



APPROVED

**CITY OF EMERYVILLE
PLANNING DIVISION**

Charles S. Buzyn 6/9/2023
(Signature) (Date)

Community Development Director
(Title)

FDP19-002

File No. (if applicable)

CONDITIONS OF APPROVAL

BMR Emeryville Center of Innovation Final Development Plan (FDP19-002) Exhibit A. Conditions of Approval February 25, 2021

Administratively Modified by the Community Development Director on June 9, 2023, pursuant to EMC Section 9-7.214(a), with new text indicated by underlining in Condition of Approval VII.A.12

This Final Development Plan approval is subject to the Planned Unit Development/ Preliminary Development Plan (PUD 93-002) (“PDP”), and its Conditions of Approval, approved by Ordinance No. 95-006, and the Development Agreement By and Between the City of Emeryville and the Chiron Corporation, dated September 14, 1995, and approved by Ordinance No. 95-007 (“Development Agreement”). In the event of any inconsistencies between the Development Agreement, and the conditions set forth below, which cannot be resolved, the Development Agreement (to the extent it has not terminated) shall take precedence over the Conditions of Approval to this Final Development Plan, as set forth below. Unless expressly provided otherwise, all references to the Emeryville Municipal Code, General Plan or other Emeryville ordinances or planning regulations shall be deemed to refer to the versions that apply pursuant to the Development Agreement.

I. COMPLIANCE WITH APPROVALS

- A. PROJECT APPROVALS. The Project (as defined in Condition I.A. and I.B.) shall be constructed and operated in accordance with the following actions by the Planning Commission and as modified by these conditions:
1. A Final Development Plan for demolition of existing buildings G, T and B7, construction of five new buildings – B1, B2/3, B8A, B8B (each of which is referred to as a “Research and Development Building”), and B13/14 (the “Parking Garage” or “Parking Structure”) accommodating approximately 911,800 square feet of Research and Development use, associated office, parking and amenity use and up to 10,000 square feet of

ground floor commercial uses per building, for a cumulative total not to exceed 40,000 square feet of ground floor commercial uses as described in Condition of Approval Number IX.C, and off-site public improvements depicted in the Approved Plans (as defined in Condition I.B.) (“Project”). The table below outlines height, floors and square footage by each building.

Building	Maximum Height	# Occupied Floors	Approximate Maximum Size
B1	180 feet	11	300,000 sq. ft.
B2/3	120 feet	7	261,300 sq. ft.
B8A	140 feet	7	221,000 sq. ft.
B8B	110 feet	5	129,500 sq. ft.
B13/14 (Parking Garage)	110 feet	11 levels, including grade and roof	1,991 spaces

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

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

1. The drawings entitled “Emeryville Center of Innovation” sheets G000 to G007; G009 to G045; G047 to G083; G085 to G092; G094 to G104; and G106 to G127 dated February 11, 2021 prepared for BioMed Realty by Flad Architects.
2. The drawing entitled “Updated February 25, 2021, FDP Tree Preservation and Removal Plan” sheet G070A dated February 25, 2021, prepared for BioMed Realty by Flad Architects is hereby approved (“Tree Removal and Preservation Plan”). In the event of any conflicts between this drawing and those listed in Condition I.B.1 above as it relates to the preservation or removal of public or private trees, Tree Removal and Preservation Plan shall prevail. In addition, all trees located along Hollis Street shall be designated Street Trees under the City’s Urban Forestry Ordinance, even if they are located on private property.

C. APPROVAL EFFECTIVENESS AND DURATION. This approval shall automatically expire if an application for a building permit has not been filed and fees have not been paid for any of the buildings within one year from the date of expiration of the Development Agreement, and a good faith effort to commence

work upon the use has not been made, as determined by the Community Development Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the Planning Commission for such extension period prior to the expiration date of the Development Agreement. In no case shall the expiration period extend more than three years from the date of expiration of the Development Agreement. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval.

- D. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS. All improvements shall be installed in accordance with this approval. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the Community Development Director.
- E. COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN. No part of this approval shall be construed to be a violation of the PDP or the Development Agreement, or the Emeryville Municipal Code or the General Plan. Operations on the Property (as defined in I.G) shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.
- F. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL. If Applicant constructs buildings or makes improvements in accordance with this approval but fails to comply with any of the applicable conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville (“City”), then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of this approval or any other remedies available to the City.
- G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in Assessor Parcel Numbers 49-1041-29-1, -49, 70-2, and 71-2; and 49-1544-1-1, -2, -5, and -6 (the “Property”) and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

II. GENERAL CONDITIONS

A. INDEMNIFICATION.

- 1. Applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, the Bay Cities Joint Powers Insurance Authority and their respective officials, officers, agents and employees (the Indemnified Parties) against all claims, demands, and

judgments or other forms of legal and or equitable relief, which may or shall result from: 1) any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final Project or zoning approvals, analysis under the California Environmental Quality Act or granting of any permit issued in accordance with the Project; or 2) Applicant's design, construction and/or maintenance of the public improvements set forth in the final building plans. Applicant shall pay for all direct and indirect costs associated with any action herein. Direct and indirect costs as used herein shall mean but not be limited to attorney's fees, expert witness fees, and court costs including, without limitation, City Attorney time and overhead costs and other City Staff overhead costs and normal day-to-day business expenses incurred by the City including, but not limited to, any and all costs which may be incurred by the City in conducting an election as a result of a referendum filed to challenge the Project approvals. The Indemnified Parties shall promptly notify the Applicant, its assignees, and successors-in-interest of any claim, demand, or legal actions that may create a claim for indemnification under this section and shall fully cooperate with Applicant, its assignees and successors-in-interest. **[City Attorney]**.

- B. MITIGATION MEASURES. The mitigation measures identified in the Mitigation, Monitoring and Reporting Plan (MMRP) approved in City Council Resolution No. 95-141 are incorporated by reference into this document. All mitigation measures that apply to the Project's impacts shall be considered conditions of approval of the Project, as may be further refined or clarified by these Conditions of Approval. Responsibility for monitoring compliance with the mitigation measures shall be in accordance with the MMRP. **[Planning, et. al.]**

C. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Subdivision Approval. Prior to the issuance of a building permit, the Public Works Director shall confirm that the Applicant has approval for the parcel map that creates the lot for the building subject to the building permit and has applied for the reapportionment of the Bay-Shellmound Assessment as applicable. **[Public Works]**
2. Public Art Program. Compliance with the Art in Public Places Ordinance is governed by the Development Agreement, except as noted below:
 - a. If the Development Agreement has terminated or expired at the time of building permit issuance then, prior to the issuance of a building permit, Applicant shall submit evidence of compliance with the Art in Public Places Ordinance (Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code) by showing a signed

contract to commission or purchase and to install the artwork on the development site, or by payment of the full amount of the in-lieu public art fee. If Applicant intends to install on-site art rather than pay the in-lieu public art fee but has not supplied the above-specified information prior to the issuance of the foundation permit, payment of the in-lieu public art fee will be required and will be repaid to Applicant only at such time the above-specified information is provided to City.

- b. If the Development Agreement is in effect at the time of building permit issuance but terminates or expires prior to issuance of temporary certificate of occupancy, then the Applicant shall comply with the terms of the Development Agreement applicable to an art fee at the time for compliance required by the Development Agreement or prior to the expiration or termination of the Development Agreement, whichever is earlier. **[Economic Development]**

3. Fees, Dedications and Exactions.

- a. Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions, attached as Attachment 1. Pursuant to Government Code Section 66020(d)(1), this set of Conditions of Approval constitutes written notice of a statement of the amount of such fees and a description of the dedications, reservations and other exactions. Applicant is hereby further notified that the 90-day approval period in which these fees, dedications, reservations and other exactions may be protested, pursuant to Government Code Section 66020(a) will begin upon approval of the aforementioned Project Approvals in Section I.A. by the City of Emeryville Planning Commission. If Applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, Applicant will be legally barred from challenging such exactions.
- b. Prior to the issuance of each building permit, the Building Official shall confirm that all applicable fees due at the issuance of the building permit has been paid. If the Development Agreement has terminated or expired at the time of building permit issuance, the applicable fees described in Attachment 1 for the building being constructed are to be paid to the City prior to issuance of the building permit for that building, unless the Municipal Code then in effect provides for a later date. If the Development Agreement is in effect at the time of building permit issuance, then the applicable

fees for Building, Plan Review, Energy Review, Electrical Permit, Plumbing Permit, Mechanical Permit, SMIP, Microfiche, Fire Department, Fire Suppression, Technology and Building Standards Commission shall be due prior to building permit issuance for each building, and all other fees due under the Development Agreement shall be calculated in accordance with the Development Agreement and due at the time required by the Development Agreement or prior to the expiration or termination of the Development Agreement, whichever is earlier. In all circumstances, see Condition of Approval II.D.4 regarding payment of the Bay-Shellmound Contingent Assessment. **[Building]**

4. Cost Recovery Planning Fees. Prior to the issuance of each building permit, the Community Development Director shall confirm that all cost recovery planning fees have been paid to date. **[Planning]**
5. Development Agreement Amendment. Prior to the issuance of the first building permit, the Applicant and the City shall execute an administrative amendment to the DA to reflect the updated traffic analysis performed for the Project and to redirect the applicant's financial contribution due under Section 3.6.3 of the DA to the City's Traffic Impact Fee Fund. **[City Attorney]**

D. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Notice to Tenants and Future Owners. Prior to the issuance of the first temporary certificate of occupancy for each building, Applicant shall provide to the Community Development Director a notice to be included in all lease and sales documents to all prospective tenants and future purchasers of the property on the relevant building site, in a form acceptable to the City Attorney, addressing: 1) the existence of nearby industrial uses which have the potential to emit noise at levels and during hours of the day that persons may find disturbing; 2) nearby manufacturing/industrial uses which may generate odors; 3) existence of truck traffic; 4) existence of a nearby mainline railroad that operates 24 hours per day seven days per week with associated train horns and other sounds and vibration; 5) the possibility of future nearby development that may block views; and 6) site has contained hazardous materials and that measures have been undertaken to remediate any potential health risks associated with the hazardous materials and documents related to this effort are on file with the property owner, the City of Emeryville City Attorney Department and Department of Toxic Substances and Control (DTSC). **[City Attorney/Planning]**

2. Fees, Dedications and Exactions. Prior to the issuance of each temporary certificate of occupancy, the Building Official shall confirm that all applicable fees due at the issuance of the certificate of occupancy, as identified pursuant to Condition of Approval II.C.3, have been paid. **[Building]**
3. Cost Recovery Planning Fees. Prior to the issuance of the certificate of occupancy for each building, the Community Development Director shall confirm that all cost recovery planning fees related to that building have been paid in full. **[Planning]**
4. Bay-Shellmound Contingent Assessment. Prior to the issuance of each temporary certificate of occupancy, the Building Official shall confirm that the Bay-Shellmound Contingent Assessment has been paid. **[Building]**
5. Access to and through Chiron Way. Prior to the issuance of the first temporary certificate of occupancy (TCO) for a Research and Development Building, the Applicant shall remove the gates currently obstructing Chiron Way between 53rd Street and Stanford Avenue. No gates or other feature that would obstruct access by vehicles, bicycles and pedestrians shall be installed by the Applicant or its tenants on Chiron Way. Prior to the issuance of the first TCO for a Research and Development Building, the Applicant shall develop and submit a plan that shows via signage and other means a way to discourage through vehicular traffic and limit vehicular access of Chiron Way to emergency vehicles, drop-offs/pick-ups and delivery vehicles to the Public Works and Community Development Directors for approval. This plan shall include physical features to discourage vehicles from turning right onto 53rd Street from Chiron Way. This plan shall be implemented prior to the issuance of the first TCO for a Research and Development Building. **[Public Works and Community Development]**

III. BUILDING AND CONSTRUCTION REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Plans. Prior to the issuance of each building permit, the Building Official shall verify that the title sheet for the building permit drawings contains the following: **[Building]**
 - a. Permit number.
 - b. Zoning district.
 - c. FAR

- d. Lot area in square feet.
 - e. Total number of parking spaces with parking spaces numbered on plans in a consecutive manner and consistent with the parking summary on the title page.
 - f. Building heights with height of any appurtenances noted.
 - g. Detailed breakdown of floor areas.
 - h. Number of floors.
 - i. Existing building information (if applicable).
 - j. Total Impervious Surface area in square feet (from "Impervious Surface and Stormwater Treatment Measures - Final Form" provided by the City of Emeryville Public Works Department).
 - k. Scorecard Summary from one of the following checklists: the most recent Multi-Family or Single Family Green Building Guidelines, developed by StopWaste.org or Build It Green, or the most recent LEED-NC Guidelines (or other LEED product most appropriate for the Project from the USBGC) (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person).
 - l. Scorecard Summary from the most recent Bay-Friendly Landscaping Guidelines checklist, as developed by StopWaste.org. (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person.)
2. Compliance with Applicable Codes. Prior to the issuance of each building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and applicable local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements. **[Building]**
3. Utility Service. Prior to the issuance of each building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing water, electrical, gas, telephone, and other like utilities services to the site, including a review of the existing services to the site and measures or improvements on-site that will be required to adequately serve the site, including the location and design of transformers (if above ground and if required) and all connections. All new and existing on-site electrical and communication lines shall be placed underground. All transformers shall be placed underground unless prior permission is granted by the City to place them

above ground, in which case they shall be screened from public view by fencing, dense landscaping, or other acceptable means. **[Building]**

4. Traffic and Parking Management Plan during Construction. Prior to issuance of each building permit for any portion of the Project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations, including mitigation measures adopted by City Council Resolution No. 95-141, on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. In addition, if any construction activities will impact AC Transit, the plan will provide for coordination with AC Transit. See also Condition of Approval IV.B.2.
5. Construction Sign. Prior to the issuance of the first building permit, Applicant shall submit a construction sign for approval by the Community Development Director in accordance with the prototype provided. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 3 feet by 4 feet with a minimum letter size of 3 inches. The sign shall include this information: the Project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The contact person should be the Noise Disturbance Coordinator listed below in Condition of Approval III.B.1.c.

