APPROVED
CITY OF EMERYVILLE
PLANNING DIVISION

Charles S. Bryant 2/25/21
(Signature) (Date)

Community Development Director
(Title)

FDP20-001
File No. (*if applicable*)

CONDITIONS OF APPROVAL

Sherwin Williams Building 1-31 - Adaptive Reuse
Final Development Plan (FDP20-001)
Exhibit A. Conditions of Approval
February 25, 2021

Planned Unit Development/Preliminary Development Plan (PUD 13-001) ("PDP"), Conditions of Approval dated November 1, 2016 attached as an exhibit to Ordinance No. 16-006 and Vesting Tentative Map 8357 (SUBDIV16-002) ("VTM") Conditions of Approval dated May 25, 2017, apply to FDP20-001 in addition to conditions outlined below. In the event of any inconsistencies between the Conditions of Approval for the PDP and the VTM and the conditions set forth below, the Community Development Director shall determine which condition of approval shall take precedence.

I. COMPLIANCE WITH APPROVALS

A. PROJECT APPROVALS. The project 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 adaptive reuse of existing Building 1-31 for Research and Development use, including construction of a "pass through alley" on the ground floor ("**Project**").

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 "1450 Sherwin Avenue: Architectural FDP Package – For Approval" Sheets 1 to 23 dated December 2, 2020.

C. APPROVAL EFFECTIVENESS AND DURATION. This permit shall be valid for the term of the PDP and the VTM.

D. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the 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 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 these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville ("**City**"), then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in the Property. The term "**Property**" herein refers to Lot 1 as shown in Tract Map 8357 (Assessor Parcel Number 49-1557-6). Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this zoning approval.

II. GENERAL CONDITIONS

A. INDEMNIFICATION. Applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, the 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. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Fees, Dedications and Exactions. Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions, attached as Exhibit A. Pursuant to Government Code Section 66020(d)(1), this set of Conditions of Approval constitutes written notice of a statement of the amount of such fees and a description of the dedications, reservations and other exactions. Applicant is hereby further notified that the 90-day approval period in which these fees, dedications, reservations and other exactions may be protested, pursuant to Government Code Section 66020(a) will begin upon approval of the aforementioned Project Approvals by the City of Emeryville 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.

   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. **[Building]**

2. 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]**

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

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1. Notice to Tenants and Future Owners. Prior to the issuance of the temporary certificate of occupancy, Applicant shall provide to the Community Development Director a notice in all lease and sales documents to all prospective tenants and future purchasers of the property on the site, in a form acceptable to the City Attorney, addressing: 1) the existence of nearby industrial uses which have the potential to emit noise at levels and during hours of the day that persons may find disturbing; 2) nearby manufacturing/industrial uses which may generate odors; 3) existence of truck traffic; 4) existence of a nearby mainline railroad that operates 24 hours per day seven days per week with associated train horns

and other sounds and vibration; 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 temporary certificate of occupancy, the Building Official shall confirm that all applicable fees due at the issuance of the certificate of occupancy has been paid. **[Building]**

3. Cost Recovery Planning Fees. Prior to the issuance of temporary certificate of occupancy, the Community Development Director shall confirm that all cost recovery planning fees have been paid in full. **[Planning]**

4. Bay-Shellmound Contingent Assessment. Prior to the issuance of a temporary certificate of occupancy, the Building Official shall confirm that the Bay-Shellmound Contingent Assessment has been paid. **[Building]**

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 (density per acre for residential).
   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. Number of floors.
   h. Existing building information (if applicable).

2. Compliance with Applicable Codes. Prior to the issuance of building permit, the Building Official shall confirm that the building permit plans,

specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements. **[Building]**

3. Utility Service. Prior to the issuance of 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 building permit for any portion of the Project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. **[Public Works]**

5. Construction Sign. Prior to the issuance of 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 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 building or grading permit, Applicant shall confirm that the Property has never been subject to an environmental regulatory action or order. 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 have such plan 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 building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulators, Section 1532.1). **[Building]**

10. Broadband Service. Prior to the issuance of 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]**

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, Planning and Building Director, or Public Works Director may approve weekend or night work pursuant to Section 5-13.05(e) of the Emeryville Municipal Code.

b. *Equipment*. All heavy construction equipment used on the Project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition and as deemed to be practically feasible. All non-impact tools shall meet a maximum noise level of no more than 85 dB when measured at a distance of 50 feet. All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines especially residential uses.

c. *Noise Disturbance Coordinator.* Applicant shall designate a "Noise Disturbance Coordinator" who shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem be implemented. Applicant shall

conspicuously post a telephone number for the Noise Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The Noise Disturbance Coordinator shall be the contact person listed on the construction sign required by Condition III.A.5 above.

2. Traffic Measures. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).

3. Street Debris. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.

4. Dust Control Measures. Dust control measures to minimize air quality impacts shall be implemented including:

   a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.

   b. Cover all trucks hauling soil, sand, and other loose materials.

   c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.

   d. Limit traffic speeds on unpaved roads to 5 mph.

   e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.

   f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.

   g. No grading between October 1st and April 15th unless the Public Works Director has approved an erosion and sedimentation control plan.

5. Archeological Resources. If archeological resources are encountered during construction, then Applicant shall: cease all construction activity in the vicinity; notify the Community Development Director; have the

significance of the items determined by a qualified archeologist or cultural consultant; and take any further appropriate measures under the California Environmental Quality Act and other applicable laws with the Community Development Director's approval. If human remains are encountered, state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue has been received.

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

A. Applicant shall construct all Public Improvements, as they relate to the interface locations and improvements of the pass through, specified in Section III of the Conditions of Approval for the VTM and as specified in the Project Improvement Agreement (Phase I) dated April 19, 2018, between the City and SWACE, LLC and said public improvements shall be ready for City acceptance prior to certificate of occupancy being issued for the Property, unless another condition or agreement requires the public improvement shall be constructed and ready for City acceptance earlier. **[Public Works]**

B. Construction Coordination with Lennar Multifamily. The applicant shall coordinate construction and final design with Lennar Multifamily Communities project staff at interface locations on the west of the pass through (walkway leading public park) and east of the pass through (Horton Street). **[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 standards. **[Fire]**

2. Site Security Management Plan. Prior to the issuance of each building permit, the applicant shall submit a Site Security Management Plan that which shall address the Police Department standard specifications. **[Police]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. 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]**

2. Fire Department Standards. Prior to the issuance of a certificate of occupancy, the Fire Chief shall confirm compliance with the applicable Fire Department standards. **[Fire]**

C. ONGOING

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

2. Compliance with Fire Department Standards. Applicant shall comply with the Fire Department Standards during operations. **[Fire]**

VI. PARKING AND TRANSPORTATION

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Parking. Prior to the issuance of the first building permit, the Community Development Director shall confirm that the final building plans for the Project incorporate: **[Planning]**

   a. A minimum of 12 long term bicycle parking spaces in the bicycle room on the ground floor. These bicycle spaces shall be made available to the occupants of the Property free of charge.

