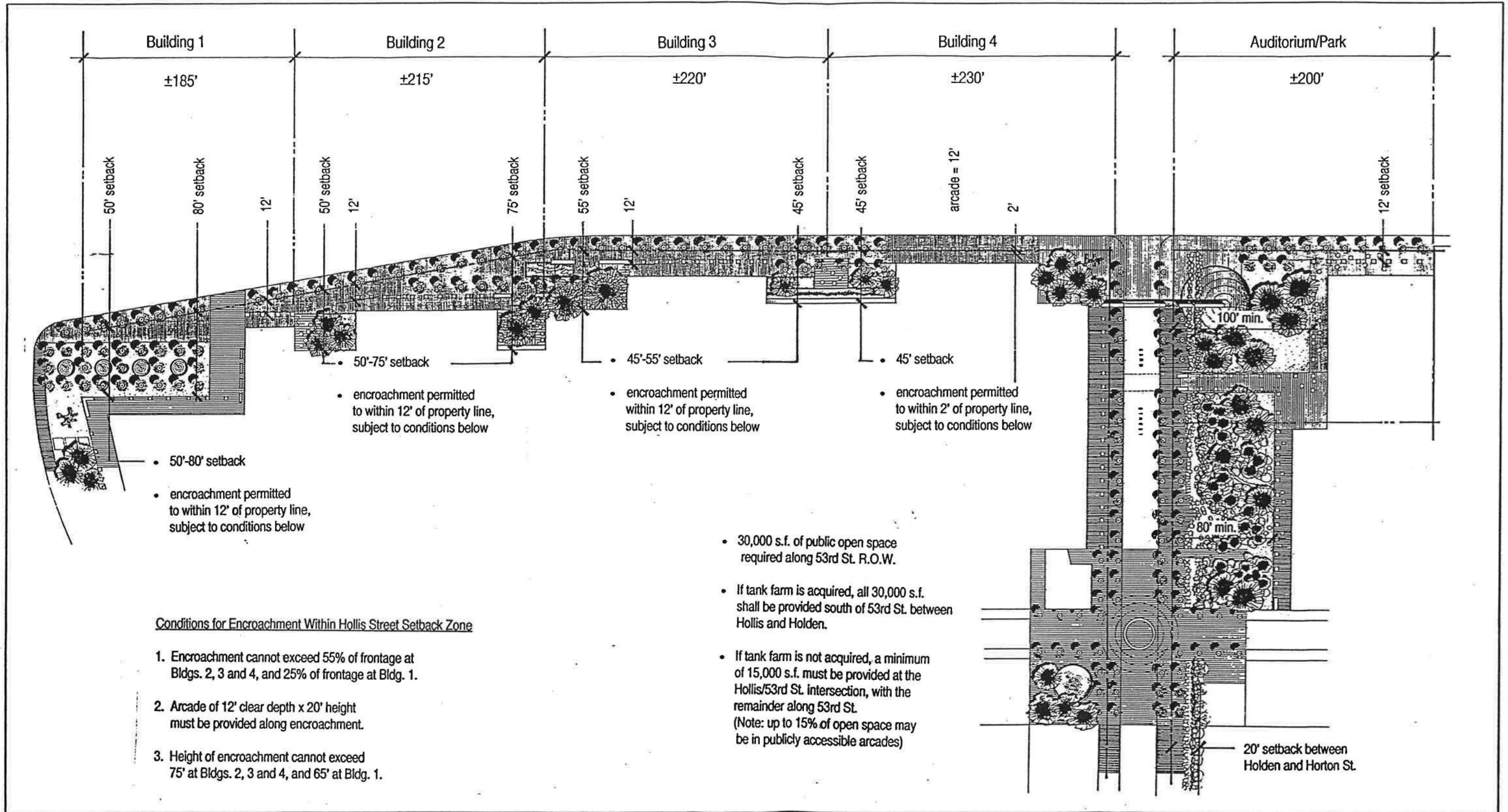




*Chiron Life Sciences Center*  
EXHIBIT 5:  
ADMINISTRATIVE TOWER (HOLLIS/STANFORD)