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

6. Fencing. Prior to the issuance of each building permit, Applicant shall install temporary construction fence around the perimeter of the portion of the Property under construction that provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director. **[Public Works]**

7. Approval of Regulatory Agencies. Prior to the issuance of any building permit, Applicant shall submit to the Building Official copies of all other permits necessary from the applicable regulatory agencies. **[Building]**
8. Approval of Hazardous Material Regulatory Agencies. Prior to issuance of the first building or grading permit for each building, Applicant shall confirm that the Property has never been subject to an environmental regulatory action or order, or, for sites that are or have been the subject of a regulatory action or order, the Applicant shall submit to the Community Development Director confirmation that the proposed use of the Property is acceptable to the appropriate regulatory agency (e.g. San Francisco Bay Regional Water Quality Control Board, Alameda County Department of Health or the State of California Department of Toxic Substances Control) and that any conditions prior to such use have been met. For closed cases, agency closure letters describing conditions of closure or use restrictions (if any) may be used to satisfy this documentation requirement. For open cases, a site-specific agency determination may be necessary. If a Risk Management Plan, Site Cleanup Plan, Health and Safety Plan or similar document is required for the work that is the subject of the permit, then Applicant shall demonstrate such plan has been approved by the regulatory agency; shall submit copies to the Community Development Director and Public Works Director; and shall comply with all provisions of such plan. **[Planning and Public Works]**
9. Lead and Asbestos. Prior to the issuance of each demolition or building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed for that building and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulations, Section 1532.1). **[Building]**
10. Broadband Service. Prior to the issuance of each building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing open access fiber optic cable service to all occupants of the site at a minimum of 1 gigabit, provided that such facilities exist adjacent to the site. If such facilities do not exist adjacent to the Property, the Applicant shall make a good faith effort to work with service providers to extend service to the Property. **[Building]**
11. Construction Sequence and Timing. The Applicant shall provide the Community Development Director with an estimate of construction

sequencing and timeline for all the buildings prior to the issuance of the first building permit. Certificate of occupancy for the Parking Garage shall be issued before or concurrently with the issuance of the first certificate of occupancy for a Research and Development Building. The certificates of occupancy for Buildings B1 and B2/3 along Hollis Street shall be issued prior to issuance for certificates of occupancy for either Building B8A or B8B.

The Applicant shall provide an updated estimate every twelve months until the Project construction is complete as evidenced by issuance of the last final certificate of occupancy. **[Planning]**

12. Construction Site Fire Safety. Prior to the issuance of each building permit in which the design consists of combustible materials use the Applicant shall submit a Construction Site Fire Safety Plan to the Chief Building Official for review and approval in accordance with the attached document entitled “Standards for Construction Site Fire Safety” dated February 5, 2018. **[Building]**
13. Water Supply for Fire Protection. (CA Fire Code 3313.1) The Applicant shall coordinate with EBMUD to ensure water services will be provided prior to start of combustible frame construction. **[Building]**
14. Tree Removal Plan. Prior to the issuance of the first building permit for the Project, the Applicant shall submit a tree removal plan showing timing of both the tree removal and installation of replacement trees consistent with the Tree Removal and Preservation Plan (Sheet G070A) and in accordance with any tree removal permit approved.

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

1. Construction Noise.
 - a. *Hours*. Unless the City Council grants a waiver allowing different construction hours pursuant to Section 5-13.06 of the Emeryville Municipal Code, construction hours shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, except that pile driving and similarly loud equipment, including but not limited to jack hammering, grading, compacting, dump trucks, generators, and chain saws shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. In an urgent situation, the City Manager, Community Development Director, or Public Works Director may

approve weekend or night work pursuant to Section 5-13.05(e) of the Emeryville Municipal Code

- b. *Equipment.* All heavy construction equipment used on the Project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition and as deemed to be practically feasible. All non-impact tools shall meet a maximum noise level of no more than 85 dB when measured at a distance of 50 feet. All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines especially residential uses.
 - c. *Noise Disturbance Coordinator.* Applicant shall designate a “Noise Disturbance Coordinator” who shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem be implemented. Applicant shall conspicuously post a telephone number for the Noise Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The Noise Disturbance Coordinator shall be the contact person listed on the construction sign required by Condition of Approval III.A.5 above.
2. Traffic Measures. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).
3. Street Debris. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant’s cost.
4. Dust Control Measures. Dust control measures to minimize air quality impacts shall be implemented including:
 - a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b. Cover all trucks hauling soil, sand, and other loose materials.

- c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d. Limit traffic speeds on unpaved roads to 5 mph.
 - e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.
 - g. No grading between October 1st and April 15th unless the Public Works Director has approved an erosion and sedimentation control plan.
5. Archeological Resources. If archeological resources are encountered during construction, then Applicant shall comply with Mitigation Measures O.1, O.2 and O.3 and the Archaeological Monitoring Program, as applicable. If human remains are encountered, state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue has been received.
6. Construction Site Fire Safety Plan. The Applicant shall implement the approved Construction Site Fire Safety Plan through the duration of construction of each building. (CA Fire Code 3308). **[Building]**

IV. PUBLIC IMPROVEMENTS

Applicant shall be responsible for the design, construction, installation, and dedication of the following public improvements as depicted on the Approved Plans and described herein ("Public Improvements"), to conform to all applicable federal, state or local laws, rules, orders, regulations, policies, standards, specifications or guidelines, including but not limited to, Chapters 8 and 10 of Title 7 of the Emeryville Municipal Code, the Americans with Disabilities Act and implementing regulations, California accessibility regulations, and the requirements of the most current Municipal Regional Permit issued by the Regional Water Quality Control Board for Stormwater Runoff.

All plans for Public Improvements shall be submitted to the Public Works Director for review and approval to confirm that the plans demonstrate the Public Improvements will conform to all applicable standards and compliance with applicable conditions of approval for this Project, prior to the issuance of each building permit as described below. All work shall be constructed consistent with the improvement plans for the Public Improvements approved by the Public Works Director and completed and accepted by the City prior to issuance of the temporary certificate of occupancy as described below.

A. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

1. Parking Structure (B13/14). Prior to issuance of a building permit for the Parking Structure, the Applicant shall submit Public Improvement plans for the following public improvements as described below. The Public Improvements shall be completed prior to the issuance of a temporary certificate of occupancy (or prior to final inspection if no certificate of occupancy is required) for the Parking Structure.
 - a. For the Storm Drainage System Improvements included as Public Improvements, the improvement plans shall include the following:
 - i. Remediation of deficiencies in structures and pipelines based on an existing condition survey of all existing storm drain lines that are along Line B and are impacted by the Project.
 - ii. Final design of the storm drain system shall be based on a hydrology study, assuming build out of the drainage area, and a hydraulic analysis for the existing storm drain lines impacted by the Project and proposed new storm drain lines, Hydraulic analysis shall assume a minimum of 6" freeboard from grates and or manhole lids throughout system. Main line storm drains shall be a minimum of 18" diameter and storm drain laterals to catch basins shall maintain 12" min diameter. All storm drain inlets shall be equipped with trash capture devices.
 - iii. Design of 30" storm drain on Holden Street from Temescal Creek Line B to 53rd Street Line A.
 - iv. Abandonment and partial removal of existing Line B from east right of way line of Horton Street to outfall into Line B. This storm drain abandonment shall include removal of box culvert in Horton Street right of way. Abandonment of double culvert from western Right of Way line of Horton to western limits of B13/14 parcel, removal of concrete inlet structure to 60" RCP and abandonment of the 60" RCP from the western property limits through Horton Landing Park to the Alameda County Flood Control (ACFCD) Channel (subject to the approval of the Public Works Director) and removal and abandonment of the outfall to ACFCD channel subject to the permitting and approval of ACFCD.

- b. For the Sanitary Sewer included as Public Improvements, the improvement plans shall include the following:
 - i. Provide Sanitary Sewer flow model for upstream drainage area.
 - ii. Repairs/rehabilitation of the Sanitary Sewer trunk main from Union Pacific Railroad (UPRR) right of way to western limit of the B13/14 parcel as warranted by a condition assessment of the existing Sanitary Sewer trunk main from UPRR eastern right of way to Horton Street. Sanitary Sewer trunk main from western limits of B13/14 parcel to Horton Street shall be replaced, with the new alignment subject to the approval of the Public Works Director.
 - iii. Replacement of 10” Sanitary Sewer with 12” Sanitary Sewer in Horton Street from existing manhole at 46th Street to the relocated east-west 18” sewer main connection.
- c. For the Domestic and Fire Water Improvements included as Public Improvements, the improvement plans shall include the following:
 - i. All public domestic water system improvements are subject to requirements of East Bay Municipal Utility District (“EBMUD”). Applicant shall be responsible for all permitting and processing through EBMUD.
 - ii. New public fire hydrants on Project frontages in improvement plan. The number and location of fire hydrants to be determined by the City Fire Marshall.
- d. For the Recycled Water Improvements included as Public Improvements, the improvement plans shall include the following:
 - i. Any recycled water main extension improvements to be installed through EBMUD shall be accommodated within the project improvement plan design. The Project shall connect to an EBMUD recycled water system as it may be available. Applicant shall be responsible for all permitting and processing through EBMUD.

- ii. Design of landscape and irrigation on the west side of Horton Street from 46th Street to 53rd Street. Landscape strip shall be 3.5' wide, and all landscape services shall be served by recycled water.
 - iii. In the event recycled water service cannot be provided at time of construction, landscape irrigation system shall be designed and constructed so as to allow for conversion to recycled water at a future date.
- e. For Landscape Improvements located in the public right of way, included as Public Improvements, the improvements plans and landscape shall comply with the following requirements:
 - i. The landscape shall conform to Title 9 Section 4.602 "Water Efficient and Bay Friendly Landscaping" of the Emeryville Municipal Code, including guidelines from StopWaste.org, the Alameda Countywide Clean Water Program C3 Stormwater Technical Guidance, and EBMUD requirements for reclaimed water. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. Street trees shall be of a species approved by the Public Works Director. All planting areas and tree wells shall include a 3-inch layer of bark mulch per the requirements of Bay Friendly Landscaping. Street trees may require tree grates as directed by the Public Works Director
 - ii. The Applicant shall install structural soil under sidewalk / hardscape areas, to provide adequate rootable soil volume areas for healthy street trees. The amount of rootable soil volume to be provided per tree shall depend on the ultimate height of the tree at maturity as follows:
 - 600 cubic feet per small tree, (up to 25 feet tall)
 - 900 cubic feet per medium-sized tree (25 feet to 50 feet tall)
 - 1200 cubic feet per large-sized tree (greater than 50 feet tall)

Rootable soil volume for each tree shall be calculated by including both the structural soil beneath the hardscape areas and Bay Friendly approved horticultural soil within the planting areas. The landscape plans shall clearly show all locations of Rootable Soil including dimensions for structural soil and Bay Friendly Horticultural Soil to account for the above referenced requirements for Rootable soil volume.

- iii. The Applicant shall perform horticultural soil and drainage tests in the public right of way areas that will receive tree plantings for review and approval by the City Arborist. Tree planting areas shall include drainage as necessary for all street trees and could entail extensive excavation for sumps and subdrain systems. All existing native soil to be considered as rootable soil in planter areas shall be tested for chemical contaminants and horticultural suitability. Prior to importing any soil material to be used as rootable soil, the Applicant shall provide chemical and horticultural test results to the City for approval. Soil shall be amended as necessary with Bay Friendly compost per City standards in place of other soil amendments. [**Public Works**]
- f. For Dry Utilities Improvements included as Public Improvements, the improvement plans submitted to the Public Works Director shall include the following:
 - i. Gas and Electric systems shall be designed and constructed in accordance with PGE standards and specifications. Applicant shall be responsible for all permitting and processing through PGE.
 - ii. Improvement plans shall include undergrounding of existing overhead utilities on the east side of Horton Street.
 - iii. Design of streetlighting on Horton Street from 46th Street to the intersection of 53rd Street.
 - iv. Design of streetlighting on the north side of 53rd Street from Horton Street to Chiron Way.
- g. For Right of Way Street Improvements included as Public Improvements, the improvement plans submitted to the Public Works Director shall include the following:

- i. Pavement reconstruction within public right of way shall be designed and reconstructed to accommodate appropriate vehicular loads, T>I for each street segment as identified by Public Works and R-Value of street subgrade. Areas requiring repair or impacted by trench sections shall be restored per City standards for trench repair, subbase failure areas shall require subbase stabilization and designed for 12" deep lift AC plug. All street areas requiring utility trenching or changes in curb line or grade or will at minimum be required to install a 3" grind and AC overlay.
- ii. Design for the reconstruction of Horton Street from 46th Street to 53rd Street will include at minimum curb, gutter on east side of Horton Street to back of sidewalk on west side of Horton Street. All sidewalks shall include at minimum an 8 foot wide pedestrian pathway and a 3 1/2 foot wide landscape planter strip adjacent to the curb.
- iii. Design of 53rd Street Intersection Plaza at Horton Street to include accent paving and contrast with the unit pavers on the sidewalks (e.g., a durable stone unit paver system). All decorative paving treatments shall be designed to accept appropriate vehicular loading and T.I for Horton Street.
- iv. Design 53rd street from Horton Street to Chiron Way from face of curb on south side of 53rd Street to back of sidewalk on north side of 53rd Street. All sidewalks shall include at minimum an 8-foot wide pedestrian pathway and a 3 1/2 foot wide landscape planter strip adjacent to the curb. Curb within the limits of proposed loading zone shall be designed to allow for clear through traffic and buffers for bicycle lanes.
- v. The traffic diverter at Horton Street and Stanford Avenue shall be based on the design shown in Figure 13, "Diverter at Horton Street and Stanford Avenue", of Appendix C, "Bicycle Boulevard Treatments", of the Emeryville Pedestrian and Bicycle Plan dated May 2012, and shall be further designed to prevent all through non-emergency vehicular traffic on Horton Street from travelling between the intersection of Horton and Stanford (south of Grifols parking entrance) and the existing Grifols loading area (on the east side of Horton). The design shall also facilitate

bicycle movements into and out of Horton Landing Park; facilitate pedestrian movement on the Greenway between Horton Landing Park and Peladeau Park along the north side of Stanford Avenue; and include measures to reduce vehicle conflicts with pedestrians, bicyclists, and other vehicles to the maximum extent feasible. Should the design objective of diverting vehicular traffic off of Horton be determined by the City's Public Works Director not to be achievable, that determination will be brought to the City Council for review. If the Public Works Director's determination is forwarded to the City Council, then prior to building permit issuance, the Applicant and the City Manager shall execute an Improvement Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, installation and inspection of the improvements that are determined to be achievable by the Public Works Director, secured by good and sufficient payment, performance, and one (1) year warranty bonds or cash deposit adequate to cover all of the costs, inspections and administrative expenses of completing such improvements in the event of a default. The value of the bonds or cash deposit shall include 150% of the cost of construction based on prevailing wage rates. The value of the warranty bond or cash deposit shall be equivalent to 10% of the value of the performance security.