2. Transportation Information Display. Prior to the issuance of building permit, the Community Development Director shall confirm that the final building plans for the Project incorporate a transportation information display that will provide either websites linking to information 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. The display shall be placed in a prominent location convenient to building occupants. **[Planning]**

3. TDM Plan. Prior to the issuance of a building permit the applicant shall submit a TDM plan for tenants and employees of Building 1-31 in

consistent with the goals and measures of the approved TDM plan entitled "Sherwin Williams TDM Plan – Supplemental Memorandum including Appendix A, dated February 5, 2018 prepared by Nelson\Nygaard" approved per PUD13-001 Condition of Approval Number IV.A for review and approval by the Community Development Director. **[Planning]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Transportation Information Display. Prior to issuance of temporary certificate of occupancy, the Community Development Director shall confirm that an up-to-date information display as described in section VI.A.2 has been installed. **[Planning]**

2. Emery Go-Round. Applicant shall fully participate in the Emeryville Transportation Management Association (the TMA), a private, nonprofit agency responsible for administering the Emery-Go-Round, a transportation service system serving Emeryville and the members participating in the TMA. Prior to the issuance of certificate of occupancy, Applicant shall provide evidence to the 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 TDM Plan. Prior to the issuance of the temporary certificate of occupancy, the applicant shall demonstrate compliance with the TDM plan approved per Condition of Approval VI.A.3 above. **[Planning]**

C. ONGOING

1. Transportation Information Display. Applicant, its successors and assigns shall maintain the Transportation Information Display described in Section IV.A.2 and update it annually.

2. Emery Go-Round. Applicant, its successors and assigns, shall remain a member of the TMA so long as the TMA or its successor or assignee is in fact operating the Emery-Go-Round. Applicant and future property owners shall make good faith efforts to provide a brief description or tag line about the Emery-Go-Round and other forms of alternative transportation in its marketing and advertising efforts.

3. Provision of Vehicular Parking Spaces. Vehicular parking for the Property shall be provided for in accordance with the Covenant and Deed Restriction Regarding Parking and Amenities dated June 14, 2019,

recorded in the Official Records of Alameda County as document number 2019137028.

4. TDM Plan. The applicant shall be in compliance with any monitoring measures included in the TDM plan approved per Condition of Approval VI.A.3 above.

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 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 Buildings B2 and D. **[Planning]**

2. Historic Preservation Architect. The Project shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation (Standards) and undertaken with the assistance of a historic preservation architect meeting the Secretary of the Interior's Professional Qualifications Standards. Prior to the issuance of a building permit, the City shall confirm that the architectural firm responsible for overseeing the Project has retained a qualified historic preservation architect. Building permit plans for renovation of Building 1-31 shall be reviewed by the preservation architect to ensure compliance with the Standards and to make changes to the plans to ensure compliance, as appropriate. The historic preservation architect shall regularly evaluate the ongoing construction of the Project to ensure it continues to satisfy the Standards. The historic preservation architect shall submit status reports to the Planning Division describing the renovation's compliance with the Standards and recommended measures to ensure compliance if corrective measures are necessary. These reports shall be submitted to the City according to a schedule as determined by the Community Development Director prior to the issuance of the building permit. **[Planning]**

3. 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. In addition, Applicant shall submit a letter from the recycled water provider (East Bay Municipal Utility District) stating requirements for recycled water plumbing, prior to issuance of building permit. If Applicant is not complying with the requirements of the recycled water provider, Applicant shall provide a written explanation of its actions. **[Planning]**

4. Trash, Recycling and Composting Facilities. Prior to the issuance of 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 shall be at least as large as the amount of space provided for the collection and storage of trash materials and shall reflect the estimated volumes of trash and recyclable and compostable materials to be generated providing for the separate and dedicated containers for those materials with the goal of 25% or less of the total materials generated going to a landfill. An appropriately sized and designed area for wastes banned from regular trash containers such as electronics, fluorescent lamps and batteries shall be designated. Residential properties will also provide area for bulky item collection such as mattresses, furniture, tires and white goods.

   c. Convenience and Accessibility: The recycling area shall be at least as accessible and convenient for tenants and collection vehicles as the trash collection and storage area. If chutes are planned then separate, properly labeled (as per City Standards) and dedicated chutes must be provided for each and every collected stream of materials - not just for trash (non-recyclable and non-compostable materials.) The trash and recycling room(s) or areas shall be located on an exterior wall of the building (if indoors) with adequately-sized door or gate access to the street through the wall

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

5. 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]**

6. Exterior Lighting. Prior to issuance of 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.

7. Noise. Prior to the issuance of building permit, the Building Official shall confirm that the Project is designed in order to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan. **[Building]**

8. Water Efficiency. Prior to issuance of building permit, the Public Works Director shall confirm that the Project is complies with the applicable East Bay Municipal Utility District requirements. **[Public Works]**

9. 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 it is 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]**

10. Bird Friendly Glazing. As voluntarily agreed by the Applicant, the Project shall comply with the Bird-Safe Glazing Requirements of the Planning Regulations. In the building permit plans, the Applicant shall call out the bird-safe glass that will be used on the building in accordance with Section 9-4.803 of the Planning Regulations. **[Planning]**

11. Signage on Pass Through. The applicant shall coordinate with Public Works Department regarding final design of signs and pavement markings on and along the pass through. **[Public Works]**

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 shall apply for a master sign program in accordance with the Section 9-5.1613 of the Emeryville Municipal Code. The 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 Department for approval, the sign application shall indicate how the sign is consistent with the approved master sign program. **[Planning]**

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.

5. Easement for Pass Through. Prior to the issuance of a temporary certificate of occupancy, the Applicant shall enter into and grant the City an irrevocable offer to dedicate an easement, at least 24 feet wide, for a public pedestrian and bicycle path through the building as shown on the Approved Plans. The offer of dedication shall be consistent with Conditions of Approval II.D.2(b)(1) and II.L of Planned Unit Development/Preliminary Development Plan (PUD 13-001). **[City Attorney].**

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. The Project shall operate in order to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan.

5. Exterior Lighting. Exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lots and pedestrian accessways while limiting off-site spillover of light through shielding. 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.

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.

8. Historic Preservation Architect. Any future modification or alteration of the Project shall be conducted in accordance with the Secretary of the Interior's Standards for Rehabilitation (Standards) and undertaken with the assistance of a historic preservation architect meeting the Secretary of the Interior's Professional Qualifications Standards. The City shall confirm that the architectural firm responsible for overseeing the modification of alteration of the Project has retained a qualified historic preservation architect. Renovation plans of Building 1-31 shall be reviewed by the preservation architect to ensure compliance with the Standards and to make changes to the plans to ensure compliance, as appropriate. The historic preservation architect shall regularly evaluate the ongoing renovation to ensure it continues to satisfy the Standards. The historic preservation architect shall submit status reports to the Planning Division describing the renovation's compliance with the Standards and recommended measures to ensure compliance if corrective measures are necessary. These reports shall be submitted to the City according to a schedule as determined by the Community Development Director prior to commencement of the renovation.