JULY 14, 1995

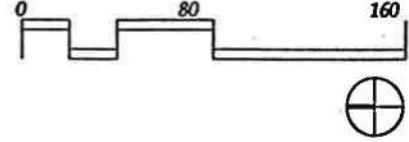




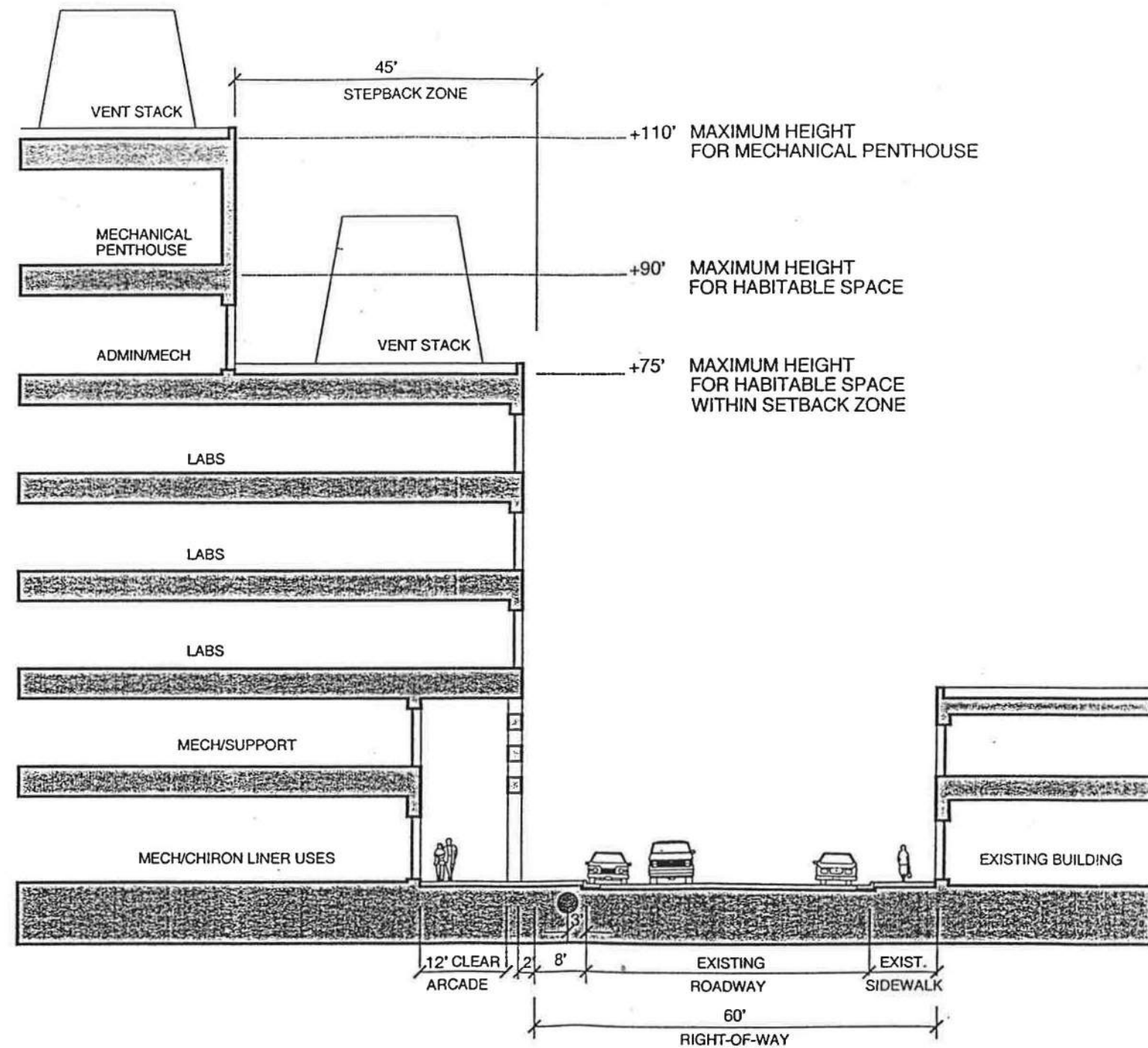
July 19, 1995

# Chiron Life Sciences Center EXHIBIT 6: HOLLIS STREET / 53RD STREET FRONTAGE

Prepared for the City of Emeryville by ROMA Design Group