- vi. One-way cycle tracks along Horton Street between 45th Street and 53rd Street, and along 53rd Street between Horton and Hollis Streets, shall be designed as raised, separated one-lane cycle tracks, with consideration for adequate drainage; vehicle and pedestrian crossings at intersections, driveways, and crosswalks.
- h. For Traffic Signals and Pedestrian/Bicycle Controls included as Public Improvements, the improvement plans submitted to the Public Works Director shall include the following:
 - i. Design the traffic signal at the intersection of 53rd Street and Horton Street with directional curb ramps, lighting and bicycle detection, and a fiber signal interconnect to the traffic signal at the intersection of 53rd Street and Hollis Street. Given that Condition of Approval IV.A.1g(v) will eliminate through traffic on Horton Street between 53rd Street and Stanford Avenue, the traffic signal at 53rd and

Horton Street may no longer be necessary. In the design of the Public Improvements, the Public Works Director will determine whether the signal is needed, with the intent of eliminating it if possible.

- ii. Design a Pedestrian Hybrid Beacon (HAWK) crossing signal at the central pedestrian garage access location and modify garage driveway operations to provide two inbound lanes at the north driveway. Landscaping, or other barrier, to prevent crossing outside of a crosswalk and encourage crossing at the signal should be provided along the garage frontage.
 - iii. For Street Signage included as Public Improvements, the improvement plans submitted to the Public Works Director shall include street signage details (including signs indicating areas of pedestrian, bicycle and emergency vehicle access), and be submitted concurrently with the Right of Way Street Improvements.
 - iv. Improvement plans shall include utility easements for portions of public sanitary sewers and storm drains that fall within BMR property boundaries as applicable. Easements shall be minimum 10' in width. Prior to the issuance of building permit, Applicant shall execute, acknowledge, and delivery to the City for recording in the Official Records of the Alameda County Recorder an Irrevocable Offer of Dedication any easement that may be required for the new sewer or storm drains, in a form acceptable to the City Manager and City Attorney. The City Manager may defer satisfaction of this Condition of Approval to issuance temporary certificate of occupancy or waive this requirement if a parcel map is recorded that provides the necessary easement for any relocated sewer or storm drain.
2. Buildings B1 and B2/3. All improvement plans outlined below shall be submitted prior to the issuance of a building permit for Building B1 or B2/3, whichever is earlier. All work shall be completed prior to the temporary certificate of occupancy for either Building B1 or B2/3, whichever is earlier. Alternatively, the Applicant may seek a one-year extension to complete the permanent improvements by submitting plans for temporary improvements, subject to the review and approval of the Public Works Director and Community Development Director. All further extensions shall be subject to Planning Commission approval.

- a. Right of Way Street Improvements, the improvement plans submitted to the Public Works Director shall include the following:
 - i. Design of the western frontage on Hollis Street from southern limit of building B2/3 to Stanford Avenue. The plan shall include curb, gutter, sidewalk, landscaping, irrigation and streetlighting. The sidewalk area shall include a minimum 8-foot wide pedestrian pathway and a 3.5-foot wide landscape planter strip adjacent to the curb.
 - ii. Design for all improvements represented on the FDP plans for Chiron Way.
 - b. Closure of Chiron Way During Construction of Research and Development Buildings. Following completion of the Chiron Way improvements, all or portions of Chiron Way may be closed to vehicles, pedestrians or bicyclists as necessary for construction of any Research and Development Building that is not yet complete. Applicant shall submit a construction management plan for such closure during construction, including measures to reduce the potential for construction conflicts with users of the portions of Chiron Way that may remain open, which plan shall be approved the Public Works Director.
 3. Building B8A and B8B. Prior to issuance of a building permit for Building B8A or B8B, whichever is earlier, the Applicant shall submit Public Improvement Plans for the following public improvements as described below. The public improvements shall be completed prior to the issuance of the temporary certificate of occupancy for Building B8A or B8B, whichever is earlier.
 - a. The improvement plans submitted to the Public Works Director shall include abandonment of the 6" private sanitary sewer in 53rd Street by capping and slurring, should it no longer be required. In the event this line remains in service, it shall be subject to the private sewer line ordinance and pressure testing and certification will be required.
- B. PRIOR TO BEGINNING CONSTRUCTION IN THE PUBLIC RIGHT OF WAY.
1. Encroachment Permit. Prior to beginning any construction in the public right of way, Applicant shall apply for and receive an encroachment permit for all work and improvements within the City's right of way or

City easements. As required by the Public Works Director, Applicant shall post the required security and provide evidence of liability insurance as part of the encroachment permit process. Applicant shall pay for all Public Works Inspection fees associated with work within the City's right of way. **[Public Works]**

2. Construction Management Plan. Prior to beginning of any construction in the public right of way, the applicant shall submit a construction management plan to reduce the potential for construction vehicle conflicts with other roadway users. This plan shall be approved by the Public Works Director and shall include the following:
 - a. Provisions for obtaining encroachment permits from the Public Works Department for all work, including traffic control that will occur in the public right-of-way;
 - b. Project staging measures indicating on-site storage of materials and equipment and their proximity to the public right of way with appropriate protections as necessary;
 - c. Provisions for sequencing of tree protection plan implementation;
 - d. Provisions for construction sequencing plan and sequencing plan updates no less frequently than quarterly;
 - e. A site access and egress plan, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure schedule and process; signs, cones, and other warning devices for drivers per the California Manual on Uniform Traffic Control Devices (CA MUTCD); and designation of construction access routes from freeways to the project site;
 - f. Permitted construction hours;
 - g. Identification of on-site parking areas for construction employees, site visitors, and inspectors;
 - h. Provisions for soil and debris material on-site containment to assure that no material is tracked on to City streets;
 - i. Provisions for, as a supplemental measure to on-site containment, street sweeping to remove construction related debris on public streets;

- j. Provisions for pavement restoration where increased heavy vehicle traffic has scraped, gouged or damaged public street pavement;
- k. Provisions for truck deliveries to the project shall occur not earlier than 7:00 am and not later than 4:00 pm; and
- l. If lane closures are required on Horton Street, 53rd Street or Stanford Avenue, the applicant shall notify property owners within 300 feet of the project site ten days in advance of the lane closures.
[Public Works]

C. ONGOING

- 1. Damage to Public Facilities. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and that is caused by construction and shall repair such damage at its expense and to the satisfaction of the Public Works Director, including but not limited to sidewalk repair, street slurry seal or street reconstruction.
[Public Works]
- 2. Maintenance of Street Trees, Stormwater C3 plantings, and other vegetation in the Public Right of Way. Applicant, its successors and assigns, shall maintain all landscaping improvements in the public areas fronting the property, in a healthy, growing condition at all times according to Bay Friendly Landscaping Practices as described by StopWaste.org's Bay Friendly Landscaping program. The landscaped areas shall be irrigated by an automatic system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Public Works Director after obtaining an encroachment permit from the City. Landscaping work shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code. **[Public Works]**

V. PUBLIC SAFETY REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

- 1. Fire Department Standards. Prior to the issuance of a building permit, the Fire Department shall confirm that the final building plans include all fire and emergency safety measures as required by the Department, including access requirements, premises identification, key boxes, hydrants, fire protection systems and equipment and exiting and emergency illumination, as more particularly set forth in the attached Fire Department's memo dated December 18, 2020. **[Fire]**

2. Site Security Management Plan. Prior to the issuance of each building permit, the Applicant shall submit a Site Security Management Plan that shall address the Police Department standard specifications. Each building shall be equipped with in-progress crime burglar detection alarms. Citizen "call" boxes shall be strategically placed around the Project site. **[Police]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Fire Department Standards. Prior to the issuance of a certificate of occupancy, the Fire Chief shall confirm compliance with the applicable Fire Department standards. **[Fire]**
2. Site Security Management Plan. Prior to the issuance of a certificate of occupancy, the Police Chief shall confirm compliance with the approved the Site Security Management Plan. **[Police]**

C. ONGOING

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

VI. PARKING AND TRANSPORTATION

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Parking. Prior to the issuance of building permit(s) within the Project, the Community Development Director shall confirm the following: **[Planning]**
 - a. Prior to issuance of the first building permit for any building, final building plans for the Parking Garage shall be submitted and show a maximum of 1,991 parking spaces in the Parking Garage.
 - b. Prior to issuance of the first building permit for either building B8A or B8B, whichever occurs first, final building plans shall be submitted that show a maximum of 15 surface parking spaces behind Building B8A.
 - c. Prior to the issuance of the first building permit for any building, the Applicant shall provide, and the Community Development Director shall have approved, a bicycle parking plan that shows locations and number of short term and long-term bicycle parking

spaces for each building with a minimum of 398 bicycle parking spaces as set forth below:

- i. 199 short-term bicycle parking spaces in visible locations near entrances and plazas in the form of inverted U bike racks or lockers with verticals at least 18 inches apart enabling cyclists to lock frame and wheel to rack with a U-lock, and with adequate clearances.
 - ii. 199 long-term bicycle parking spaces in enclosed, limited-access area(s).
 - iii. A reasonable number of electrical outlets in the long-term bicycle parking areas to allow charging for electric bicycles subject to the approval of the Community Development Director.
 - iv. All long-term and short-term bicycle spaces shall be provided free of cost to the users.
 - d. Prior to issuance of the first building permit for any building, final building plans for the Parking Garage shall be submitted that show a minimum of 199 electric vehicle (EV) charging stations and all remaining spaces being EV capable spaces, in the following manner:
 - i. 199 electrical vehicle (EV) charging stations. These spaces shall actually be equipped with electric vehicle supply equipment (EVSE), which shall be Level 2 or better. All EVSE shall be installed in accordance with the requirements of the California Green Building Standards Code.
 - ii. EV capable spaces. These spaces shall be designed in accordance with the Tier 2 Nonresidential Voluntary Measures in Appendix A5 of the California Green Building Standards Code for new nonresidential buildings. Raceways and service panels installed to support the 199 charging stations pursuant to Condition of Approval VI.A.1.d.(i) shall be upsized to support another 100 EV charging stations.
2. Transportation Information Display. Prior to the issuance of each building permit, the Community Development Director shall confirm that the final building plans for that building incorporate a transportation information display in each building that will provide websites linking to information about Berkeley and Oakland biking and walking maps (which include

Emeryville); BART, AMTRAK, AC Transit and Emery Go-Round route maps, schedules and fares; and NextBus, 511 and Zipcar (or other similar care share companies) contact information. These displays shall be placed in prominent locations convenient to each building's occupants.

[Planning]

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Transportation Information Display. Prior to issuance of each temporary certificate of occupancy, the Community Development Director shall confirm that an up-to-date information display as described in Condition of Approval VI.A.2 has been installed. **[Planning]**
2. Emery Go-Round. Applicant shall fully participate in the Emeryville Transportation Management Association (the TMA), a private, nonprofit agency responsible for administering the Emery-Go-Round, a transportation service system serving Emeryville and the members participating in the TMA. Prior to the issuance of the first certificate of occupancy, Applicant shall provide evidence to the Community Development Director that it has executed a Membership Agreement as required in accordance with the policies, rules and regulations of the TMA. **[Planning]**
3. Baseline Transportation Demand Management (TDM) Report. Prior to the issuance of the first temporary certificate of occupancy (TCO) for a Research and Development Building, the Applicant shall submit the following information relating to existing Building B4 located at 5300 Chiron Way in order to establish a baseline:
 - a. Current number of employees;
 - b. Existing mode shares, including information on parking locations and carpooling;
 - c. Commute trip lengths;
 - d. Typical work schedules, including time of day and days per week;
 - e. Parking facility operations and occupancy by time of day; and
 - f. Existing TDM program elements in place

This applicant shall designate a TDM Coordinator who will be responsible for providing TDM Monitoring Reports to the Community Development Director. The Baseline TDM Report shall include the contact information of the Coordinator. The Baseline TDM Report shall also consider the measures identified in the PUD/PDP condition of approval no. 45. The Applicant shall update the Community Development Director on any changes to the contact information of the TDM Coordinator. **[Planning]**

C. ONGOING

1. Transportation Information Display. Applicant, its successors and assigns shall maintain the Transportation Information Displays described in Condition of Approval IV.A.2 and update them annually.
2. Emery Go-Round. Applicant, its successors and assigns, shall remain a member of the Transportation MA so long as the TMA or its successor or assignee is in fact operating the Emery-Go-Round. Applicant and future property owners shall make good faith efforts to provide a brief description or tag line about the Emery-Go-Round and other forms of alternative transportation in its marketing and advertising efforts.
3. TDM Monitoring Reports. Monitoring reports for the Project, the existing Building B4 located at 5300 Chiron Way and the existing PDU building (collectively, the “TDM Area”) shall be prepared annually for review and approval by the Community Development Director following the granting of a certificate of occupancy for the first Research and Development Building. These monitoring reports shall document the status and effectiveness of the TDM program, including updates to the information collected in the baseline report. If deemed necessary, the Community Development Director may elect to have a peer review consultant, paid by the Applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the Applicant has failed to implement the TDM Plan for the TDM Area, the Project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action. The TDM Area shall not be considered in violation of this Condition if the TDM Plan is implemented but the TDM goals are not achieved.