9. Pass Through. The path shall at all times remain open and accessible to the public for bicycle and pedestrian access, provided that if circumstances arise that warrant limitations on "24/7" public access, the applicant may petition the City Council to establish hours for public access. No gates or other means of restricting access shall be installed or constructed at either point of entry without the prior approval of the City Council.

IX. 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.

X. FUTURE LAND USE APPROVAL PROCEDURES

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

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

C. MULTI-TENANT STANDARDS.

The following use regulations shall apply to the commercial spaces in the Project:

1. Permitted Uses. In addition to office use (general, government, and walk-in clientele) and Research and Development uses, all non-residential uses that are permitted in the MUR zone that have an estimated parking demand that is the same as or less than that of office uses are permitted. All non-residential uses that are conditionally permitted in the MUR zone and that have an estimated parking demand that is the same as or less than that of office uses, shall require a Minor Conditional Use Permit. Any other uses that are permitted or conditionally permitted in the MUR zone shall require Planning Commission approval of a Major Conditional Use Permit.

Attachments:

(1) Fee Charts – Building Permit Fees
(2) Fire Department Conditions of Approval Checklist
(2) Construction Sign Prototype
(3) Sherwin Williams TDM Plan – Supplemental Memorandum dated February 5, 2018 prepared by Nelson\Nygaard
(4) Stormwater Pollution Prevention and Source Control Measures

PROJECT **1450 Sherwin Dr - Sherwin Williams Parcel A Offi** **PRELIMINARY FEE CALCULATIONS**

Valuation $ 11,638,991.00 Print Date: April 1, 2020

SUMMARY OF ALL FEES	FEES		PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	$ 93,111.93				$ 93,111.93	
Plan Review Fee	$ 60,522.75				$ 60,522.75	All Fees and Rates are Effective
Energy Review Fee	$ 11,638.99				$ 11,638.99	through 6/30/2020
Electrical Permit Fee	$ 18,622.39				$ 18,622.39	
Plumbing Permit Fee	$ 16,760.15				$ 16,760.15	
Mechanical Permit Fee	$ 15,829.03				$ 15,829.03	
S.M.I.P.	$ 3,258.92				$ 3,258.92	
Microfiche	$ 931.12				$ 931.12	
Fire Department Fees	$ 37,244.77				$ 37,244.77	
Fire Suppression Fees	$ -				$ -	Under separate permit
Sewer Connection Fees	$ -				$ -	Not enough Info @$275/trap
Bay-Shell-Mound Contingent Fees	$ 790.79				$ 790.79	
Transportation Facility Fees	$ 297,624.60				$ 297,624.60	Office - General (FY 19-20)
School Fees	$ -				$ -	
Art In Public Places	$ 116,389.91				$ 116,389.91	Applies: DR & +$300K Value
Technology Fee	$ 11,638.99				$ 11,638.99	
Building Standards Commission Fee	$ 466.00				$ 466.00	
General Plan Maintenance Fee	$ 58,194.96				$ 58,194.96	
Affordable Housing	$ -				$ -	Units provided per SW PUD
Park and Recreation	$ -				$ -	Park provided per SW PUD
TOTAL:	***$ 743,025.29***			***$ -***	***$ 743,025.29***	***743,025.29***

****

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:						
Plan Review Fee	$ 60,522.75			$ -	$ 60,522.75	
Energy Review Fee	$ 11,638.99			$ -	$ 11,638.99	
Other Fees	**					
Sub Total:	***$ 72,161.74***			***$ -***	***$ 72,161.74***	

FEES TO BE PAID AT PERMIT ISSUANCE:						
Building Permit Fee	$ 93,111.93			$ -	$ 93,111.93	
Electrical Permit Fee	$ 18,622.39			$ -	$ 18,622.39	
Plumbing Permit Fee	$ 16,760.15			$ -	$ 16,760.15	
Mechanical Permit Fee	$ 15,829.03			$ -	$ 15,829.03	
S.M.I.P.	$ 3,258.92			$ -	$ 3,258.92	
Microfiche	$ 931.12			$ -	$ 931.12	
Fire Department Fees	$ 37,244.77			$ -	$ 37,244.77	
Fire Suppression Fees	$ -			$ -	$ -	Under separate permit
Sewer Connection Fees	$ -			$ -	$ -	
Bay-Shell-Mound Contingent Fees	$ 790.79			$ -	$ 790.79	
Transportation Facility Fees	$ 297,624.60			$ -	$ 297,624.60	
School Fees	$ -			$ -	$ -	
Art In Public Places	$ 116,389.91			$ -	$ 116,389.91	
Technology Fee	$ 11,638.99			$ -	$ 11,638.99	
Building Standards Commission Fee	$ 466.00			$ -	$ 466.00	
General Plan Maintenance Fee	$ 58,194.96			$ -	$ 58,194.96	
Affordable Housing	$ -			$ -	$ -	
Park and Recreation	$ -			$ -	$ -	
Sub Total:	***$ 670,863.54***			***$ -***	***$ 670,863.54***	

Business License Fees	$ 11,638.99					{Fees Calculated By Finance}

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: 1450 Sherwin Dr - Sherwin Williams Parcel A Office **PRELIMINARY FEE CALCULATIONS**

DATE: 3/30/2020 Revised

PREPARED BY: Courtney Barrett

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:				**$ 11,638,991.00**
TYPE OF PERMIT OR FEE				**AMOUNT**
BUILDING PERMIT FEE (See calculation below)				$ 93,111.93
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)				$ 60,522.75
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)				$ 11,638.99
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)				$ 18,622.39
PLUMBING PERMIT FEE (18% of Building Permit Fee)				$ 16,760.15
MECHANICAL PERMIT FEE (17% of Building Permit Fee)				$ 15,829.03
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)				$ 3,258.92
MICROFICHE	Valuation < $ 100,000 = $ 1.00/ Page.	# of Pages		
	Valuation > $ 100,000 = 1% of Bldg. Permit F	Bldg.. Permit Fee * 1%		$ 931.12
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)				$ 37,244.77
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)				$ -
SEWER CONNECTION FEE * $275.00 per Trap or $1375.00 per Dwelling Unit	New traps - traps removed			$ -
	Number of Dwelling Units			
BAY SHELLMOUND FEES				$ 790.79
TRANSPORTATION FACILITY FEE (effective July 1, 2019 - June 30, 2020)				$ 297,624.60
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)				$ -
ART IN PUBLIC PLACES (Commercial Projects > $300k valu. Artwork or in-lieu fee -1% of valu.)				$ 116,389.91
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)				$ 11,638.99
BUILDING STANDARDS COMMISSION FEE ($ 1.00 per $ 25k Valuation)				$ 466.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)				$ 58,194.96
AFFORDABLE HOUSING (effective July 1, 2019 - June 30, 2020)				
PARKS AND RECREATION (effective July 1, 2019 - June 30, 2020)				
			TOTAL	**$ 743,025.29**

*** 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
3 Microfiche Fee
4 Bay/Shellmound Contingent Assessment
5 School District Facilities Impact Fee
6 General Contractor's Business License
7 Art in Public Places: For non-residential projects exceeding $300,000 valuation 1% of the project valuation is required for Art in Public Places.
8 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 Traffic Impact Fee.
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.
4 If public art is to be installed it shall be in place.