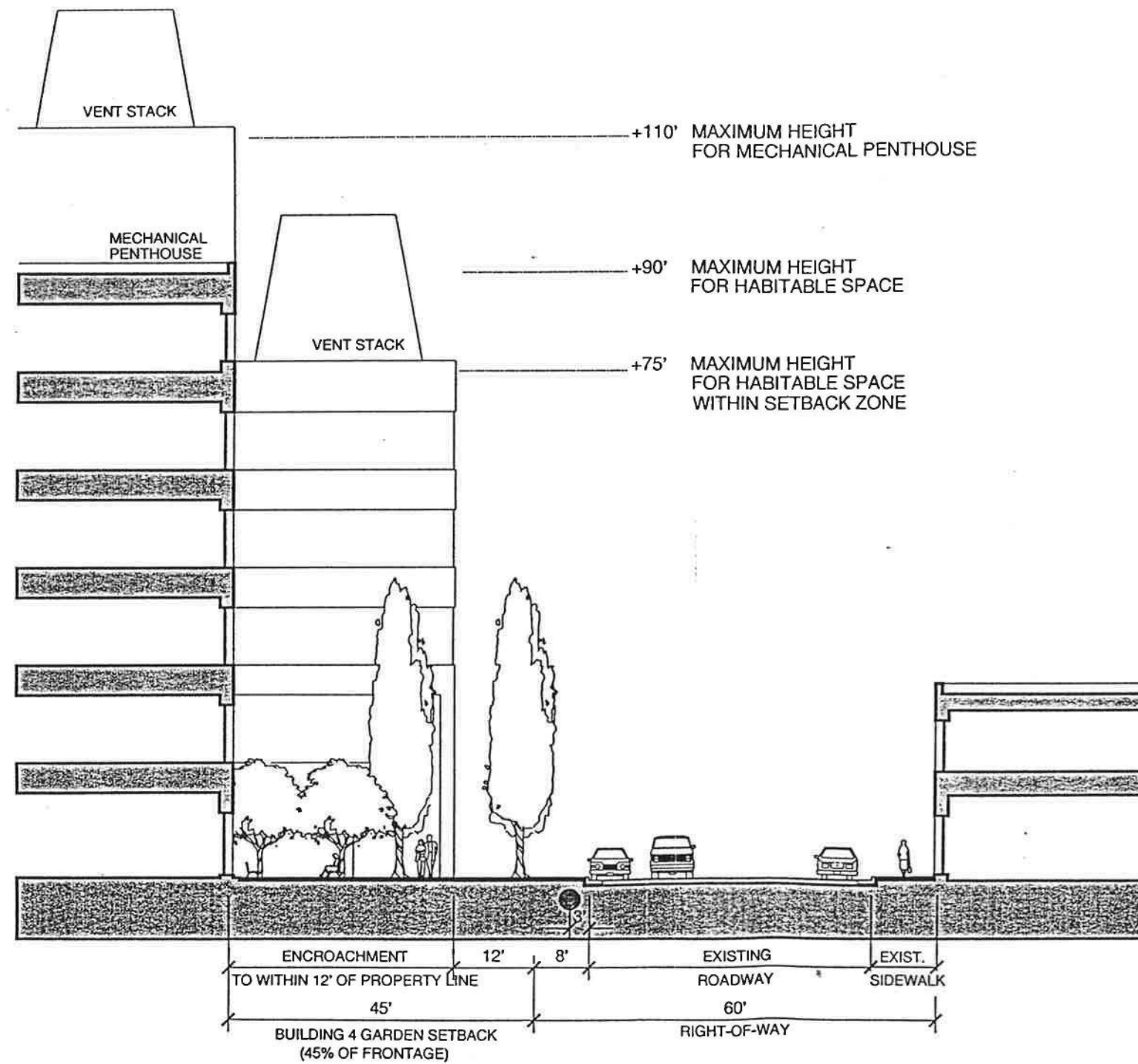




JULY 14, 1995

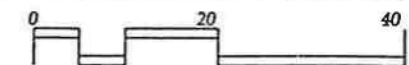
*Chiron Life Sciences Center*  
 EXHIBIT 7a:  
*Hollis Street Section at Arcade/Building 4*