If in two successive years the TDM goals for the TDM Area are not satisfied, Applicant shall implement additional TDM measures. If in five successive years the TDM Area is found to meet the stated TDM goals, the Community Development Director may suspend additional surveys and monitoring until such a time as the Community Development Director deems they are needed. **[Planning]**

VII. DESIGN CONDITIONS AND SITE STANDARDS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Elevations/Colors/Materials/Site Plan. Prior to the issuance of each building permit, Applicant shall submit a color scheme, samples and details of all exterior elevations and building materials of sufficient size to

the Community Development Director for review, and approval. Materials to be submitted shall include, but not be limited to, all perimeter gates and fences, window treatments, storefront windows and doors, awnings, outdoor furniture, paving and lighting fixtures and screening of garage openings in Building B13/14. **[Planning]**

2. Landscaping Plans.

- a. Prior to the issuance of each building permit, Applicant shall submit a detailed on-site landscaping and irrigation plan for the approval of the Community Development Director. The plans shall conform to Article 5 of Chapter 4 of Title 9 of the Municipal Code and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees.

Green screens in Building B13/14 shall be designed and engineered to promote fast growth.

Each landscape plan shall be reviewed by the City Arborist to ensure that soil conditions, soil volumes and irrigation systems are appropriate for the proposed landscaping. **[Planning]**

- b. Prior to the issuance of each building permit, Applicant shall submit a detailed off-site landscaping and irrigation plan for the approval of the Public Works Director. The plans shall conform to Article 5 of Chapter 4 of Title 9 of the Emeryville Municipal Code, Bay Friendly Landscaping Practices as per the guidelines from StopWaste.org and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. Street trees shall be of a species approved by the Public Works Director and shall be spaced no farther than 25 feet on center or as approved by the Director. Street trees may require tree grates and an automatic sprinkler system.

Note: The on-site and off-site landscaping and irrigation plans required by conditions (a) and (b) above may be combined into a

single landscaping and irrigation plan showing both on-site and off-site improvements. **[Planning and Public Works]**

3. Water Efficient Landscape (WELO) Plan: Each building permit application shall include compliance with the City's Water Efficient Landscape Ordinance codified at Section 9-4.602 of the Planning Regulations. **[Planning and Building]**
4. Recycled Water. Prior to the issuance of each building permit, Applicant shall submit plans for the approval of the Community Development Director showing the design of a plumbing system to serve nonpotable uses in common areas including, but not limited to, landscaped areas and planters, if recycled water is available at the Property at a reasonable cost, is of adequate quality, will not be detrimental to public health, and will not adversely affect downstream water rights, degrade water quality or injure plants, fish and wildlife. **[Planning]**
5. Trash, Recycling and Composting Facilities. Prior to the issuance of each building permit, the Community Development Director and Public Works Director shall review and approve a Trash, Recycling and Composting Plan from the applicant.
 - a. **Maintenance and Service**: Trash, recycling and composting storage areas shall include adequate space for the maintenance and servicing of containers for all materials that are provided by local hauling companies. Sewer drains, fire sprinklers, enclosures, and roofing (if outdoors) shall be provided as per city standards.
 - b. **Adequate Space for Trash, Recyclables and Compostables**: The amount of space provided for the collection and storage of recyclable materials and organics in each building shall be at least as large as the amount of space provided for the collection and storage of trash materials and shall reflect the estimated volumes of trash and recyclable and compostable materials to be generated providing for the separate and dedicated containers for those materials with the goal of 25% or less of the total materials generated going to a landfill. An appropriately sized and designed area for wastes banned from regular trash containers such as electronics, fluorescent lamps and batteries shall be designated.
 - c. **Convenience and Accessibility**: The recycling area shall be at least as accessible and convenient for tenants and collection vehicles as the trash collection and storage area. If chutes are planned then separate, properly labeled (as per City Standards) and dedicated

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

- d. Hazardous Waste: A separate waste disposal plan shall be provided for any buildings where hazardous materials will be disposed.
6. Height. The heights of all buildings shall comply with the maximum heights outlined in Condition of Approval Number I.A.1 above, not including rooftop equipment and screening. **[Planning]**
7. Development Sign. The Project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed four square feet. Other development/marketing signs may be approved administratively by the Community Development Director provided that they are removed prior to issuance of a final certificate of occupancy. **[Planning]**
8. Exterior Lighting. Prior to issuance of each building permit, Applicant shall provide sufficient information for the Community Development Director to confirm that exterior lighting for the Project complies with the following standards and criteria: **[Planning]**
 - a. Parking area illumination shall conform to the requirements of Section 9-4.406(k) of the Emeryville Municipal Code.
 - b. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.

9. Noise. Prior to the issuance of each building permit, the Building Official shall confirm that the utility functions at or close to grade level will include noise suppression features. **[Building]**
10. Water Efficiency. Prior to issuance of each building permit, the Public Works Director shall confirm that the Project complies with the applicable East Bay Municipal Utility District requirements. **[Public Works]**
11. Rooftop Screening. Prior to the issuance of each building permit the applicant shall demonstrate to the Community Development Director through submission of view diagrams that: all mechanical equipment, including electrical and gas meters; heating, ventilation, and air conditioning units; radio/TV antennas; satellite dishes; and all roof mounted mechanical equipment are visually and acoustically screened in such a manner so that they are not visible from an adjacent property at or below the level of the mechanical equipment, or from a public right-of-way. All electrical transformers and other utility boxes shall be either placed underground or appropriately screened. **[Planning]**
12. Emergency Operations Center (EOC). Prior to the issuance of a building permit for the first Research and Development Building, the Applicant shall confirm in writing to the Community Development Director that the location of the EOC will be as shown on the Approved Plans or submit revised plans to show the revised location of the EOC consistent with this Condition of Approval.

The EOC shall be located in either the Parking Garage, Building B8A or B8B or within the existing PDU building and shall be fronted on a public street, unless an application for a Minor Design Review permit for the PDU is submitted indicating that the PDU building will be converted into a publicly accessible amenity space with active frontages facing onto Horton Landing Park, in which case the EOC may be located away from the street in the northwest corner of the PDU building. The EOC space shall be 1,000 square feet in size and at Applicant's option may be larger, and it must have direct access to restrooms.

The EOC shall be operational prior to issuance of a temporary certificate of occupancy (TCO) for the first tenant improvement to the building in which it is located, or prior to the issuance of the TCO for the first tenant improvement to the first Research and Development Building if the EOC is located in the PDU building. Prior to the issuance of the building permit for the first tenant improvement to the building in which the EOC is located, the Applicant shall enter into an operating agreement with the City that shall specify details regarding access, maintenance, utilities,

parking spaces for City staff and other matters to ensure that the EOC is fully functional and operational. If the EOC is located in the PDU then the operating agreement shall be entered into with the City prior to the issuance of the building permit to construct the EOC.

The EOC shall be designed and equipped with current standard or recommended best-practice EOC equipment including but not limited to multiple electric outlets; a dedicated separate MPOE (Mechanical Point of Entry) for data connectivity and the associated internal cabling infrastructure to support EOC operations and emergency backup power, as determined by the City Manager, with the cost of equipment supplied by Applicant not to exceed \$500,000 (Five Hundred Thousand Dollars).

In lieu of providing an EOC on the BMR project site, the Applicant may instead elect to make a monetary contribution towards improvement to the City's existing EOC at Fire Station #35 at 6303 Hollis Street. Such monetary contribution shall be no less than the cost to provide a new 1,000 square foot EOC at Risk Category IV, which is determined to be \$1,497,500 inclusive of the cost of equipment supplied by the Applicant, and shall be designated for the Hollis Street Fire Station / EOC Upgrade (Station 35) project in the Capital Improvement Program (Project 16475004) or other equivalent project as may be determined by the City in its sole discretion. Such monetary contribution shall be received by the City prior to the issuance of any building permits for amenity space in the PDU building. [Planning]

13. Screening of Fire Department Street Level Connections: Prior to the issuance of each building permit, the building permit plan shall clearly call out Street Level Fire Department Connections (FDC). For each building FDC inlet assembly facing the street shall match the design of the building. If locational specificities require the inlet assembly to extend out then FDC inlet assembly shall be screened in a manner that is compatible with the design and materials of the building. If screening is required the building permit plans for each building shall include design, materials and elevation of the screen and will be approved by the Community Development Director. **[Planning and Fire]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Sign Permit. Applicant shall apply for a sign permit for any proposed signs not included in this approval, in accordance with the Sign Regulations at Article 16 of Chapter 5 of Title 9 of the Emeryville Municipal Code. **[Planning]**

2. Master Sign Program. Applicant may apply for a master sign program for tenant signage in accordance with the Section 9-5.1613 of the Emeryville Municipal Code. Any such master sign program shall be reviewed and approved by the Planning Commission prior to implementation. Applicant shall submit to the Community Development Director an overall tenant sign handbook, detailing sign requirements, restrictions, dimensions, colors, materials, approval procedures, prohibited signs, a protocol for temporary signs and other specifications for the long-term operations of the sign program. When a specific sign design is submitted to the Planning Division for approval, the sign application shall indicate how the sign is consistent with the approved master sign program. **[Planning]**
3. Completion of Landscaping.
 - a. Prior to issuance of a certificate of occupancy, the Project landscape architect shall confirm to the Community Development Director that all on-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. **[Planning]**
 - b. Prior to issuance of a certificate of occupancy, the Project landscape architect shall confirm to the Public Works Director that all off-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. **[Public Works]**
4. Equipment/Storage. Prior to issuance of a certificate of occupancy, the Community Development Director shall confirm that: **[Planning]**
 - a. All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
 - b. All trash enclosures shall be completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s).

Alternatively, the trash facilities may be placed within the building.

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

C. ONGOING

1. Landscaping. All landscaping improvements shall be maintained in a healthy, growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Community Development Director. Landscapes within the public right of way shall be maintained according to the principles of Bay Friendly Landscaping per guidelines by StopWaste.org
2. No Outside Storage. There shall be no outside storage of any type in parking areas. Those areas shall be kept free of obstruction and available for their designated use at all times. Boats, trailers, camper tops, inoperable vehicles and the like shall not be parked or stored on the parking areas.
3. Maintenance and Graffiti Removal. The site and improvements shall be well maintained and kept free of litter, debris, weeds and graffiti. Any graffiti shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the original wall or fence as most practically feasible.
4. Noise. Any utility functions at or close to grade level will include noise suppression features.
5. Exterior Lighting. Exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lots and pedestrian accessways while limiting off-site spillover of light through shielding. No light shall create a hazard for auto drivers.
6. Trash, Recycling and Composting Plan. Applicant and its successors and assigns shall implement the approved Trash, Recycling and Composting Plan and report its activities and achievements to the Public Works Director annually. **[Public Works]**

7. Real Estate Signs in Public Right-of-Way. Off-site signs located on the public sidewalk and directing the public to “open house” events for the viewing of lots, premises, dwellings or structures that are for sale, lease, or rent, shall be regulated by the applicable provisions of Chapter 34 of Title 5. **[Public Works]**
8. Fees for Police Services: 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 construction of the Project. During periods when there is no construction, the police officer shall primarily be assigned to provide patrol services to the Property and surrounding areas. Said annual fee shall commence upon commencement of construction on the Property and terminate upon the earlier of 30 years from Project approval or the completion of construction activities on the Project site. **[City Manager and Police]**
9. Chiron Way and Private Public Open Space.
 - a. Chiron Way shall remain open twenty-four hours per day, seven days per week for access by vehicles, bicycles and pedestrians. No gates or other feature that would obstruct access by vehicles, bicycles and pedestrians shall be installed by the Applicant or its tenants on Chiron Way. The Community Development Director may approve temporary time-limited exceptions to this Condition of Approval upon application of the Applicant or its tenants. **[Community Development]**
 - b. The Private Public Open Space identified on Sheet G047 of the Approved Plans shall be open to the public from 8:00 a.m. to sunset, seven days per week. The Community Development Director may approve temporary time-limited exceptions to this Condition of Approval upon application of the Applicant or its tenants. **[Community Development]**

VIII. STORMWATER

A. GENERAL

1. Design, Construction, Operation, and Maintenance. The Project shall be designed, constructed, operated, and maintained in conformance with the attached “Stormwater Pollution Prevention and Source Control Measures” (“Stormwater Measures”) and the City’s “Stormwater Guidelines for Green Dense Redevelopment” (“Stormwater Guidelines”).

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

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT.

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

4. Operations and Maintenance Agreement. Prior to the issuance of a building permit, Applicant shall enter into a Stormwater Treatment Measures Operation and Maintenance Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, operation, and maintenance of the stormwater treatment systems. **[City Attorney/Public Works]**
- C. DURING CONSTRUCTION. Applicant and contractor shall comply with Section C of the attached Stormwater Measures. **[Public Works]**
- D. PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY
 1. Commitment to the Stormwater Pollution Prevention Practices. Prior to the issuance of a certificate of occupancy, Applicant shall submit evidence of commitment to the stormwater pollution prevention practices, as detailed in Section D of the attached Stormwater Measures. **[Public Works]**
 2. Completion of Construction of Stormwater Treatment Systems. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that the stormwater treatment systems are properly installed and functioning. **[Public Works]**
- E. ONGOING. The owner/operator of the facility shall permit, in perpetuity, allow city representatives to enter the property during and after construction in order to perform periodic inspection of stormwater treatment facilities.