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + $5.23	Air Cond. + 8..45/7.03	Modifier x 1	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	*($)*	*$5.23*	*$8.45*	*1*	*($)*	*($)*
III-B	Office	3	71,890	$ 148.53	$ 153.76	$ 156.98	$ 156.98	$ 156.98	$ 11,285,292.20
				$ -	$ 5.23	$ 13.68	$ 13.68	$ 13.68	$ -
					$ 5.23	$ 13.68	$13.68	$ 13.68	$ -
Totals		3	71,890						$ 11,285,292.20
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House	3	71,890	$ 63.60	$ 66.00	$ 66.00	$74.58		$ (4,289,244.96)
T.I. ONLY Adjustment * 20%									
				$ -	$ 1.05	$ 2.74	$ 3.09		$ -
DECLARED VALUATION									$ 11,638,991.00
								TOTAL	$ 11,638,991.00

BUILDING PERMIT FEE CALCULATIONS: (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	$	11,638,991.00

VALUATION BASIS	**AMOUNT**	**CENTAGE**	**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 $ 250000.00	$ 11,388,991.00	0.80%	$ 91,111.93
		BUILDING PERMIT FEE:	$ 93,111.93

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)

TYPE OF PROJECT	**AREA**	**FEE/SQ.FT.**	**TOTAL FEE**
Commercial	71,890	$ 0.61	$ 43,852.90
Live/work		$ 2.20	$ -
Residential		$ 3.79	$ -
Existing Building Credit	71,890	$ 0.61	$ (43,852.90)
Low Income Housing Credit			$ -
		SCHOOL DISTRICT FEE:	$ -

(School fees reflect the new fees effective August 27, 2018)

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.

Alameda County Fire Department

Fire Prevention Bureau

City of Emeryville

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

CONDITIONS OF APPROVAL

DATE: 12/03/2020

TO: Miroo Desai

NUMBER: FDP20-001

FROM: Cesar Avila, Deputy Fire Marshal

SUBJECT: Former Sherwin Williams Site / Building 1-31 Life Science Uses

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 and Control Areas.**

3. **Fire Sprinklers - Existing Fire Sprinkler System shall be upgraded to meet new occupancy requirements adopted under California Fire and Building Codes and National Fire Protection Association.**

4. **Fire Department Standpipes – shall be located inside stairways with Fire Hose Connections located at stair intermediate landings.**

5. **Fire Alarm - Existing Fire Alarm System shall be upgraded to meet new occupancy requirements adopted under California Fire and Building Codes and National Fire Protection Association.**

6. **Emergency Responders Radio Communications System – A new ERRCS is required for this project.**

7. **Street level Fire Department Connections – FDCs shall be upgraded to conform to adopted National Fire Protection Association Standards.**

8. **Fire Hydrants – Hydrants shall be located within 100'(feet) of Fire Department Connections.**

9. **Fire Pump – In the event a fire pump is required to supply the new occupancies fire sprinkler system, the new fire pump room shall have direct access to the street at grade level.**

10. **Emergency Generator – Generator shall be provided with a remote fuel fill port station accessible from the street at grade level.**

11. **Hazardous Materials Inventory Statement and Hazardous Materials Business Plan required at time of building permit plan submittal.**

Construction Sign - Minimum 2" letters

2 feet

3 feet

NELSON
NYGAARD

MEMORANDUM

To: Kevin Ma, Lennar

From: Nelson\Nygaard

Date: February 5, 2018

Subject: Sherwin-Williams TDM Plan – Supplemental Memorandum

This memorandum presents additional findings and updates to the Emeryville Sherwin-Williams Site Transportation Demand Management (TDM) Plan prepared by Nelson\Nygaard in March 2016 (see **Appendix A**).

The updates herein reflect recent changes to the project based on information provided by Lennar Multifamily Communities and in response to City of Emeryville comments and inquiries from Park Avenue Resident's Committee (PARC). In general, the City is requesting refinements to the TDM plan and PARC is requesting that additional TDM measures be considered and implemented by Lennar in order to achieve a targeted vehicle trip reduction goal of 30% below the expected traffic without TDM. Other key requests by PARC members include provision of 10 permanent car share parking spots, facilitate resident transport to West Oakland BART Station (e.g., shuttle, Emery-Go-Round, bike share), and seek to provide other transportation options to the neighborhood to reduce existing auto traffic on area streets.

In light of the City and PARC requests, Lennar has requested Nelson\Nygaard to provide supplemental data findings that would ultimately revise the estimated vehicle trip reduction as presented in the March 2016 TDM Plan. The results of the TDM Plan indicated that by implementing the following TDM measures (see **Table 1** on the next page) in concert with other on-site amenities and physical environs associated with the actual development of the project (e.g., proximity to bus transit, diverse land use mix, etc.), the project would result in an approximate 17% reduction in vehicle trips.[1]

It is important to note that PARC's request to reduce trips by 30% would not be achievable by "day one" or even in the near term (e.g., over the first 5 years, per se) once the project is in full operation and fully occupied by residents and commercial tenants. As stated in the TDM Plan, these measures are implemented in an "iterative process" that are meant to evolve over time. The previous TDM Plan includes a monitoring program to assure that the effects of these measures are upheld and adjusted accordingly; the additional TDM measures provided herein would also be subject to a monitoring program as defined in Chapter 10 of the TDM Plan.

At the request of Lennar, Nelson\Nygaard has provided additional research findings, analysis, and performed the necessary adjustments to the vehicle trip reduction estimation from the

[1] Refer to Figure 7 Estimated Trip Generation with TDM Program (page 9-2 of TDM Plan); see Appendix A.

previous TDM Plan. This memorandum provides a brief description of each additional TDM measure and overall level of effectiveness at reducing vehicle trips.

The findings this supplemental memorandum indicate that implementation of additional TDM measures would yield an additional **12% reduction** in overall vehicle trip generation for the project. Therefore, the cumulative effect of TDM measures would reduce vehicle trips by approximately **29%.**

Table 1: TDM Measures to be implemented for Sherwin-Williams Site (March 2016 TDM Plan)

TDM Measures
Site-Level Coordinator
Transportation Representatives
On-Site Transportation Information (Handbook and Kiosk, Website)
AC Transit EasyPass Program (Residents)
Car Sharing
Bike Sharing (loaner bikes)
On-Site Bike Repair
Pre-Tax Commuter Benefits (Employees)
Ridematching Services (Employees)
Unbundled Parking
Parking Pricing (Employees/Visitors)
Time Limits

Source: Nelson\Nygaard, March 2016 TDM Plan.

ADDITIONAL TDM MEASURES FOR CONSIDERATION

The following discussion includes a detailed description and vehicle trip reduction estimation of additional TDM measures to be further considered and implemented by Lennar.

Measure #1: Increase Car Share Opportunities

Per PARC's request, they are seeking 10 car share parking spaces for the project. Nelson\Nygaard has contacted representatives from Zipcar and Carma (formerly City Car Share) to provide a more detailed discussion about how to implement car sharing at the project site.