*Prepared for the City of Emeryville by ROMA Design Group*



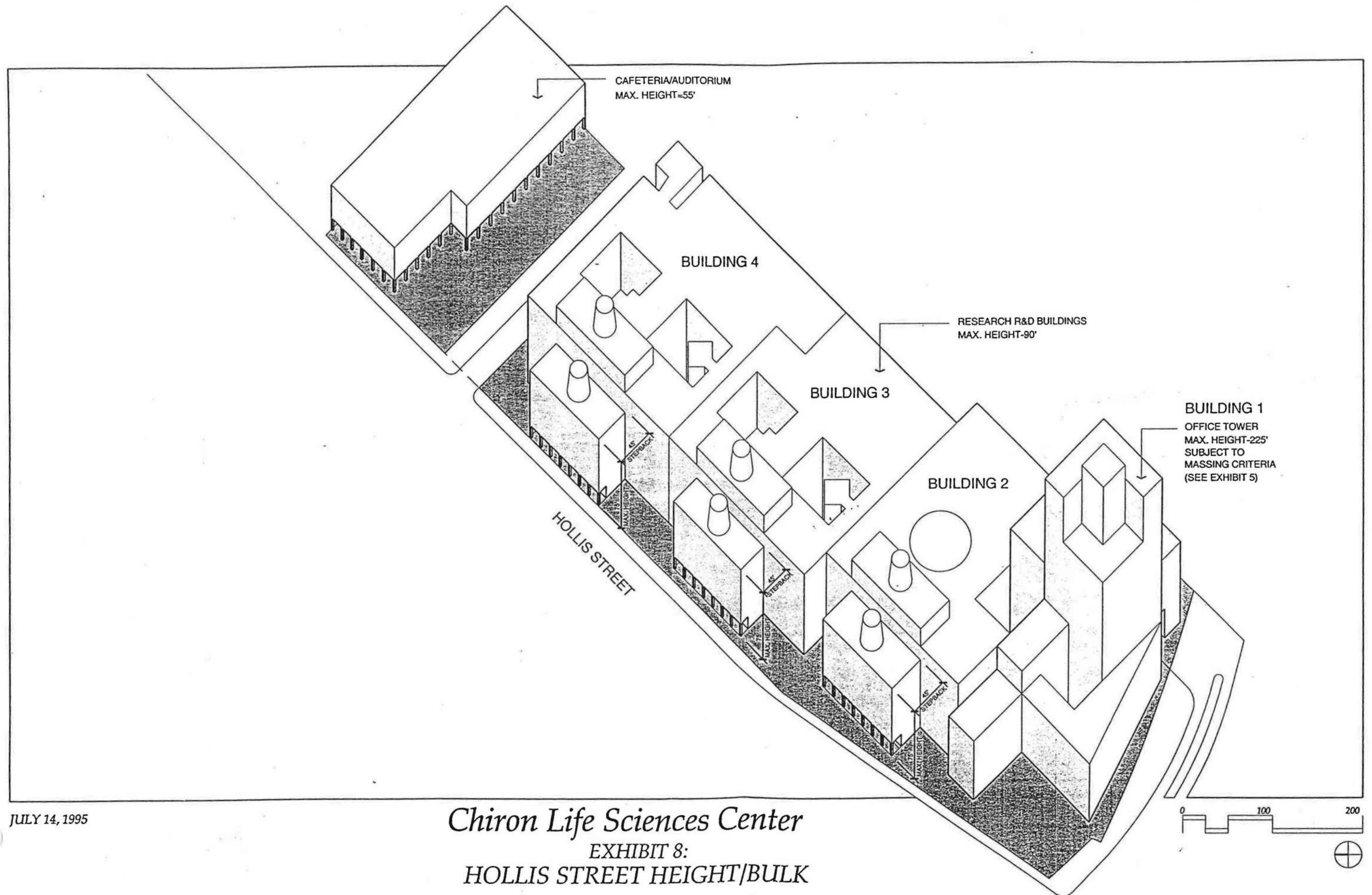
JULY 14, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 7b:  
*Hollis Street Section at Garden/Buildings 3 and 4*



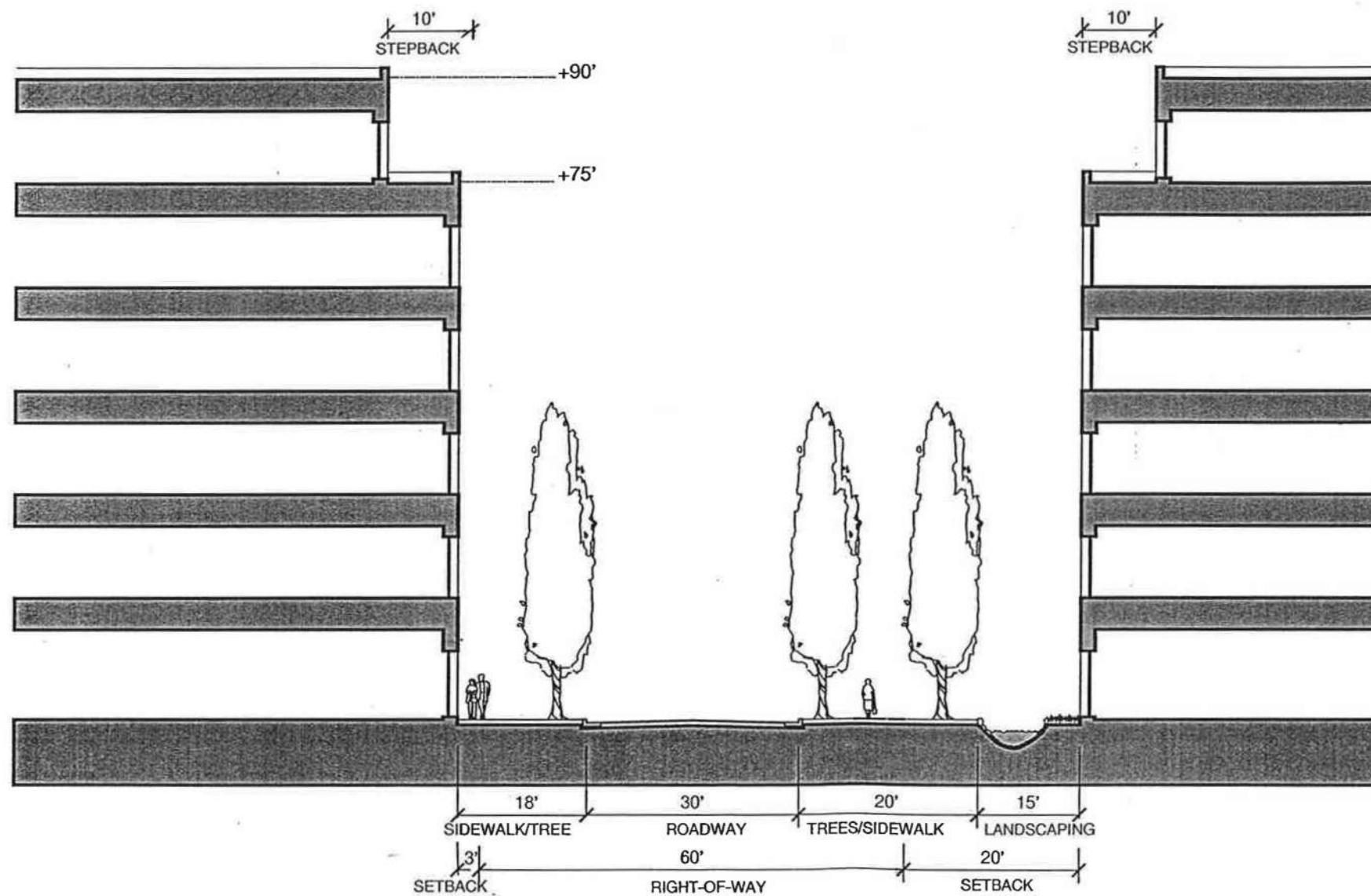
*Prepared for the City of Emeryville by ROMA Design Group*