IX. FUTURE LAND USE APPROVAL PROCEDURES

- A. BUSINESS LICENSE REQUIREMENT. Land use approvals do not abrogate the City's requirement for any business operating within the City to have a business tax certificate ("business license"), nor for a specific operator to obtain a cabaret or dance hall license issued through the Police and Finance Departments and approved by the City Council.
- B. ACTIVITIES OUTSIDE OF BUILDING. No sales of merchandise or services, nor any business activity related to any retail or commercial space, shall take place outside of the building or in any retail kiosk without prior approval of the Community Development Director.
- C. MULTI-TENANT STANDARDS. The following use regulations shall apply to the ground floor retail/commercial spaces in the Project referenced in Condition of Approval I.A.1:

1. Permitted Uses. The following uses, as defined in Article 3 of Chapter 2 of Title 9, Planning Regulations, shall be permitted:
 - a. Arts and Entertainment: Gallery
 - b. Banks and Financial Institutions: Traditional Financial Institutions
 - c. Business Services
 - d. Community Assembly: Small
 - e. Day Care Centers
 - f. Eating and Drinking Establishments: Restaurants
 - g. Health Care: Medical Laboratories (non research)
 - h. Instructional Services: Individual/ Small Group Instruction
 - i. Offices (all)
 - j. Personal Services: Small and Large
 - k. Repair Services
 - l. Retail: Small Stores
 - m. Research and Development
2. Conditionally Permitted Uses. All other uses that are listed as conditionally permitted in the OT Office/Technology Zone pursuant to Section 9-3.202 of the Planning Regulations, shall be allowed upon the granting of a minor conditional use permit pursuant to Article 5 of Chapter 7 of the Planning Regulations, except those that are listed as Uses of Special Concern in Section 9-2.701 of the Planning Regulations, which shall be allowed upon the granting of a major conditional use permit pursuant to Article 5 of Chapter 7 of the Planning Regulations.
3. Local-serving Small Businesses. All permitted and conditionally permitted uses listed in Conditions of Approval IX.C.1 and IX.C.2 above shall be “Local-serving”, as that term is defined in Section 9-8.212(g) of the Planning Regulations, and “Small Businesses” as that term is defined in Section 5-37.01(g) of Chapter 37 of Title 5 of the Emeryville Municipal Code, except as specified in Condition of Approval IX.C.4 below.
4. Exceptions. Uses that are not Local-serving and/or Small Businesses, as defined above, shall be allowed upon the granting of a minor conditional use permit by the Community Development Director, pursuant to Article 5 of Chapter 7 of the Planning Regulations, provided that the following findings are made in addition to the findings required by Article 5 of Chapter 7:
 - a. That the applicant had convincingly demonstrated that it is infeasible for the space to be occupied by a Local-serving and/or Small Business use.

- b. That the use is permitted or conditionally permitted in the OT Office Technology zone.
- c. That all applicable requirements of the Planning Regulations pertaining to the use in question have been met.

Attachments:

- (1) Fee Charts – Building & COO Permit Fees
- (2) Construction Sign Prototype
- (3) Fire Department Conditions Memo dated December 18, 2020.
- (4) Stormwater Pollution Prevention and Source Control Measures

PROJECT**Building 1 BioMed Emeryville Center of Innovatio****PRELIMINARY FEE CALCULATIONS**

Valuation

\$ 95,000,000.00

Print Date: February 12, 2021

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 760,000.00			\$ 760,000.00	
Plan Review Fee	\$ 494,000.00			\$ 494,000.00	
Energy Review Fee	\$ 95,000.00			\$ 95,000.00	
Electrical Permit Fee	\$ 152,000.00			\$ 152,000.00	
Plumbing Permit Fee	\$ 136,800.00			\$ 136,800.00	
Mechanical Permit Fee	\$ 129,200.00			\$ 129,200.00	
S.M.I.P.	\$ 26,600.00			\$ 26,600.00	
Microfiche	\$ 7,600.00			\$ 7,600.00	
Fire Department Fees	\$ 304,000.00			\$ 304,000.00	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 72,750.00			\$ 72,750.00	Est. 250 traps - FY20-21 Rate
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	TBD
Transportation Facility Fees	\$ 1,134,000.00			\$ 1,134,000.00	50/50 Office/R&D Use FY2020-20
School Fees	\$ 198,000.00			\$ 198,000.00	New Fees Effective 1/17/2021
Art In Public Places	\$ 950,000.00			\$ 950,000.00	
Technology Fee	\$ 95,000.00			\$ 95,000.00	
Building Standards Commission Fee	\$ 3,800.00			\$ 3,800.00	
General Plan Maintenance Fee	\$ 475,000.00			\$ 475,000.00	
Affordable Housing Fee	\$ 1,413,000.00			\$ 1,413,000.00	50/50 Office/R&D Use FY2020-20
Parks and Recreation Fee	\$ 1,090,500.00			\$ 1,090,500.00	50/50 Office/R&D Use FY2020-20
TOTAL:	\$ 7,537,250.00		\$ -	\$ 7,537,250.00	7,537,250.00

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 494,000.00		\$ -	\$ 494,000.00	
Energy Review Fee	\$ 95,000.00		\$ -	\$ 95,000.00	
Other Fees	**				
Sub Total:	\$ 589,000.00		\$ -	\$ 589,000.00	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 760,000.00		\$ -	\$ 760,000.00	
Electrical Permit Fee	\$ 152,000.00		\$ -	\$ 152,000.00	
Plumbing Permit Fee	\$ 136,800.00		\$ -	\$ 136,800.00	
Mechanical Permit Fee	\$ 129,200.00		\$ -	\$ 129,200.00	
S.M.I.P.	\$ 26,600.00		\$ -	\$ 26,600.00	
Microfiche	\$ 7,600.00		\$ -	\$ 7,600.00	
Fire Department Fees	\$ 304,000.00		\$ -	\$ 304,000.00	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 72,750.00		\$ -	\$ 72,750.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ 1,134,000.00		\$ -	\$ 1,134,000.00	
School Fees	\$ 198,000.00		\$ -	\$ 198,000.00	
Art In Public Places	\$ 950,000.00		\$ -	\$ 950,000.00	See note(s) below
Technology Fee	\$ 95,000.00		\$ -	\$ 95,000.00	
Building Standards Commission Fee	\$ 3,800.00		\$ -	\$ 3,800.00	
General Plan Maintenance Fee	\$ 475,000.00		\$ -	\$ 475,000.00	
Affordable Housing Fee	\$ 1,413,000.00		\$ -	\$ 1,413,000.00	
Parks and Recreation Fee	\$ 1,090,500.00		\$ -	\$ 1,090,500.00	
Sub Total:	\$ 6,948,250.00		\$ -	\$ 6,948,250.00	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}
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Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Building 1 BioMed Emeryville Center of Innovation **PRELIMINARY FEE CALCULATIONS**
DATE: February 11, 2021
PREPARED BY: Courtney

FEES ARE BASED UPON THE VALUATION OF THE PROJECT. "VALUATION OF A BUILDING SHALL BE THE ESTIMATED COST TO REPLACE THE BUILDING AND STRUCTURE IN KIND, BASED ON CURRENT COSTS "

This fee calculation is based upon the information submitted to the Building Department.

FEES BASED ON VALUATION OF:			\$ 95,000,000.00
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 760,000.00
PLAN REVIEW FEE (65% of Building Permit Fee)			\$ 494,000.00
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 95,000.00
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 152,000.00
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 136,800.00
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 129,200.00
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 26,600.00
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 7,600.00
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 304,000.00
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$291.00 per Trap or \$1462.00 per Dwelling Unit	New traps - traps removed	250	\$ 72,750.00
	Number of Dwelling Units		
BAY SHELLMOUND FEES			\$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2020 - June 30, 2021)			\$ 1,134,000.00
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 198,000.00
ART IN PUBLIC PLACES (Commercial Projects: Artwork or in-lieu fee - 1% of valu.)			\$ 950,000.00
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 95,000.00
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 3,800.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 475,000.00
AFFORDABLE HOUSING (effective July 1, 2020 - June 30, 2021)			\$ 1,413,000.00
PARKS AND RECREATION (effective July 1, 2020 - June 30, 2021)			\$ 1,090,500.00
TOTAL			\$ 7,537,250.00

* Unable to determine the sewer connection fees at this time with the information provided.

FEES ARE BASED ON THE USE, GROSS FLOOR AREA, TYPE OF CONSTRUCTION, NUMBER OF STORIES, AND NUMBER OF PLUMBING TRAPS. IF ANY OF THESE FACTORS CHANGE, THE FEES WILL CHANGE.

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

- 1 Plan Review Fee for the Entire Project .
- 2 Energy Conservation Review Fee.

AT ISSUANCE OF FIRST BUILDING PERMIT

(All of the following fees shall be paid with the issuance of the first permit for phased permits.)

- 1 Building Permit Fee. (Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P and Building Standards Commission Fees
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment (N.A for residential projects)
- 5 School District Facilities Impact Fee
- 6 General Plan Maintenance and Technology Fees
- 7 Art in Public Places: For residential projects exceeding 19 units 0.5% of the project valuation is required for Art in Public Places.
- 8 Development Impact Fees (including Traffic Impact, Affordable Housing and Park & Rec)
- 9 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

PRIOR TO OCCUPANCY OF THE BUILDING AND RELEASE OF THE FINAL UTILITY METER:

- 1 If public art is to be installed it shall be in place.
- 2 Any and all outstanding fees; including charges for review of changes to approved plans or increased fees due to increased project valuation.
- 3 Final business license fees will be calculated by the finance department for all projects with a valuation in excess of 1,000,000.00 (one million) dollars. These fees must be paid prior to building occupancy.

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.56	Air Cond. + 8.99/7.49	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.56	\$8.99	1	(\$)	(\$)
I-A	Office	11	150,000	\$ 228.55	\$ 234.11	\$ 243.10	\$243.10	\$ 252.82	\$ 37,923,600.00
I-A	R&D	11	150,000	\$ 228.55	\$ 234.11	\$ 241.60	\$241.60	\$ 251.26	\$ 37,689,600.00
					\$ 5.56	\$ 11.93	\$11.93	\$ 12.41	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 15.13	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 15.13	\$ -
Totals		11	300,000						\$ 75,613,200.00
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.11	\$ 2.91	\$ 3.29		\$ -
DECLARED VALUATION									\$ 95,000,000.00
2/12/2021								TOTAL	\$ 95,000,000.00

BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION		\$	95,000,000.00
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 94,750,000.00	0.80%	\$ 758,000.00
BUILDING PERMIT FEE:			\$ 760,000.00

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial	300,000	\$ 0.66	\$ 198,000.00
Live/work		\$ 2.37	\$ -
Residential		\$ 4.08	\$ -
Existing Building Credit		\$ 0.66	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 198,000.00

(School fees reflect the new fees effective January 17, 2021)

School Facilities Development Fees are due and payable at the Building Division at the time of issuance of the first building permit for the project. An applicant who believes the fee is not justified shall pay the fee and appeal directly to the Emery School District.

PROJECT**Building 2/3 BioMed Emeryville Center of Innovat****PRELIMINARY FEE CALCULATIONS**

Valuation

\$ 90,000,000.00

Print Date: February 12, 2021

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 720,000.00			\$ 720,000.00	
Plan Review Fee	\$ 468,000.00			\$ 468,000.00	
Energy Review Fee	\$ 90,000.00			\$ 90,000.00	
Electrical Permit Fee	\$ 144,000.00			\$ 144,000.00	
Plumbing Permit Fee	\$ 129,600.00			\$ 129,600.00	
Mechanical Permit Fee	\$ 122,400.00			\$ 122,400.00	
S.M.I.P.	\$ 25,200.00			\$ 25,200.00	
Microfiche	\$ 7,200.00			\$ 7,200.00	
Fire Department Fees	\$ 288,000.00			\$ 288,000.00	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 52,380.00			\$ 52,380.00	Est. 180 traps - FY20-21 Rate
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	TBD
Transportation Facility Fees	\$ 987,714.00			\$ 987,714.00	50/50 Office/R&D Use FY2020-20
School Fees	\$ 172,458.00			\$ 172,458.00	New Fees Effective 1/17/2021
Art In Public Places	\$ 900,000.00			\$ 900,000.00	
Technology Fee	\$ 90,000.00			\$ 90,000.00	
Building Standards Commission Fee	\$ 3,600.00			\$ 3,600.00	
General Plan Maintenance Fee	\$ 450,000.00			\$ 450,000.00	
Affordable Housing Fee	\$ 1,230,723.00			\$ 1,230,723.00	50/50 Office/R&D Use FY2020-20
Parks and Recreation Fee	\$ 949,825.50			\$ 949,825.50	50/50 Office/R&D Use FY2020-20
TOTAL:	\$ 6,831,100.50		\$ -	\$ 6,831,100.50	6,831,100.50

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 468,000.00		\$ -	\$ 468,000.00	
Energy Review Fee	\$ 90,000.00		\$ -	\$ 90,000.00	
Other Fees	**				
Sub Total:	\$ 558,000.00		\$ -	\$ 558,000.00	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 720,000.00		\$ -	\$ 720,000.00	
Electrical Permit Fee	\$ 144,000.00		\$ -	\$ 144,000.00	
Plumbing Permit Fee	\$ 129,600.00		\$ -	\$ 129,600.00	
Mechanical Permit Fee	\$ 122,400.00		\$ -	\$ 122,400.00	
S.M.I.P.	\$ 25,200.00		\$ -	\$ 25,200.00	
Microfiche	\$ 7,200.00		\$ -	\$ 7,200.00	
Fire Department Fees	\$ 288,000.00		\$ -	\$ 288,000.00	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 52,380.00		\$ -	\$ 52,380.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ 987,714.00		\$ -	\$ 987,714.00	
School Fees	\$ 172,458.00		\$ -	\$ 172,458.00	
Art In Public Places	\$ 900,000.00		\$ -	\$ 900,000.00	See note(s) below
Technology Fee	\$ 90,000.00		\$ -	\$ 90,000.00	
Building Standards Commission Fee	\$ 3,600.00		\$ -	\$ 3,600.00	
General Plan Maintenance Fee	\$ 450,000.00		\$ -	\$ 450,000.00	
Affordable Housing Fee	\$ 1,230,723.00		\$ -	\$ 1,230,723.00	
Parks and Recreation Fee	\$ 949,825.50		\$ -	\$ 949,825.50	
Sub Total:	\$ 6,273,100.50		\$ -	\$ 6,273,100.50	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}
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Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Building 2/3 BioMed Emeryville Center of Innovation **PRELIMINARY FEE CALCULATIONS**
DATE: February 11, 2021
PREPARED BY: Courtney

FEES ARE BASED UPON THE VALUATION OF THE PROJECT. "VALUATION OF A BUILDING SHALL BE THE ESTIMATED COST TO REPLACE THE BUILDING AND STRUCTURE IN KIND, BASED ON CURRENT COSTS "

This fee calculation is based upon the information submitted to the Building Department.