In general, the provision of car share spaces typically depends on the City of Emeryville's regulations. Zipcar and Carma would prefer to have spaces included in the project plans from the start and would want the spaces to be accessible for pedestrian access (e.g., near elevator, side access), so users can easily see cars and begin use.

The developer and Nelson\Nygaard will continue discussions with both companies and coordinate a plan and implementation strategy to achieve the targeted goal.

Implementation

Based on feedback from both Zipcar and Carma, the installation of 10 car share spaces and vehicles is not common in the San Francisco Bay Area. It is typical to install between 3 and 4 car

share spaces (and corresponding fleet size) on mixed-use residential properties and then expand the supply based on market conditions. The process is relatively easy to begin and if utilization is high, it is simple to add more spaces without lot of work, if property is available and the property manager agrees. Car share spaces need to be available to any car share member while following security guidelines of building.

The location of car share spaces and vehicles is flexible and subject to change; however, early implementation will locate up to six car share spaces within the garage, which will be available to the general public as well as future tenants. In the event that demand for car sharing exceeds supply, the developer will discuss a potential location of up to four on-street car share spaces adjacent to the property and car share vehicles will continue to be available to the general public and future tenants. Such actions will require further discussions with the City of Emeryville regarding the conversion of regular on-street parking spaces to dedicated car share parking spaces, as appropriate.

Lennar is willing to commit up to 10 car sharing spaces associated with the project and would propose an implementation strategy as provided by both car sharing companies.

Level of Effectiveness (2% Reduction)

The previous TDM Plan assumed that the project would install between 1 and 2 car share spaces once operational. The overall goal is to provide an adequate number of on-site car share spaces to assure users that there will always be a vehicle available when they need to reserve one.

The initial provision of up to 10 car share spaces would be challenging for any current car share operator, as indicated above. However, in the event that there is a suitable market demand for up to 10 car share spaces, and these spaces would be located both within the project site and adjacent streets that are publicly accessible, the overall number of project-generated trips is estimated to be reduced by about 2%.

Measure #2: Limited Retail Parking Supply

Reducing the amount of on-site parking supply can be effective at reducing vehicle trips, as this constrains parking capacity and discourages people from driving to/from the site, as there is no available parking. It is noted that for specific users, such as visitors or customers of commercial uses at the project site, they may be unaware that there is no parking during their first trip to the site, and would continue to drive to the site and look for nearby parking. However, over time, their travel behaviors may change and thus, no longer drive to the site.

At minimum, the project would provide a limited supply of shared (or non-dedicated or reserved) parking spaces to which retail employees and customers can utilize in order to support the viability of future retail use(s) at the project site (see *Parking Management Program* discussion further below). The provision of a very limited amount of parking would continue to discourage retail patrons/employees from driving to/from the site on a regular basis and would opt for other means of transportation, including walking, biking, or transit.

Level of Effectiveness (4% Reduction)

The project currently proposes 737 parking spaces on site. Current parking demand calculations provided by Lennar indicate that the ground-floor commercial/retail use(s) would generate a need for about 36 spaces. This supply represents about 4% to 5% of the total number of on-site

parking spaces. By simply eliminating these 36 spaces for commercial/retail use and only providing parking for residents and office employees, the number of commercial-generated trips would effectively also be reduced. As stated above, because some commercial/retail patrons may drive to the site at first but then change their travel behaviors over time (in knowing that there is no on-site parking available for them), the approximate level of effectiveness in reducing trips would be about 4%.

Measure #3: Ford GoBike Station/Supply

Since the publication of the original TDM Plan, Ford GoBike (formally known as "Bay Area Bike Share) has installed bike share stations and a fleet of bikes located near the project site. Specifically at the following locations:

- Hollis Street at Park Street: 23 bike spaces
  (three blocks east of the project site; about 0.25 miles)
- Horton Street at 40th Street: 13 bike spaces
  (two blocks south of the project site; about 0.25 miles)

Implementation

Lennar has been coordinating with Ford GoBike to install a station and bikes at the project site. They will coordinate with Ford GoBike to determine the feasibility of installing a new bike share station along Horton Street, adjacent to the project site; the number of bike share spaces/fleet has yet to be determined and ongoing discussion with City staff regarding conversion of curbside space will be required, as appropriate.

Lennar has confirmed that for those future residents and employees of the project that are interested in joining the Ford GoBike program, they will subsidize up to 30% of the annual fee for the first year of membership per participant. The Transportation Coordinator (see original TDM plan) will be responsible for tracking memberships and ensuring each member is provided the subsidy upon joining the Ford GoBike program.

Level of Effectiveness (1% Reduction)

The Ford GoBike system continues to expand its operation around the San Francisco Bay Area over the past few years. Based on recent data findings provided by Ford GoBike, the overall number of memberships continue to grow as well as the number of daily trips made by members. Of the total number of trips recorded in 2015, Ford GoBike data indicated that about 30% of all trips were made to a transit stop/station (e.g., Caltrain, BART, Muni, etc.) In addition, recent U.S. Census data for the City of Emeryville indicated that about 3% of all employed residents bike to work, and about 7% of all households do not own a vehicle. It is noted that a Ford GoBike bike share station is located at West Oakland BART (21 spaces) and therefore employees/residents of the project can utilize Ford Go Bike to travel to/from the BART station.

There is no data regarding how Ford GoBike is utilized and what stations/destinations are key routes for Ford GoBike members in the City of Emeryville, as the stations have been recently installed and participant activity is currently being tracked. Although estimating the number of future residents/employees of the project that would utilize Ford GoBike and opt out of owning their private vehicle cannot be measured at this time, it is reasonable to assume that based on the growth in Ford GoBike membership/ridership, the provision of a Ford GoBike station near the

project site and level of participation in the Ford GoBike subsidy program, the overall number of project-generated vehicle trips could be reduced by about 1%. This is a conservative estimate and the actual reduction in vehicles trips (from shifting from auto trips to bike trips) could be significantly higher. Essentially, as popularity, accessibility and additional bicycle infrastructure is developed in the City, the demand for bike share will likely increase and have a greater effect.

Measure #4: Private Shuttle (to West Oakland Bart)

Lennar will provide a privately-owned and operated shuttle during weekday commute peak hours between the project site and the West Oakland BART Station, which serves four (4) BART lines and is located about 1.9 miles south of the project site.

Potential Market Demand

The project site is currently well served by public transit services provided by the Emery Go-Round shuttle bus and AC Transit. The Emery Go-Round service is free to all patrons and there is an established bus stop one block to the east of the project site; the buses run every 10 to 15 minutes all day and evening. AC Transit has started a new bus route, Route 29, which runs from Shellmound Street and 65th Street and along Hollis Street and Peralta Street in Emeryville, and provides a direct connection to the West Oakland BART Station. AC Transit Route 29 runs every 20 minutes on weekdays and every 30 minutes on weekends; the total one-way fare between $2.00 to $2.10.