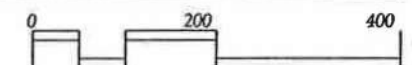
JULY 14, 1995

*Chiron Life Sciences Center*  
EXHIBIT 8:  
HOLLIS STREET HEIGHT/BULK

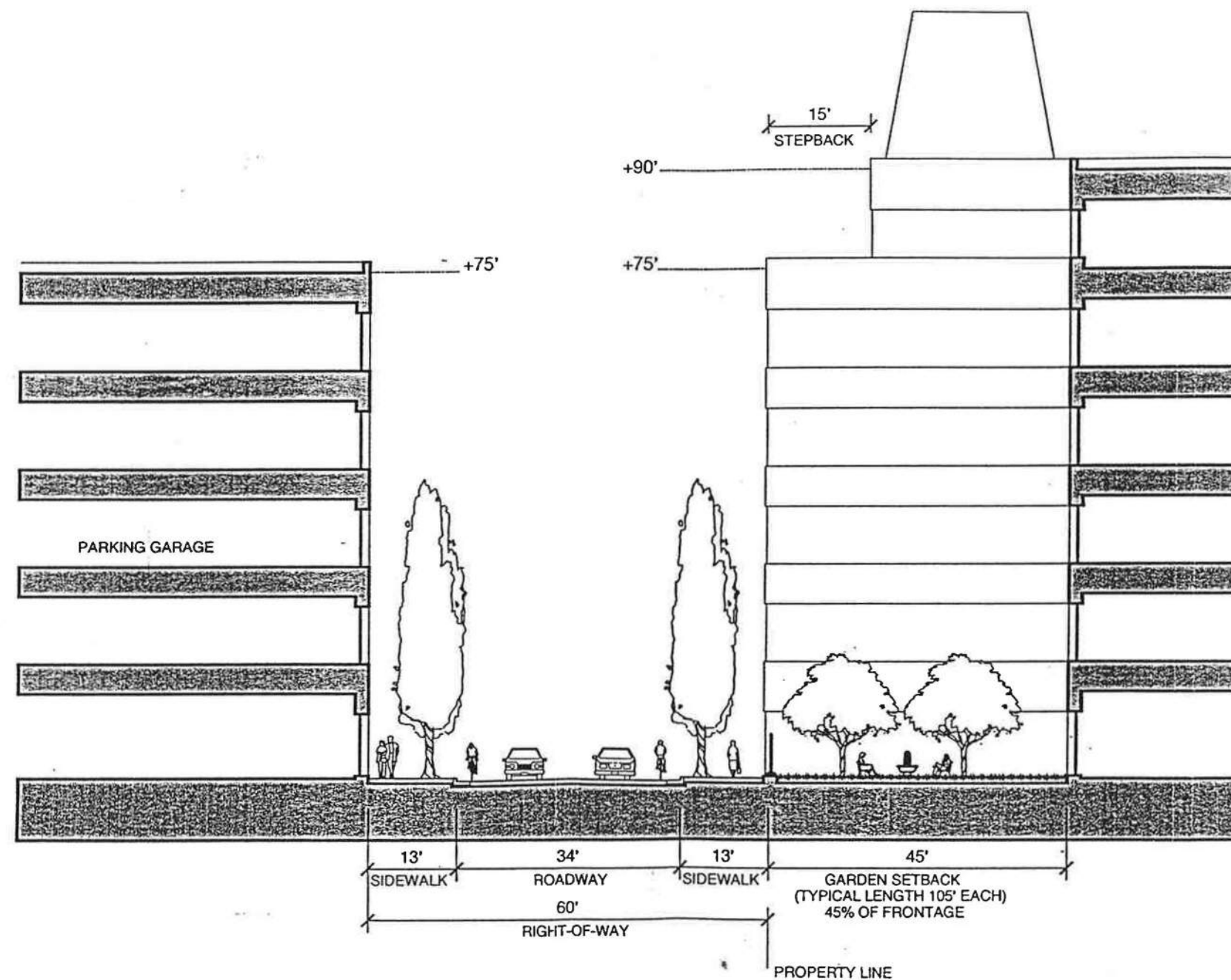


AUGUST 8, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 9:  
 53rd Street Section (West of Holden)