FEES BASED ON VALUATION OF:			\$ 90,000,000.00
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 720,000.00
PLAN REVIEW FEE (65% of Building Permit Fee)			\$ 468,000.00
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 90,000.00
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 144,000.00
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 129,600.00
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 122,400.00
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 25,200.00
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 7,200.00
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 288,000.00
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$291.00 per Trap or \$1462.00 per Dwelling Unit	New traps - traps removed	180	\$ 52,380.00
	Number of Dwelling Units		
BAY SHELLMOUND FEES			\$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2020 - June 30, 2021)			\$ 987,714.00
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 172,458.00
ART IN PUBLIC PLACES (Commercial Projects: Artwork or in-lieu fee - 1% of valu.)			\$ 900,000.00
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 90,000.00
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 3,600.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 450,000.00
AFFORDABLE HOUSING (effective July 1, 2020 - June 30, 2021)			\$ 1,230,723.00
PARKS AND RECREATION (effective July 1, 2020 - June 30, 2021)			\$ 949,825.50
TOTAL			\$ 6,831,100.50

* Unable to determine the sewer connection fees at this time with the information provided.

FEES ARE BASED ON THE USE, GROSS FLOOR AREA, TYPE OF CONSTRUCTION, NUMBER OF STORIES, AND NUMBER OF PLUMBING TRAPS. IF ANY OF THESE FACTORS CHANGE, THE FEES WILL CHANGE.

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

- 1 Plan Review Fee for the Entire Project .
- 2 Energy Conservation Review Fee.

AT ISSUANCE OF FIRST BUILDING PERMIT

(All of the following fees shall be paid with the issuance of the first permit for phased permits.)

- 1 Building Permit Fee. (Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P and Building Standards Commission Fees
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment (N.A for residential projects)
- 5 School District Facilities Impact Fee
- 6 General Plan Maintenance and Technology Fees
- 7 Art in Public Places: For residential projects exceeding 19 units 0.5% of the project valuation is required for Art in Public Places.
- 8 Development Impact Fees (including Traffic Impact, Affordable Housing and Park & Rec)
- 9 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

PRIOR TO OCCUPANCY OF THE BUILDING AND RELEASE OF THE FINAL UTILITY METER:

- 1 If public art is to be installed it shall be in place.
- 2 Any and all outstanding fees; including charges for review of changes to approved plans or increased fees due to increased project valuation.
- 3 Final business license fees will be calculated by the finance department for all projects with a valuation in excess of 1,000,000.00 (one million) dollars. These fees must be paid prior to building occupancy.

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.56	Air Cond. + 8.99/7.49	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.56	\$8.99	1	(\$)	(\$)
I-A	Office	11	130,650	\$ 228.55	\$ 234.11	\$ 243.10	\$243.10	\$ 252.82	\$ 33,031,455.60
I-A	R&D	11	130,650	\$ 228.55	\$ 234.11	\$ 241.60	\$241.60	\$ 251.26	\$ 32,827,641.60
					\$ 5.56	\$ 11.93	\$11.93	\$ 12.41	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 15.13	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 15.13	\$ -
Totals		11	261,300						\$ 65,859,097.20
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.11	\$ 2.91	\$ 3.29		\$ -
DECLARED VALUATION									\$ 90,000,000.00
2/12/2021								TOTAL	\$ 90,000,000.00

BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION		\$	90,000,000.00
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 89,750,000.00	0.80%	\$ 718,000.00
BUILDING PERMIT FEE:			\$ 720,000.00

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial	261,300	\$ 0.66	\$ 172,458.00
Live/work		\$ 2.37	\$ -
Residential		\$ 4.08	\$ -
Existing Building Credit		\$ 0.66	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 172,458.00

(School fees reflect the new fees effective January 17, 2021)

School Facilities Development Fees are due and payable at the Building Division at the time of issuance of the first building permit for the project. An applicant who believes the fee is not justified shall pay the fee and appeal directly to the Emery School District.

PROJECT**Building 8A BioMed Emeryville Center of Innovation****PRELIMINARY FEE CALCULATIONS**

Valuation

\$ 80,000,000.00

Print Date: February 12, 2021

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 640,000.00			\$ 640,000.00	
Plan Review Fee	\$ 416,000.00			\$ 416,000.00	
Energy Review Fee	\$ 80,000.00			\$ 80,000.00	
Electrical Permit Fee	\$ 128,000.00			\$ 128,000.00	
Plumbing Permit Fee	\$ 115,200.00			\$ 115,200.00	
Mechanical Permit Fee	\$ 108,800.00			\$ 108,800.00	
S.M.I.P.	\$ 22,400.00			\$ 22,400.00	
Microfiche	\$ 6,400.00			\$ 6,400.00	
Fire Department Fees	\$ 256,000.00			\$ 256,000.00	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 58,200.00			\$ 58,200.00	Est. 200 traps - FY20-21 Rate
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	TBD
Transportation Facility Fees	\$ 835,380.00			\$ 835,380.00	50/50 Office/R&D Use FY2020-20
School Fees	\$ 145,860.00			\$ 145,860.00	New Fees Effective 1/17/2021
Art In Public Places	\$ 800,000.00			\$ 800,000.00	
Technology Fee	\$ 80,000.00			\$ 80,000.00	
Building Standards Commission Fee	\$ 3,200.00			\$ 3,200.00	
General Plan Maintenance Fee	\$ 400,000.00			\$ 400,000.00	
Affordable Housing Fee	\$ 1,040,910.00			\$ 1,040,910.00	50/50 Office/R&D Use FY2020-20
Parks and Recreation Fee	\$ 803,335.00			\$ 803,335.00	50/50 Office/R&D Use FY2020-20
TOTAL:	\$ 5,939,685.00		\$ -	\$ 5,939,685.00	5,939,685.00

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 416,000.00		\$ -	\$ 416,000.00	
Energy Review Fee	\$ 80,000.00		\$ -	\$ 80,000.00	
Other Fees	**				
Sub Total:	\$ 496,000.00		\$ -	\$ 496,000.00	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 640,000.00		\$ -	\$ 640,000.00	
Electrical Permit Fee	\$ 128,000.00		\$ -	\$ 128,000.00	
Plumbing Permit Fee	\$ 115,200.00		\$ -	\$ 115,200.00	
Mechanical Permit Fee	\$ 108,800.00		\$ -	\$ 108,800.00	
S.M.I.P.	\$ 22,400.00		\$ -	\$ 22,400.00	
Microfiche	\$ 6,400.00		\$ -	\$ 6,400.00	
Fire Department Fees	\$ 256,000.00		\$ -	\$ 256,000.00	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 58,200.00		\$ -	\$ 58,200.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ 835,380.00		\$ -	\$ 835,380.00	
School Fees	\$ 145,860.00		\$ -	\$ 145,860.00	
Art In Public Places	\$ 800,000.00		\$ -	\$ 800,000.00	See note(s) below
Technology Fee	\$ 80,000.00		\$ -	\$ 80,000.00	
Building Standards Commission Fee	\$ 3,200.00		\$ -	\$ 3,200.00	
General Plan Maintenance Fee	\$ 400,000.00		\$ -	\$ 400,000.00	
Affordable Housing Fee	\$ 1,040,910.00		\$ -	\$ 1,040,910.00	
Parks and Recreation Fee	\$ 803,335.00		\$ -	\$ 803,335.00	
Sub Total:	\$ 5,443,685.00		\$ -	\$ 5,443,685.00	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}
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Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Building 8A BioMed Emeryville Center of Innovation **PRELIMINARY FEE CALCULATIONS**
DATE: February 11, 2021
PREPARED BY: Courtney

FEES ARE BASED UPON THE VALUATION OF THE PROJECT. "VALUATION OF A BUILDING SHALL BE THE ESTIMATED COST TO REPLACE THE BUILDING AND STRUCTURE IN KIND, BASED ON CURRENT COSTS "

This fee calculation is based upon the information submitted to the Building Department.

FEES BASED ON VALUATION OF:			\$ 80,000,000.00
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 640,000.00
PLAN REVIEW FEE (65% of Building Permit Fee)			\$ 416,000.00
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 80,000.00
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 128,000.00
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 115,200.00
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 108,800.00
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 22,400.00
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 6,400.00
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 256,000.00
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$291.00 per Trap or \$1462.00 per Dwelling Unit	New traps - traps removed	200	\$ 58,200.00
	Number of Dwelling Units		
BAY SHELLMOUND FEES			\$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2020 - June 30, 2021)			\$ 835,380.00
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 145,860.00
ART IN PUBLIC PLACES (Commercial Projects: Artwork or in-lieu fee - 1% of valu.)			\$ 800,000.00
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 80,000.00
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 3,200.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 400,000.00
AFFORDABLE HOUSING (effective July 1, 2020 - June 30, 2021)			\$ 1,040,910.00
PARKS AND RECREATION (effective July 1, 2020 - June 30, 2021)			\$ 803,335.00
TOTAL			\$ 5,939,685.00

* Unable to determine the sewer connection fees at this time with the information provided.

FEES ARE BASED ON THE USE, GROSS FLOOR AREA, TYPE OF CONSTRUCTION, NUMBER OF STORIES, AND NUMBER OF PLUMBING TRAPS. IF ANY OF THESE FACTORS CHANGE, THE FEES WILL CHANGE.

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

- 1 Plan Review Fee for the Entire Project .
- 2 Energy Conservation Review Fee.

AT ISSUANCE OF FIRST BUILDING PERMIT

(All of the following fees shall be paid with the issuance of the first permit for phased permits.)

- 1 Building Permit Fee. (Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P and Building Standards Commission Fees
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment (N.A for residential projects)
- 5 School District Facilities Impact Fee
- 6 General Plan Maintenance and Technology Fees
- 7 Art in Public Places: For residential projects exceeding 19 units 0.5% of the project valuation is required for Art in Public Places.
- 8 Development Impact Fees (including Traffic Impact, Affordable Housing and Park & Rec)
- 9 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

PRIOR TO OCCUPANCY OF THE BUILDING AND RELEASE OF THE FINAL UTILITY METER:

- 1 If public art is to be installed it shall be in place.
- 2 Any and all outstanding fees; including charges for review of changes to approved plans or increased fees due to increased project valuation.
- 3 Final business license fees will be calculated by the finance department for all projects with a valuation in excess of 1,000,000.00 (one million) dollars. These fees must be paid prior to building occupancy.

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.56	Air Cond. + 8.99/7.49	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.56	\$8.99	1	(\$)	(\$)
I-A	Office	7	110,500	\$ 228.55	\$ 234.11	\$ 243.10	\$243.10	\$ 247.96	\$ 27,399,801.00
I-A	R&D	7	110,500	\$ 228.55	\$ 234.11	\$ 241.60	\$241.60	\$ 246.43	\$ 27,230,736.00
					\$ 5.56	\$ 11.93	\$11.93	\$ 12.17	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 14.84	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 14.84	\$ -
Totals		7	221,000						\$ 54,630,537.00
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.11	\$ 2.91	\$ 3.29		\$ -
DECLARED VALUATION									\$ 80,000,000.00
2/12/2021								TOTAL	\$ 80,000,000.00

BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION	\$ 80,000,000.00		
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 79,750,000.00	0.80%	\$ 638,000.00
BUILDING PERMIT FEE:			\$ 640,000.00

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial	221,000	\$ 0.66	\$ 145,860.00
Live/work		\$ 2.37	\$ -
Residential		\$ 4.08	\$ -
Existing Building Credit		\$ 0.66	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 145,860.00

(School fees reflect the new fees effective January 17, 2021)

School Facilities Development Fees are due and payable at the Building Division at the time of issuance of the first building permit for the project. An applicant who believes the fee is not justified shall pay the fee and appeal directly to the Emery School District.