To determine an estimated market demand for private shuttle service (i.e., potential ridership/service operations) between the project site and West Oakland BART Station, Nelson\Nygaard, in coordination with Lennar and PARC representatives, conducted an online survey of existing residents from targeted nearby multi-unit housing complexes within an approximate five-minute walk to Horton Street & 45th Street, the main intersection of the development site. The survey focused on gathering an understanding of current travel behavior (i.e., typical commute times) and mode choice (i.e., primary mode of transportation to/from work, school, or typical weekday destination); a total of 131 residents responded to the survey.

The survey results indicated that approximately 63% of respondents commute to San Francisco on a daily basis and 81% of respondents take BART to their destination (note: 61% of respondents stated they take BART to various destinations; 81% of this total take BART to San Francisco). Among survey respondents, nearly 65% leave for work (or other typical destination) between 7:00 AM and 9:00 AM, with the remaining 35% of respondents stating they leave for work before 7:00 AM and after 9:00 AM (or outside the typical morning peak commute period). In the evening, 66% of respondents reported typically arriving home between 5:30 PM and 7:30 PM, which is outside the typical evening peak commute period (i.e., between 4:00 PM and 6:00 PM).

For purposes of the market demand analysis, it is assumed that the survey results on commute travel patterns and mode choice of respondents would be representative (or similar) of travel patterns/mode choice of future residents of the development.

At full buildout, the project is estimated to result in approximately 1,100 new residents and about 500 new employees. Assuming a similar demographic relative existing population within the project site Census tract (4251.04), about 77% of future residents would be of potential working age or commuting for school, or at an age where they are relatively independent in determining

their primary mode choice for their daily routine.[2] It is assumed that approximately 25% of future employees would commute to the project site using BART as their primary mode of choice.

Assuming similar mode choice for future residents that would take BART to their destination (81% of working residents), there is a potential for up to 868 new BART riders that would use the Emery Go-Round, AC Transit Route 29, or private shuttle bus services to travel to/from BART on a daily basis. However, it is important to note that not all of these potential future BART riders would use only one service available and it is reasonable to assume that future residents of the project would be distributed along all three transit/shuttle providers as well as other modes to access BART (e.g., bikeshare, carpool, walk, Uber or Lyft, etc.) Accessibility, reliability, comfortability and costs will ultimately influence how future residents choose their transit mode of choice to get to/from BART.

Based on these assumptions, the potential market demand for a private shuttle service would equate to a total of 993 potential riders (868 residents and 125 employees), respectively. The number of potential riders would result in an average of 497 daily one-way trips. In order to account for differences between intent to ride and actual ridership and factoring in the distribution of trips among the existing Emery Go-Round and AC Transit Route 29 services, this ridership total is adjusted by about 50% for an estimated actual daily one-way total of between 250 and 260 trips. Again, this reduction accounts for those at the project site who may choose the AC Transit Route 29 and/or Emery Go-Round despite new shuttle service to West Oakland BART station.

The target for capacity is typically 70% for private transit providers, because riders feel like the bus is not over crowded; this is known as the "utilization rate." The number of seats ideal for the trips should fall between 70% and 90% projected utilization. Trips and number of seats can be adjusted until utilization is met. For 30-minute service during peak hours, the projected average riders per trip is about 15 to 16; therefore, a 15-passenger van would be too small, and a 30-passenger bus would be large, but allowing for future capacity needs.

Table 2: Potential Shuttle Ridership

Frequency of Service	Number of Trips per Day	Potential Average Daily Riders per Trip	Vehicles Required
15 minutes	AM: 15 / PM: 15	8.3	2
30 minutes	**AM: 8 / PM: 8**	**15.6**	**1**
45 minutes	AM: 6 / PM: 6	20.8	1

Source: Nelson\Nygaard, 2017.

In order to fully capture the appropriate ridership levels and because the shuttle service will primarily be used during typical peak commute periods, the shuttle bus will operate during two, 4-hour shifts in the weekday morning and evenings: 6:00 AM to 10:00 AM and 3:30 PM to 7:30 PM.

Providing 15-minute service to West Oakland BART would require two vehicles because of the travel time and time to load and discharge passengers. Having a bus run continuously, without a

[2] American Factfinder (U.S. Census), ACS 5-Year Estimates, 2011-2015.

set schedule is another option, but is not listed in the table above, because service with frequencies longer than 10 minutes is difficult for potential riders to rely on and plan around.

One shortcoming of this methodology is that it assumes no ridership loss with lower frequencies of service. Using these assumptions, a service to West Oakland BART that ran every 45 minutes could draw nearly 21 people per trip. However, the reality is that service less frequent than 30 minutes will likely not garner much support in this area when external considerations are factored in. The most important is the Emery Go-Round service, located one block away from the project site, runs every 10 to 15 minutes all day and evening and the AC Transit Route 29 runs every 20 to 30 minutes on weekdays and weekends, with direct service to West Oakland BART. A proposed private shuttle running every 30 to 45 minutes would also be inefficient to run, operationally, since the round-trip time is closer to 20 minutes.

Implementation

The potential for a privately-owned and operated shuttle bus service between the project site and West Oakland BART Station will be effective if it is implemented in a phased approach. That said, it is not reasonable to assume that such service would be in operation at "day one" once the project is being constructed or completely built. Lennar will need to procure a shuttle bus vehicle and either hire part- or full-time shuttle bus operators, or contract with a company.

A phased approach will allow Lennar and/or future property management to monitor the effectiveness of the shuttle bus service. In addition, this approach allows Lennar and/or future property management to allocate service to specific target population to ensure that the TDM trip reductions goals are met.

Lennar and/or future property management will operate the shuttle bus service *only* for future residents and employees of the project, as an exclusive service for those living and working within the development. Daily and/or monthly ridership will be inventoried and recorded by the on-site TDM coordinator or other property staff member(s). The overarching goal for the shuttle bus service will be to achieve a daily ridership between 70% and 90% per trip.

In the event that ridership levels are not between 70% and 90% per trip, Lennar and/or future property management will allow the shuttle service to be available for the general public, primarily residents/employees within a 5-minute walk from the site. This service will be open to neighbors that are willing to forego their primary mode of choice (e.g., private auto, carpool, Emery Go-Round, etc.) to take the shuttle service. To ensure that ridership is managed and monitored, customized transit passes will need to be distributed to all riders and to maintain adequate and equal access for residents/employees of the project site (and neighbors, if applicable). Accordingly, daily and/or monthly ridership will be inventoried and recorded by the on-site TDM coordinator or other property staff member(s). The overarching goal for the shuttle bus service will be to achieve a daily ridership between 70% and 90% per trip.

Alternative Measure: Subsidized Ride-Hailing Services

If Lennar and/or future property management determines the shuttle service is not effective in reducing peak-hour trips and not achieving established ridership targets during peak times, or there is an evident demand for more flexible shuttle service (e.g., midday, off-peak service), Lennar will explore establishing a subsidized ride-hailing program. Lennar and/or future property management will establish an agreement with ride-hailing companies, such as Lyft and Uber, to determine the structure of the subsidy program. These programs generally are regulated

to specific trips (e.g., between the project site and West Oakland BART), and any other trip reserved by a tenant would not be subsidized and they would be responsible to pay the full rate of their trip. The amount of the subsidy and eligibility of participants of the program is yet to be determined.