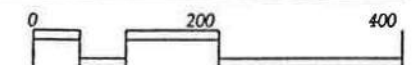


*Prepared for the City of Emeryville by ROMA Design Group*

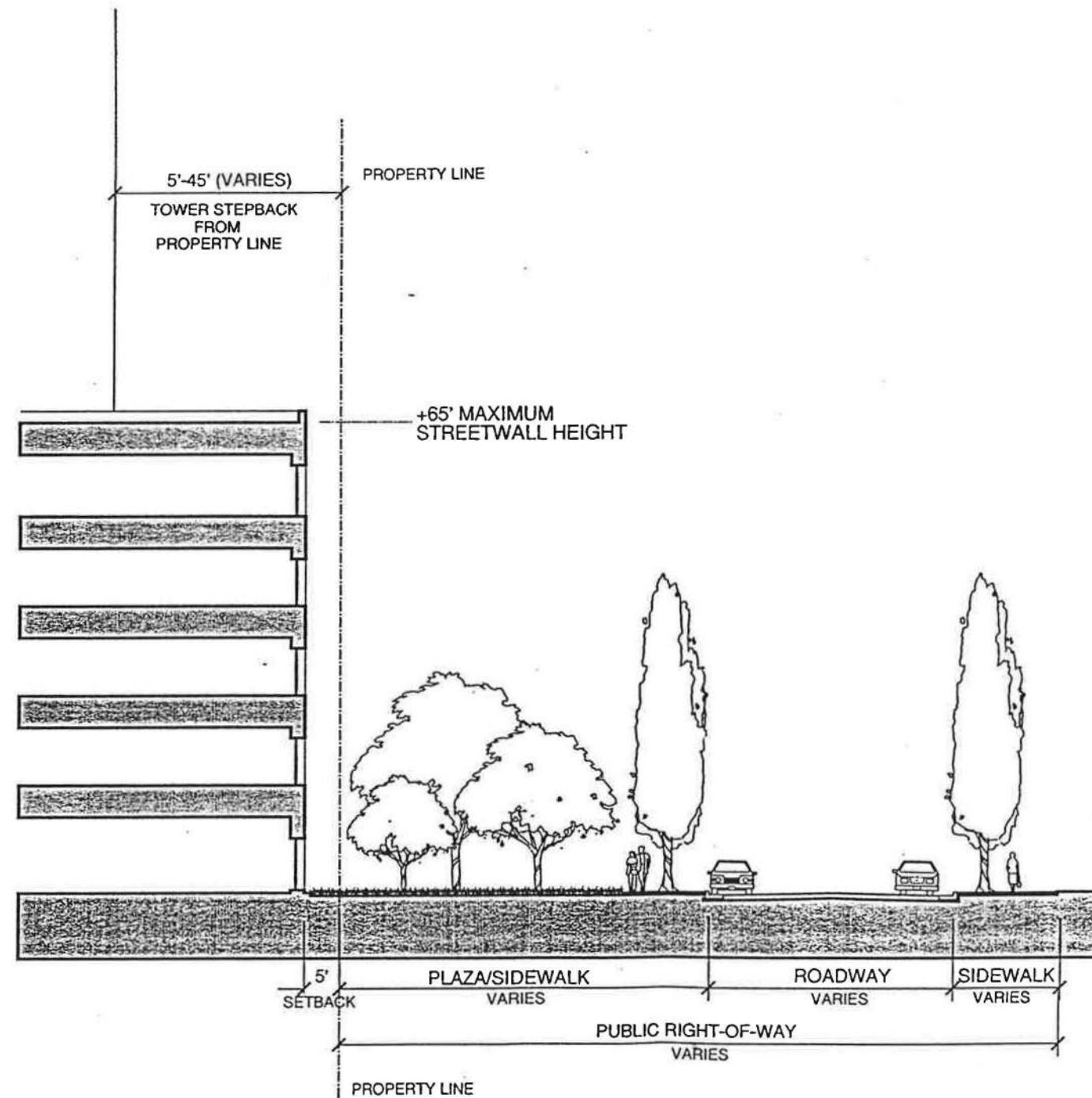


JULY 14, 1995

# *Chiron Life Sciences Center* EXHIBIT 10: Horton Street Section

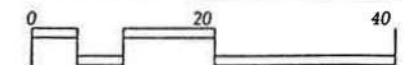


*Prepared for the City of Emeryville by ROMA Design Group*