PROJECT**Building 8B BioMed Emeryville Center of Innovat****PRELIMINARY FEE CALCULATIONS**

Valuation

\$ 55,000,000.00

Print Date: February 12, 2021

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 440,000.00			\$ 440,000.00	
Plan Review Fee	\$ 286,000.00			\$ 286,000.00	
Energy Review Fee	\$ 55,000.00			\$ 55,000.00	
Electrical Permit Fee	\$ 88,000.00			\$ 88,000.00	
Plumbing Permit Fee	\$ 79,200.00			\$ 79,200.00	
Mechanical Permit Fee	\$ 74,800.00			\$ 74,800.00	
S.M.I.P.	\$ 15,400.00			\$ 15,400.00	
Microfiche	\$ 4,400.00			\$ 4,400.00	
Fire Department Fees	\$ 176,000.00			\$ 176,000.00	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 43,650.00			\$ 43,650.00	Est. 150 traps - FY20-21 Rate
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	TBD
Transportation Facility Fees	\$ 489,510.00			\$ 489,510.00	50/50 Office/R&D Use FY2020-20
School Fees	\$ 85,470.00			\$ 85,470.00	New Fees Effective 1/17/2021
Art In Public Places	\$ 550,000.00			\$ 550,000.00	
Technology Fee	\$ 55,000.00			\$ 55,000.00	
Building Standards Commission Fee	\$ 2,200.00			\$ 2,200.00	
General Plan Maintenance Fee	\$ 275,000.00			\$ 275,000.00	
Affordable Housing Fee	\$ 609,945.00			\$ 609,945.00	50/50 Office/R&D Use FY2020-20
Parks and Recreation Fee	\$ 470,732.50			\$ 470,732.50	50/50 Office/R&D Use FY2020-20
TOTAL:	\$ 3,800,307.50		\$ -	\$ 3,800,307.50	3,800,307.50

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 286,000.00		\$ -	\$ 286,000.00	
Energy Review Fee	\$ 55,000.00		\$ -	\$ 55,000.00	
Other Fees	**				
Sub Total:	\$ 341,000.00		\$ -	\$ 341,000.00	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 440,000.00		\$ -	\$ 440,000.00	
Electrical Permit Fee	\$ 88,000.00		\$ -	\$ 88,000.00	
Plumbing Permit Fee	\$ 79,200.00		\$ -	\$ 79,200.00	
Mechanical Permit Fee	\$ 74,800.00		\$ -	\$ 74,800.00	
S.M.I.P.	\$ 15,400.00		\$ -	\$ 15,400.00	
Microfiche	\$ 4,400.00		\$ -	\$ 4,400.00	
Fire Department Fees	\$ 176,000.00		\$ -	\$ 176,000.00	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 43,650.00		\$ -	\$ 43,650.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ 489,510.00		\$ -	\$ 489,510.00	
School Fees	\$ 85,470.00		\$ -	\$ 85,470.00	
Art In Public Places	\$ 550,000.00		\$ -	\$ 550,000.00	See note(s) below
Technology Fee	\$ 55,000.00		\$ -	\$ 55,000.00	
Building Standards Commission Fee	\$ 2,200.00		\$ -	\$ 2,200.00	
General Plan Maintenance Fee	\$ 275,000.00		\$ -	\$ 275,000.00	
Affordable Housing Fee	\$ 609,945.00		\$ -	\$ 609,945.00	
Parks and Recreation Fee	\$ 470,732.50		\$ -	\$ 470,732.50	
Sub Total:	\$ 3,459,307.50		\$ -	\$ 3,459,307.50	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}
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Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Building 8B BioMed Emeryville Center of Innovation **PRELIMINARY FEE CALCULATIONS**
DATE: February 11, 2021
PREPARED BY: Courtney

FEES ARE BASED UPON THE VALUATION OF THE PROJECT. "VALUATION OF A BUILDING SHALL BE THE ESTIMATED COST TO REPLACE THE BUILDING AND STRUCTURE IN KIND, BASED ON CURRENT COSTS "

This fee calculation is based upon the information submitted to the Building Department.

FEES BASED ON VALUATION OF:			\$ 55,000,000.00
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 440,000.00
PLAN REVIEW FEE (65% of Building Permit Fee)			\$ 286,000.00
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 55,000.00
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 88,000.00
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 79,200.00
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 74,800.00
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 15,400.00
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 4,400.00
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 176,000.00
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$291.00 per Trap or \$1462.00 per Dwelling Unit	New traps - traps removed	150	\$ 43,650.00
	Number of Dwelling Units		
BAY SHELLMOUND FEES			\$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2020 - June 30, 2021)			\$ 489,510.00
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 85,470.00
ART IN PUBLIC PLACES (Commercial Projects: Artwork or in-lieu fee - 1% of valu.)			\$ 550,000.00
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 55,000.00
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 2,200.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 275,000.00
AFFORDABLE HOUSING (effective July 1, 2020 - June 30, 2021)			\$ 609,945.00
PARKS AND RECREATION (effective July 1, 2020 - June 30, 2021)			\$ 470,732.50
TOTAL			\$ 3,800,307.50

* Unable to determine the sewer connection fees at this time with the information provided.

FEES ARE BASED ON THE USE, GROSS FLOOR AREA, TYPE OF CONSTRUCTION, NUMBER OF STORIES, AND NUMBER OF PLUMBING TRAPS. IF ANY OF THESE FACTORS CHANGE, THE FEES WILL CHANGE.

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

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- 2 Energy Conservation Review Fee.

AT ISSUANCE OF FIRST BUILDING PERMIT

(All of the following fees shall be paid with the issuance of the first permit for phased permits.)

- 1 Building Permit Fee. (Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P and Building Standards Commission Fees
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment (N.A for residential projects)
- 5 School District Facilities Impact Fee
- 6 General Plan Maintenance and Technology Fees
- 7 Art in Public Places: For residential projects exceeding 19 units 0.5% of the project valuation is required for Art in Public Places.
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- 9 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

PRIOR TO OCCUPANCY OF THE BUILDING AND RELEASE OF THE FINAL UTILITY METER:

- 1 If public art is to be installed it shall be in place.
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- 3 Final business license fees will be calculated by the finance department for all projects with a valuation in excess of 1,000,000.00 (one million) dollars. These fees must be paid prior to building occupancy.

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.56	Air Cond. + 8.99/7.49	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.56	\$8.99	1	(\$)	(\$)
I-A	Office	7	64,750	\$ 228.55	\$ 234.11	\$ 243.10	\$243.10	\$ 247.96	\$ 16,055,539.50
I-A	R&D	7	64,750	\$ 228.55	\$ 234.11	\$ 241.60	\$241.60	\$ 246.43	\$ 15,956,472.00
					\$ 5.56	\$ 11.93	\$11.93	\$ 12.17	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 14.84	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 14.84	\$ -
Totals		7	129,500						\$ 32,012,011.50
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.11	\$ 2.91	\$ 3.29		\$ -
DECLARED VALUATION									\$ 55,000,000.00
2/12/2021								TOTAL	\$ 55,000,000.00

BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION		\$	55,000,000.00
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 54,750,000.00	0.80%	\$ 438,000.00
BUILDING PERMIT FEE:			\$ 440,000.00

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial	129,500	\$ 0.66	\$ 85,470.00
Live/work		\$ 2.37	\$ -
Residential		\$ 4.08	\$ -
Existing Building Credit		\$ 0.66	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 85,470.00

(School fees reflect the new fees effective January 17, 2021)

School Facilities Development Fees are due and payable at the Building Division at the time of issuance of the first building permit for the project. An applicant who believes the fee is not justified shall pay the fee and appeal directly to the Emery School District.

PROJECT**Parking Structure: BioMed Emeryville Center of I****PRELIMINARY FEE CALCULATIONS**

Valuation

\$ 90,000,000.00

Print Date: February 12, 2021

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 720,000.00			\$ 720,000.00	
Plan Review Fee	\$ 468,000.00			\$ 468,000.00	
Energy Review Fee	\$ 90,000.00			\$ 90,000.00	
Electrical Permit Fee	\$ 144,000.00			\$ 144,000.00	
Plumbing Permit Fee	\$ 129,600.00			\$ 129,600.00	
Mechanical Permit Fee	\$ 122,400.00			\$ 122,400.00	
S.M.I.P.	\$ 25,200.00			\$ 25,200.00	
Microfiche	\$ 7,200.00			\$ 7,200.00	
Fire Department Fees	\$ 288,000.00			\$ 288,000.00	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 3,201.00			\$ 3,201.00	Est. 11 traps - FY20-21 Rate
Bay-Shell-Mound Contingent Fees	\$ -			\$ -	TBD
Transportation Facility Fees	\$ 10,208.12			\$ 10,208.12	Restaurant High Turnover - FY20-21
School Fees	\$ 773.52			\$ 773.52	New Fees Effective 1/17/2021
Art In Public Places	\$ 900,000.00			\$ 900,000.00	
Technology Fee	\$ 90,000.00			\$ 90,000.00	
Building Standards Commission Fee	\$ 3,600.00			\$ 3,600.00	
General Plan Maintenance Fee	\$ 450,000.00			\$ 450,000.00	
Affordable Housing Fee	\$ 5,520.12			\$ 5,520.12	Restaurant High Turnover - FY20-21
Parks and Recreation Fee	\$ 6,926.52			\$ 6,926.52	Restaurant High Turnover - FY20-21
TOTAL:	\$ 3,464,629.28		\$ -	\$ 3,464,629.28	3,464,629.28

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 468,000.00		\$ -	\$ 468,000.00	
Energy Review Fee	\$ 90,000.00		\$ -	\$ 90,000.00	
Other Fees	**				
Sub Total:	\$ 558,000.00		\$ -	\$ 558,000.00	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 720,000.00		\$ -	\$ 720,000.00	
Electrical Permit Fee	\$ 144,000.00		\$ -	\$ 144,000.00	
Plumbing Permit Fee	\$ 129,600.00		\$ -	\$ 129,600.00	
Mechanical Permit Fee	\$ 122,400.00		\$ -	\$ 122,400.00	
S.M.I.P.	\$ 25,200.00		\$ -	\$ 25,200.00	
Microfiche	\$ 7,200.00		\$ -	\$ 7,200.00	
Fire Department Fees	\$ 288,000.00		\$ -	\$ 288,000.00	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 3,201.00		\$ -	\$ 3,201.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ 10,208.12		\$ -	\$ 10,208.12	
School Fees	\$ 773.52		\$ -	\$ 773.52	
Art In Public Places	\$ 900,000.00		\$ -	\$ 900,000.00	See note(s) below
Technology Fee	\$ 90,000.00		\$ -	\$ 90,000.00	
Building Standards Commission Fee	\$ 3,600.00		\$ -	\$ 3,600.00	
General Plan Maintenance Fee	\$ 450,000.00		\$ -	\$ 450,000.00	
Affordable Housing Fee	\$ 5,520.12		\$ -	\$ 5,520.12	
Parks and Recreation Fee	\$ 6,926.52		\$ -	\$ 6,926.52	
Sub Total:	\$ 2,906,629.28		\$ -	\$ 2,906,629.28	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}
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Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Parking Structure: BioMed Emeryville Center of Innovativ **PRELIMINARY FEE CALCULATIONS**
DATE: February 11, 2021
PREPARED BY: Courtney

FEES ARE BASED UPON THE VALUATION OF THE PROJECT. "VALUATION OF A BUILDING SHALL BE THE ESTIMATED COST TO REPLACE THE BUILDING AND STRUCTURE IN KIND, BASED ON CURRENT COSTS "

This fee calculation is based upon the information submitted to the Building Department.

FEES BASED ON VALUATION OF:			\$ 90,000,000.00
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 720,000.00
PLAN REVIEW FEE (65% of Building Permit Fee)			\$ 468,000.00
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 90,000.00
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 144,000.00
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 129,600.00
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 122,400.00
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 25,200.00
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit F	Bldg.. Permit Fee * 1%	\$ 7,200.00
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 288,000.00
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$291.00 per Trap or \$1462.00 per Dwelling Unit	New traps - traps removed	11	\$ 3,201.00
	Number of Dwelling Units		
BAY SHELLMOUND FEES			\$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2020 - June 30, 2021)			\$ 10,208.12
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 773.52
ART IN PUBLIC PLACES (Commercial Projects: Artwork or in-lieu fee - 1% of valu.)			\$ 900,000.00
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 90,000.00
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 3,600.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 450,000.00
AFFORDABLE HOUSING (effective July 1, 2020 - June 30, 2021)			\$ 5,520.12
PARKS AND RECREATION (effective July 1, 2020 - June 30, 2021)			\$ 6,926.52
TOTAL			\$ 3,464,629.28

* Unable to determine the sewer connection fees at this time with the information provided.

FEES ARE BASED ON THE USE, GROSS FLOOR AREA, TYPE OF CONSTRUCTION, NUMBER OF STORIES, AND NUMBER OF PLUMBING TRAPS. IF ANY OF THESE FACTORS CHANGE, THE FEES WILL CHANGE.

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

- 1 Plan Review Fee for the Entire Project .
- 2 Energy Conservation Review Fee.

AT ISSUANCE OF FIRST BUILDING PERMIT

(All of the following fees shall be paid with the issuance of the first permit for phased permits.)

- 1 Building Permit Fee. (Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P and Building Standards Commission Fees
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment (N.A for residential projects)
- 5 School District Facilities Impact Fee
- 6 General Plan Maintenance and Technology Fees
- 7 Art in Public Places: For residential projects exceeding 19 units 0.5% of the project valuation is required for Art in Public Places.
- 8 Development Impact Fees (including Traffic Impact, Affordable Housing and Park & Rec)
- 9 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

PRIOR TO OCCUPANCY OF THE BUILDING AND RELEASE OF THE FINAL UTILITY METER:

- 1 If public art is to be installed it shall be in place.
- 2 Any and all outstanding fees; including charges for review of changes to approved plans or increased fees due to increased project valuation.
- 3 Final business license fees will be calculated by the finance department for all projects with a valuation in excess of 1,000,000.00 (one million) dollars. These fees must be paid prior to building occupancy.

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.56	Air Cond. + 8.99/7.49	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.56	\$8.99	1	(\$)	(\$)
I-A	Garage	11	709,469	\$ 104.64	\$ 110.20	\$ 119.19	\$119.19	\$ 123.96	\$ 87,944,074.51
III-A	Café	11	1,172	\$ 208.43	\$ 213.99	\$ 221.48	\$221.48	\$ 230.34	\$ 269,957.54
					\$ 5.56	\$ 11.93	\$11.93	\$ 12.41	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 15.13	\$ -
					\$ 5.56	\$ 14.55	\$14.55	\$ 15.13	\$ -
Totals		11	710,641						\$ 88,214,032.06
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.11	\$ 2.91	\$ 3.29		\$ -
DECLARED VALUATION									\$ 90,000,000.00
2/12/2021								TOTAL	\$ 90,000,000.00

BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION	\$ 90,000,000.00		
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 89,750,000.00	0.80%	\$ 718,000.00
BUILDING PERMIT FEE:			\$ 720,000.00

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial	1,172	\$ 0.66	\$ 773.52
Live/work		\$ 2.37	\$ -
Residential		\$ 4.08	\$ -
Existing Building Credit		\$ 0.66	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 773.52

(School fees reflect the new fees effective January 17, 2021)

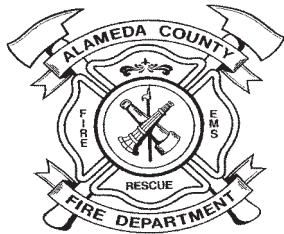
School Facilities Development Fees are due and payable at the Building Division at the time of issuance of the first building permit for the project. An applicant who believes the fee is not justified shall pay the fee and appeal directly to the Emery School District.