Level of Effectiveness (5% Reduction)

The ridership levels of a private shuttle bus program will vary and will need to be monitored on a regular basis. Several factors, including bus/fleet size, travel route time, and schedule will influence how many riders choose to use the service on a daily basis. Based on current commute travel patterns of existing area residents/employees, it is reasonable to assume that a portion of future residents/employees of the project site will opt to use the private shuttle rather other modes to access the West Oakland BART Station.

Assuming a targeted ridership of about 15 to 16 passengers per trip and up to 8 trips in the morning and 8 trips in the evening can result in about 125 to 130 passengers per commute period (or total of 250-260 passengers per day), respectively. According to the vehicle trip generation estimation, the project would generate about 3,610 weekday daily vehicle trips. Therefore, assuming that the targeted ridership and capacity levels are achieved, the private shuttle bus service could potentially reduce the total number of daily vehicle trips by around 5%—that is, the private shuttle has the potential to shift about 5% of patrons from choosing the shuttle service instead of their private vehicle to travel to/from the project site.

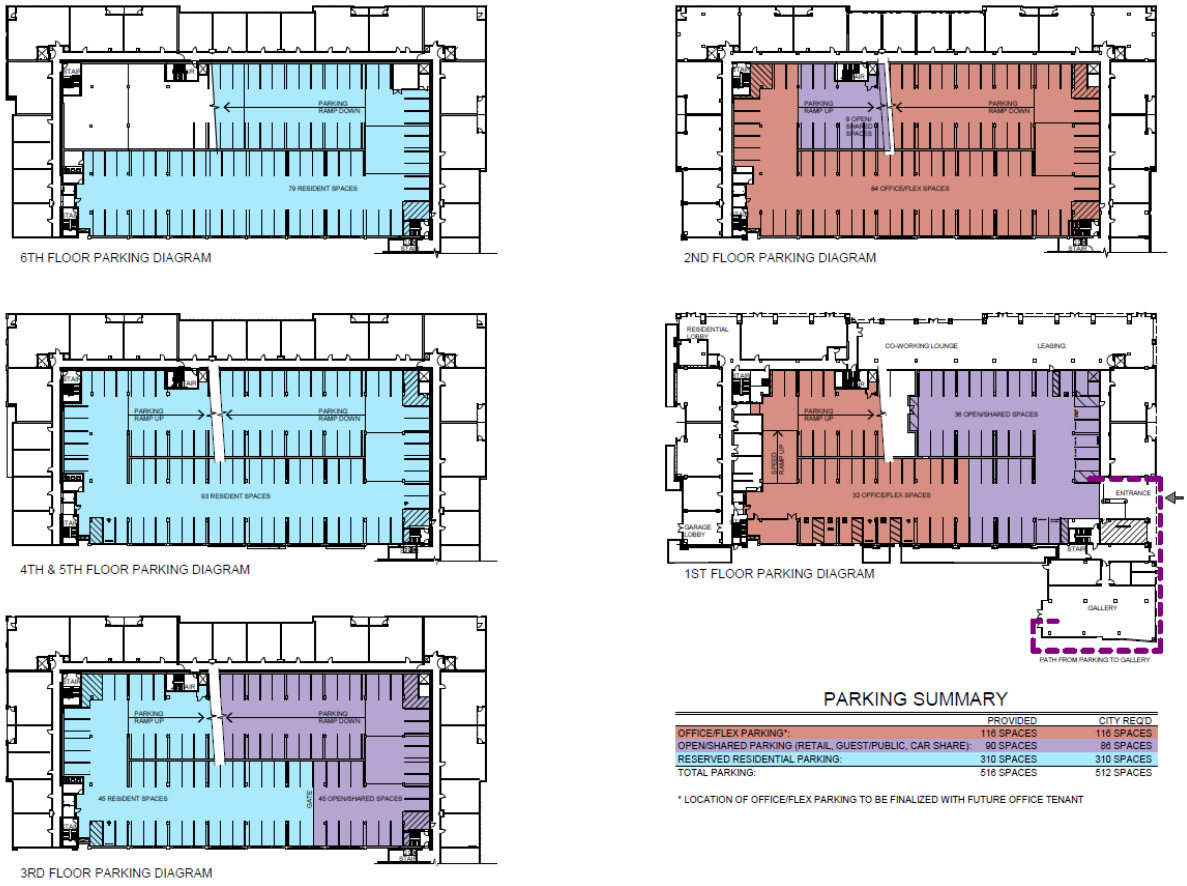
However, it is noted that if the shuttle bus program becomes more popular and is expanded to accommodate heightened demand, the service has a potential to offset daily vehicle trips to/from the project site beyond the projected 5%. Frequent monitoring of shuttle bus service and ridership will ensure that this minimum trip reduction target is achieved and that there are opportunities to further reduce vehicle demand through an expanded program, as appropriate.

Parking Management Program

The project would provide approximately 516 spaces in the central building B2 garage, the majority of which would be dedicated for reserved residential parking (about 310 spaces). Of this total, about 36 spaces on the first floor would be available for the general public and retail uses; see **Figure 1**.

All of the off-street parking spaces would be managed by the future property management group and they would hire professional services for enforcement and monitoring purposes. Parking for non-residential and non-office uses would be restricted and time limits would be imposed and enforced by a professional services company. Although the established time limits will be determined by the time the garage opens, it is assumed that 3-hour time limits would be imposed for the 36 spaces that are open to the public and retail customers. In addition to unbundled parking for dedicated parking spaces, all parking would be priced accordingly based on the market value. Therefore, any retail customers or general public wishing to drive and park in the garage will be required to pay a set rate (e.g., 5-, 15-, 30-, 60-minute, or daily).

Figure 1: Proposed Parking Garage (Building B2) Layout



Source: Lennar, 2018.

For all non-dedicated (reserved) spaces, the remaining 36 spaces would be shared parking. Access to these spaces would be made via the first floor of the garage. All of the shared parking spaces would be available to the general public at all hours and a mechanical drop-down gate at the main garage entry would require drivers to stop and retrieve a time-stamped ticket (residents and office employees would likely have a key fob and would not need to retrieve a ticket). The mechanical gate would not shut down and would operate all hours of the day to ensure users can access their parked vehicles at any time.

Shared parking is an effective management strategy in creating efficiencies within a specific facility while also maintaining an adequate level of accessibility for those who drive and park. The concept of "shared parking" allows different land uses with parking demand at different times of day to share parking facilities, thereby reducing the amount of overall parking demand. Shared parking is also an effective strategy to avoid over-building parking and to better determine the 'right-size' parking supply for multiple users. Most importantly, shared parking in combination with Transportation Demand Management (TDM) can reduce induced traffic and parking demand associated with over-supplying of parking spaces and in turn, allows for more efficient use of space dedicated for parking and other active spaces within a particular development.

IMPLEMENTATION & MONITORING

Most of the additional TDM measures along with managing a shared parking program for the project can be implemented after construction and as the building becomes occupied. **Table 3** below summarizes the implementation timeline for these additional TDM measures.