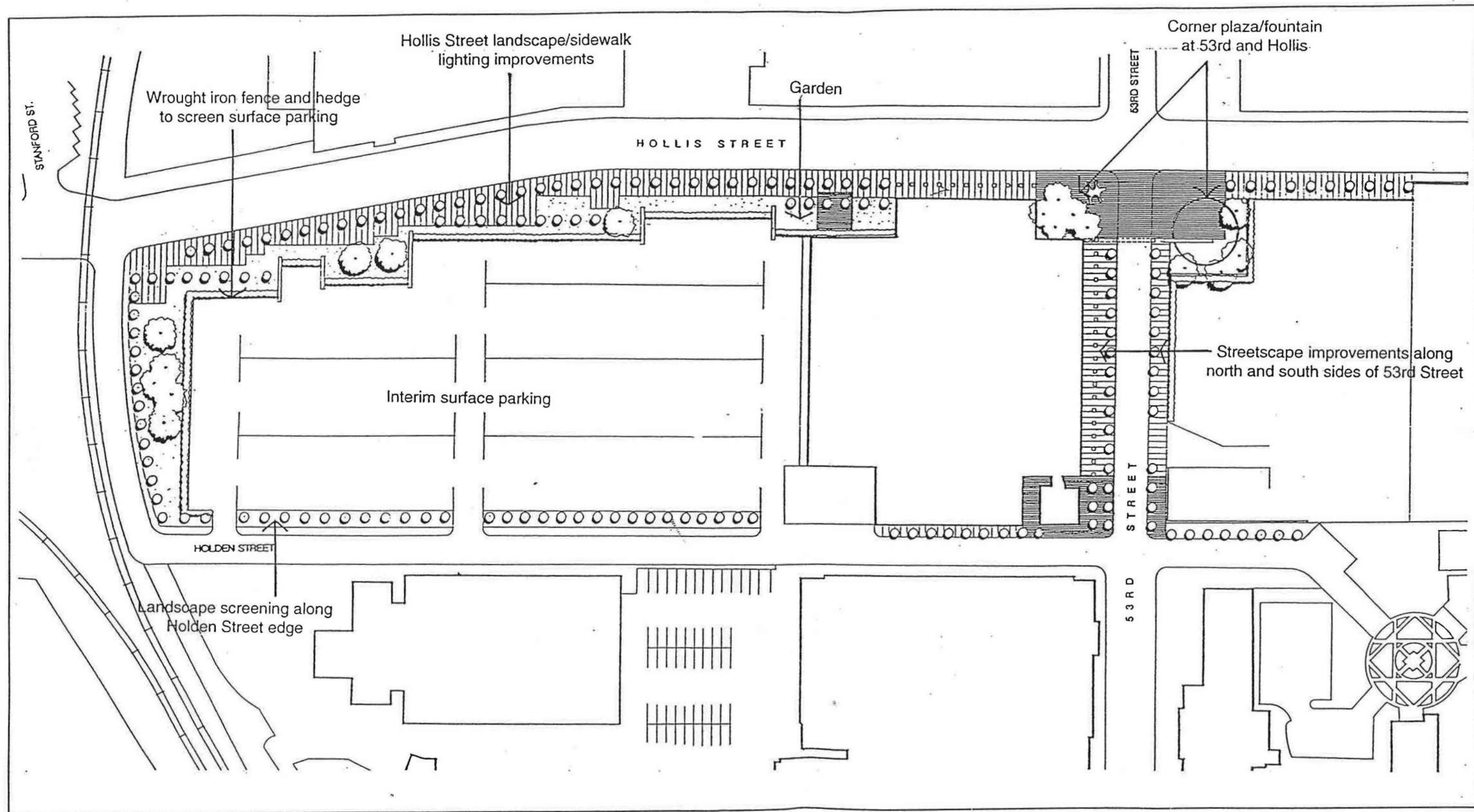


JULY 14, 1995

*Chiron Life Sciences Center*  
EXHIBIT 11:  
*Stanford Avenue Section*

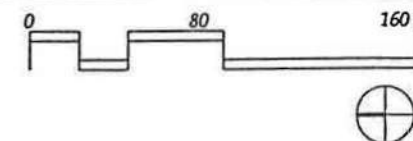


*Prepared for the City of Emeryville by ROMA Design Group*

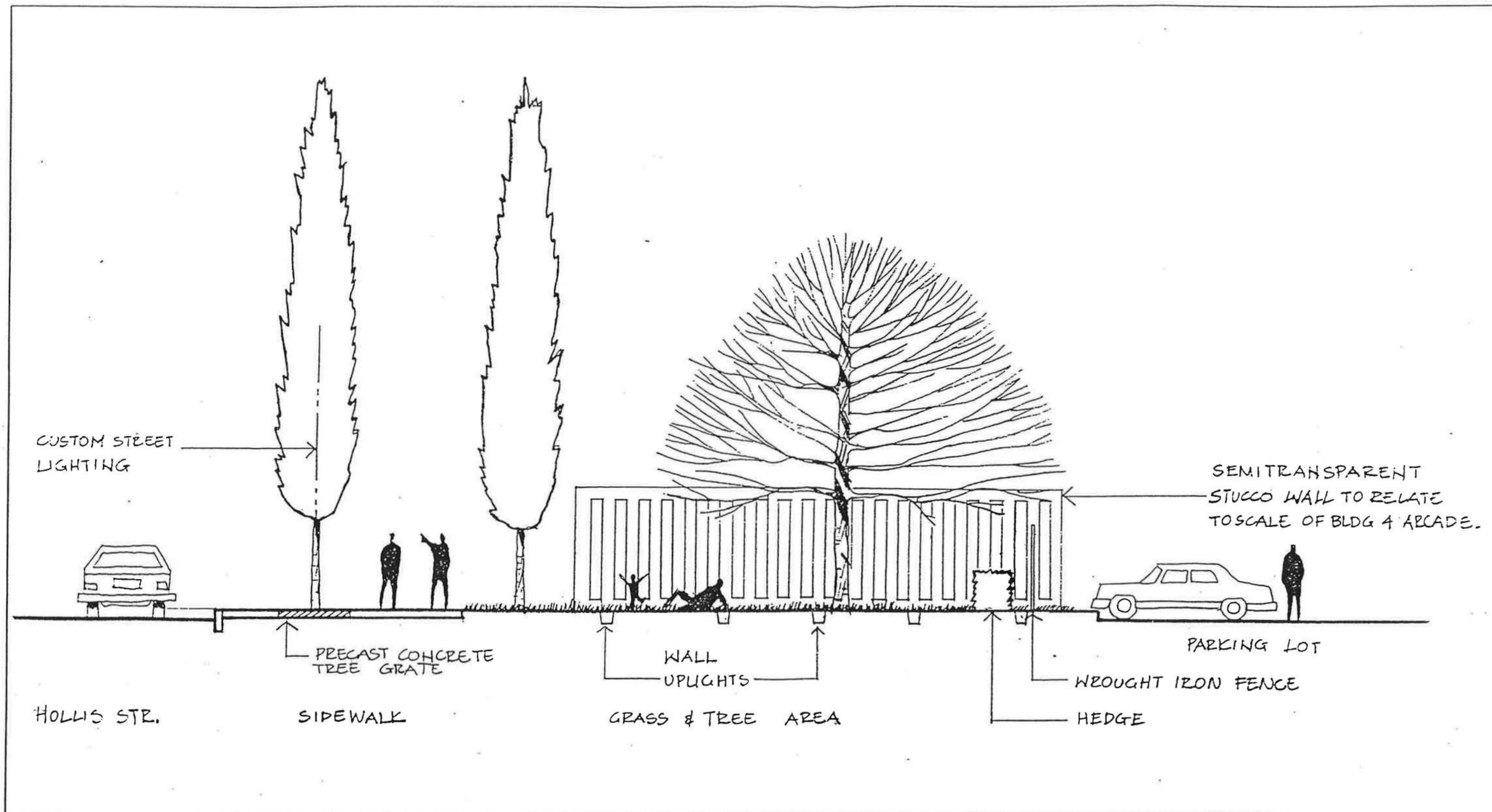


JULY 14, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 12a:  
 INITIAL PROJECT

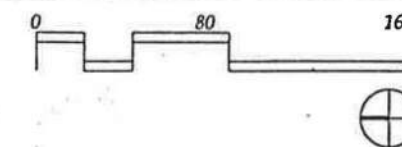






JULY 14, 1995

*Chiron Life Sciences Center*  
 EXHIBIT 12b:  
 INITIAL PROJECT: SECTION THROUGH HOLLIS  
 AT INTERIM PARKING LOT



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