Construction Sign - Minimum 3" letters

3 feet

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

4 feet



Alameda County Fire Department

Fire Prevention Bureau

City of Emeryville

1333 Park Ave. Emeryville, California 94608 (510) 596-3759

CONDITIONS OF APPROVAL

DATE: 12/18/2020
TO: Miroo Desai
FROM: Cesar Avila, Deputy Fire Marshal
SUBJECT: Emeryville Center of Innovation

- 1. Design shall meet building and fire codes adopted at time of building permit plan submittal.**
- 2. Building plan submittal shall clearly indicate Building and Occupancy Types as well as Control Areas.**
- 3. Fire Sprinklers – All buildings are required to have independent fire sprinkler systems installed according to National Fire Protection Association 13 Standard.**
- 4. Fire Department Standpipes – shall be located inside stairways with Fire Hose Connections located at stair intermediate landings.**
- 5. Fire Hydrants shall be located within 100 feet of building Fire Department Connections.**
- 6. Fire Alarm - Fire Alarm Systems required per California Fire and Building Codes design shall conform with National Fire Protection Association 72 Standards.**
- 7. Street level Fire Department Connections – FDCs shall be located in conspicuous locations at street of fire department access.**
- 8. Fire Pump – Fire Pumps are required to supply the new fire sprinkler systems.**

- 9. Secondary water supply in the form of water tanks required for all fire pumps.**
- 10. Fire Pump rooms shall have direct access to the street of fire department access at grade level and be sized to accommodate all equipment, fire pump room access doors shall be sized to accommodate the largest piece of equipment.**
- 11. Emergency Generators required and shall be provided with a remote fuel fill port station accessible from the street at grade level.**
- 12. Hazardous Materials Inventory Statement and Hazardous Materials Business Plan required at time of building permit plan submittal.**
- 13. Emergency Responder Radio Communication Systems require in al new buildings.**
- 14. Fire Department emergency key boxes (Knox Box) required to provide access to all buildings.**
- 15. Fire Command Center required in all High-Rise buildings.**

**ATTACHMENT TO CONDITIONS OF APPROVAL
STORMWATER POLLUTION PREVENTION AND SOURCE CONTROL MEASURES
City of Emeryville
Revised 2/2016**

A. Grading and Drainage

1. Plans shall incorporate appropriate site design measures to minimize impacts to water quality. These may include, but are not limited to, the following: (a) minimizing impervious surfaces, especially directly-connected impervious surfaces, (b) clustering buildings, (c) preserving quality open space, (3) maintaining and/or restoring riparian areas and wetlands and establishing vegetated buffer areas to minimize the volume of stormwater runoff and the pollutants in the stormwater. The City has adopted an Ordinance that addresses approved treatment measures and sizing criteria, available on the City's website. A permit application and design worksheets are also on the City's website, at <http://www.ci.emeryville.ca.us/335/Stormwater>. Plans shall include stormwater pollution prevention and control features as required by the City's current NPDES permit.
2. The City of Emeryville requires that treatment measures be constructed for applicable projects, as defined in section C.3.c. of the City's NPDES permit. These measures must incorporate, at a minimum, the hydraulic sizing criteria outlined in the Alameda County Clean Water Program's Technical Guidance Manual, available at <http://www.cleanwaterprogram.org/c3-guidance-table/item/c3-guidance-table.html>.
3. The design of any stormwater treatment measures must incorporate the treatment control design guidance for vector control included in Appendix G of the Technical Guidance Manual.
4. Access to treatment devices must be maintained. Design stormwater treatment devices to be easily and safely accessible without the need for special requirements (e.g., OSHA requirements for "confined spaces.") If utilizing covers, include in the design spring-loaded or light-weight access hatches that can be opened easily for inspection.
5. All on-site storm drain inlets shall be stenciled or labeled "No Dumping! Flows to Bay" or equivalent, using methods approved by the City.
6. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
7. Prior to the commencement of any clearing, grading, and/or excavation resulting in a land disturbance of one acre or more, the applicant shall submit the following documents to the City, both of which should be checked daily, especially around storm events, and updated as necessary. A daily log should be kept stating that BMPs have been checked and are effective. The necessary documents are:
 - a. A copy of the project's Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall contain the erosion, sediment and pollution control BMPs (some of which are described in

Section C of this document), and the BMPs shall be in place before any work begins, as appropriate for that phase of construction.

- b. Evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control board.
- 8. For projects involving clearing, grading or excavation resulting in disturbance of less than one acre of land, the applicant shall have in place erosion, sediment and pollution controls (described in Section C of this document) to the maximum extent practicable using the current standard BMPs as required by the City.

B. Site Plan and Source Control Measures

The site plan shall include the following items:

- 1. Stormwater Measures and Calculations as Defined in the Technical Guidance Manual
- 2. Refuse and Recycling Areas
 - a. New or redevelopment projects such as food service facilities, recycling facilities, multi-family residential complexes or similar facilities shall provide a roofed and enclosed area for waste, recycling, and compostables containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.
 - b. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
 - c. Runoff from food service areas, recycling areas, and/or food compactor enclosures or similar facilities shall not discharge to the storm drain system.
- 3. Vehicle/Equipment and Commercial/Industrial Cleaning
 - a. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system.
 - b. Commercial/industrial facilities having vehicle/equipment cleaning needs and new residential complexes of 25 units or greater shall either provide a roofed, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs (faucets) and installing signs prohibiting such uses. Vehicle/equipment washing areas shall be paved, designed to prevent run-on to or runoff from the area, and plumbed to drain to the sanitary sewer. A sign shall be posted indicating the location and allowed uses in the designated wash area. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

City of Emeryville Stormwater Pollution Prevention and Source Control Measures

- c. Commercial car wash facilities shall be designed and operated such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer. The applicant shall contact EBMUD for specific connection and discharge requirements.
4. Loading Docks
- a. Loading docks shall be graded to minimize run-on to and runoff from the loading area [and/or be covered]. Roof downspouts shall be positioned to direct stormwater away from the loading area. Stormwater runoff from loading dock areas shall be connected to a post-construction stormwater treatment measure prior to discharge to the storm drain system. The applicant shall contact the local permitting authority for specific connection and discharge requirements.
 - b. Door skirts between the trailers and the building shall be installed to prevent exposure of loading activities to rain, unless one of the following conditions apply:: the loading dock is covered, or the applicant demonstrates that rainfall will not result in an untreated discharge to the storm drain system.
5. Food Service Equipment Cleaning
- a. Food service facilities (including restaurants and grocery stores) shall have a cleaning area for floor mats, containers, and equipment which is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; in either case it must be plumbed to the sanitary sewer. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the storm drain. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in this area. The applicant shall contact EBMUD for specific connection and discharge requirements.
6. Outdoor Process Activities/Equipment
(Examples of businesses that may have outdoor process activities and equipment include machine shops and auto repair shops, and industries that have pretreatment facilities.)
- a. Process activities shall be performed either indoors or in roofed outdoor areas. If performed outdoors, the area shall be designed to prevent run-on to and runoff from the area with process activities.
 - b. Process equipment areas shall drain to the sanitary sewer system. The applicant shall contact EBMUD for specific connection and discharge requirements.
7. Fuel Dispensing Areas
- a. Fueling areas shall have impermeable surfaces (i.e., Portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent

ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.

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

8. Pesticide/Fertilizer Application

- a. Landscapes and gardens should incorporate Bay-Friendly practices, as described at: <https://www.bayfriendlycoalition.org/BFRated-why.shtml>.
- b. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- c. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
- d. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:
 - i. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. Plants suitable for treatment areas are specified in Appendix B of the Technical Guidance document referenced above.
 - ii. Landscapes over 500 square feet in size must comply with the City's Water Efficient Landscape Ordinance (WELO) requirements, available at: <http://www.ci.emeryville.ca.us/documentcenter/view/1754>.
 - iii. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
 - iv. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
 - v. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.

- vi. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design. Examples of IPM principles and techniques include:
 - a. Select plants that are well adapted to soil conditions at the site.
 - b. Select plants that are well adapted to sun and shade conditions at the site.
Consider future conditions when plants reach maturity. Consider seasonal changes and time of day.
 - c. Provide irrigation appropriate to the water requirements of the selected plants.
 - d. Select pest- and disease-resistant plants.
 - e. Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
 - f. Use “insectary” plants in the landscaping to attract and keep beneficial insects.

9. Interior Floor Drains

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

10. Parking Garages

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

11. Pool, Spa, and Fountain Discharges

- a. Pool (including swimming pools, hot tubs, spas and fountains) discharge drains shall not be connected directly to the storm drain or sanitary sewer system, unless the connection is specifically approved by EBMUD.
- b. Subject to local requirements, when draining is necessary, a hose or other temporary system shall be directed into a sanitary sewer clean out. The clean out shall be installed in a readily accessible area, example: within 10 feet of the pool. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- c. Subject to local requirements, swimming pool, spa and fountain water may be allowed to discharge to the storm drains if the water has been dechlorinated, the water is within ambient temperature, and no copper-based algae control products have been added to the water.
- e. If commercial and public swimming pool discharges are discharged to land where the water would not flow to a storm drain or to a surface water, the discharge may be subject to the requirements of the State Water Resources Control Board’s (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.

12. Outdoor Equipment/Materials Storage

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

13. Vehicle/Equipment Repair and Maintenance

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

14. Fire Sprinkler Test Water

Fire sprinkler test water shall be drained to the sanitary sewer system (with approval from the local permitting authority [and/or sanitary district with jurisdiction]) or drain to landscaped areas where feasible. [In the event that the sanitary district does not approve the connection and drainage to landscaped areas is infeasible, the applicant may propose an alternative method of providing for drainage of fire sprinkler test water, such as by filtering and dechlorinating the water prior to discharge to a storm drain, subject to approval by RWQCB staff.]

15. Miscellaneous Drain or Wash Water

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

C. Construction Practices

Construction workers shall:

1. Maintain and replace filter materials as necessary to ensure effectiveness and prevent flooding. Dispose of filter particles in the trash.
2. Broom-sweep the sidewalk and street adjoining the site daily, scraping off caked-on mud and dirt.
3. Minimize removal of natural vegetation or ground cover, and replant as soon as possible.
4. Stabilize all cut and fill slopes as soon as possible after grading is completed.
5. Ensure that concrete, gunite and plaster supply trucks and operations do not discharge wash water into street gutters or drains.
6. Create and use a contained, covered area on the site for storing bags of cement, paints, flammables, oils, fertilizers, pesticides and any other materials used on the project site that could be discharged to the storm drain system by wind or a spill.

7. Place tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
8. Gather all construction debris daily and place it in a container which is emptied or removed weekly.
9. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
10. For projects with on-site storm drain inlets, clean all inlets immediately prior to the rainy season (October 1), and as required by the City Engineer.
11. Install straw wattles, berms, check dams as appropriate to contain and/or filter stormwater and the sediments from the site.
12. Hydroseed or cover exposed soil with compost, tarps, loose straw or mats to reduce erosion and sediment suspension in stormwater.
13. Check all on-site machinery and vehicles for oil, fuel and other machine fluid leaks on a daily basis, and fix machinery as necessary and/or capture all leaked fluids.

D. Post-Occupancy Maintenance and Operational BMPs

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

1. Operation, Maintenance and Inspection of Stormwater Treatment Measures
 - a. For commercial and industrial projects and residential projects with stormwater treatment measures, before the City issues the Certificate of Occupancy, the applicant must submit an Operations and Maintenance Agreement. This Agreement shall be executed and recorded with the County Recorder's Office of the County of Alameda. The property owner must submit five required Exhibits to the Agreement:
 - i. A legal description of the property
 - ii. A legible, recordable, reduced-scale (8.5"x11") copy of the site plan indicating treatment measures' locations and site drainage patterns
 - iii. A maintenance plan, including specific long-term maintenance tasks and schedule
 - iv. A standard Treatment Measure Operation and Maintenance Inspection Report form (template to be provided by the City), and
 - v. Checklists appropriate to the type of treatment measure(s) that will be used on the property (to be provided by the City)
 - b. All commercial and industrial projects, and all projects with an Operations and Maintenance Agreement, must allow and facilitate inspections of the stormwater treatment measures by the City or its agent.

- c. In addition, all projects must adhere to the following practices.

2. Paved Sidewalks and Parking Lots

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

3. Private Streets, Utilities and Common Areas

- a. The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads, installation of full trash capture devices in and cleaning of all storm drain inlets.
- b. For residential developments, where other maintenance mechanisms are not applicable or otherwise in place, a property owners' association, architectural committee, maintenance assessment district, special assessment district, or similar arrangement shall be created and shall be responsible for maintaining all private streets and private utilities and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping and will include the maintenance responsibilities described in the maintenance plan, which is included as an attachment to the stormwater treatment measure O&M agreement for the subject property.

4. On-site Storm Drains

- a. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season and as required by the City Engineer.
- b. All on-site storm drains shall be equipped with City-approved full trash capture devices unless the City Engineer agrees that such controls are infeasible for one or more inlets. These must be maintained according to the requirements in the Municipal Regional NPDES Permit (http://www.swrcb.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf), and records of their inspections and maintenance must be made available to the City upon request.

5. Vehicle/Equipment Repair and Maintenance

- a. No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinsewater from parts cleaning operations into storm drains.
- b. No vehicle fluid removal shall be performed outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any

spilled fluid will be in an area of secondary containment. Leaking vehicle fluids shall be contained or drained from the vehicle immediately.

- c. No person shall leave unattended drip pans or other open containers containing vehicle fluid, unless such containers are in use or in an area that cannot discharge to the storm drain, such as an area with secondary containment.

6. Fueling Areas

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

7. Loading Docks

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

8. Outdoor Storage Areas

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