Table 3: Additional TDM Strategies Timeline

Strategy/Program	Is the strategy/program operational on Day One?	Notes
Increase Car Share Opportunities	Yes	Expansion to on-street spaces/fleet will require City approvals and coordination with car share company
No Retail Parking Supply	Yes	
Ford GoBike Station/Supply	Limited	Can be implemented if City approval and once agreement with Ford GoBike is established
Private Shuttle	Yes	Per PUD COA, shuttle service to begin at 50% occupancy
Shared Parking Management	Yes	Can be implemented once multiple user tenants occupy the buildings (e.g., residential and commercial)

The additional TDM measures presented herein will be incorporated into the monitoring program as described in the original TDM Plan (see Appendix A). The measure of effectiveness of these additional TDM measures will be measured and monitored based on the time of implementation (see above table). As further explained in the monitoring program and based on the nature of these TDM measures which are flexible in nature and are meant to be augmented as necessary, Lennar and/or the future property management will need to refine these measures to ensure that the project is in compliance with trip reduction targets.

RESULTS

It is important to note that TDM programs evolve over time and are to be monitored and updated as necessary in order to ensure that trip reduction goals are met by the project. That said, these measures are subject to change and other strategies may need to be considered.

Based on the findings herein, the implementation of up to 10 car share spaces, elimination of on-site parking for retail uses, installation of a Ford GoBike station/bikes at or near the project site in tandem with a subsidized membership program for future residents/employees, and the potential operation of private shuttle bus service between the project site and West Oakland BART Station would yield a vehicle trip generation reduction of about **12%**, and with a potential for higher reduction in vehicle trips.

These additional TDM measures, combined with other agreed-upon measures included in the TDM Plan (see Appendix A) would result in a total vehicle trip reduction of about **29%** (or potentially higher), assuming all of the measures are maximized to their fullest potential and each program is aggressively monitored and adjusted accordingly to assure that the vehicle trip reduction goals are achieved.

Again, the process of implementing a TDM program evolves over time and shall remain flexible to adapt to changes in travel behaviors. For example, the rise of autonomous vehicles, self-parking, reduced need for physical space for on-site parking, and increased rideshare services (via human and/or autonomous drivers) will play a factor into how people will travel to/from the project site in the future.

Appendix A *Emeryville Sherwin-Williams Site TDM Plan* (Nelson\Nygaard, March 2016)

Emeryville Sherwin-Williams Site Transportation Demand Management (TDM) Plan

March 2016

NELSON
NYGAARD

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1 EXECUTIVE SUMMARY

The City of Emeryville requires any multi-unit residential development that consists of 10 or more units is required to meet the Transportation Demand Management (TDM) requirements. The goal of the TDM requirements are to reduce vehicle demand associated with the development project and that a TDM plan must be prepared to include programs and strategies that will be considered by the developer and/or future property management. Importantly, the TDM plan is a living document that may be adjusted and modified as appropriate.

Transportation Demand Management measures typically encourage travelers to utilize alternative modes of transportation, such as induce shifts from single auto occupancy travel to transit, rideshare, bicycle, and pedestrian travel. These measures may also include parking management strategies and coordinate with car share providers to reduce overall vehicular demand (traffic and parking) at the project site.

Lennar Multifamily Communities will implement and/or consider the following TDM and parking programs for the Sherwin-Williams development project in Emeryville; these programs are described, in detailed, in the TDM plan herein:

- Site-Level Transportation Coordinator
- Transportation Representatives
- On-Site Transportation Information
- AC Transit EasyPass Program
- Car Sharing
- Bike Sharing
- On-Site Bicycle Repair Facilities
- On-Site Bicycle Repair Facilities
- Pre-Tax Commuter Benefits
- Ridematching Services
- Unbundled Parking
- Maximum Parking Ratios
- Parking Pricing
- On-Street Parking Time Limits

The TDM plan provides a quantitative analysis to determine the extent to which the TDM programs would reduce the estimated number of vehicle trips associated with the development (as presented in the Public Draft Environmental Impact Report [EIR]). Through a combination of all the TDM programs for the development, it is estimated that implementation of the TDM programs would result in a reduction in daily and peak-hour vehicle trips by approximately 17%. As required by the City, the proposed TDM programs shall be monitored following issuance of a certificate of occupancy and importantly, to determine if the effectiveness of these strategies is growing over time or if adjustments are needed to improve the performance of the overall TDM program.

2 INTRODUCTION

CITY POLICIES AND REQUIREMENTS

The Transportation Element of the City of Emeryville General Plan includes a series of policies related to transportation and circulation, including "quality of service" standards to optimize travel by all transportation modes (Policy T-P-3), encourage development that minimizes Vehicle Miles Traveled (VMT) (Policy T-P-5), and supporting Transit-Oriented Development with reduced parking requirements (Policy T-P-25), etc. Specifically, the General Plan also includes a policy that states "employers in large new development will be required to implement comprehensive Transportation Demand Management (TDM) program for their employees and customers (Policy T-P-65). Other goals embedded in the General Plan include the need for transportation demand management strategies to decrease single-occupant automobile demand and reduce vehicle miles traveled (Goal T-G-11).

Chapter 9-5, Section 9-5.2008 of the City of Emeryville Municipal Code states that any "multi-unit" residential development that consists of 10 or more units is required to meet Transportation Demand Management (TDM) requirements. Specifically, a TDM plan shall be submitted for approval by the Planning Commission or City Council as a part of the approvals process. As codified in the ordinance, the "TDM plan shall ensure that the average vehicle miles traveled (VMT) by residents of the development is less than the average citywide VMT." The TDM plan is also a living document with reasonable strategies to effectively reduce VMT and traffic demand, and the "Community Development Director may require modifications to the plan if it does not appear to be meeting its primary goal."[1]

DRAFT EIR FINDINGS

The Public Draft Environmental Impact Report (EIR) was published in January 2016. The transportation analysis included in the environmental document stated that the project is expected to generate approximately 5,540 weekday daily trips and about 460 morning and 540 evening peak-hour vehicle trips. On a typical Saturday, the project would generate approximately 4,490 vehicle trips, including 430 during the peak hour. However, a number of factors were considered that would reduce the overall number of vehicle trips made by a vehicle to/from the project site, including a number of trips expected to be internal to City of Emeryville as well as walk, bike, or transit trips (the trip generation process and assumptions incorporated into these findings are discussed in more detail in Chapter 8). As a result, the project is expected to generate approximately 3,600 daily vehicle trips, including approximately 280 morning peak hour and 320 evening peak hour trips. On a Saturday, the project could generate up to 3,220 vehicle trips, including 280 peak hour trips.

[1] Chapter 9-5 Citywide Use and Development Regulations, Section 9-5.2008 Transportation Demand Management, Subsection (a) TDM Plan; available online at: http://www.codepublishing.com/CA/Emeryville/#!/Emeryville09/Emeryville095.html; accessed February 23, 2016.

The project would result in traffic and circulation impacts that were identified as significant and improvements were proposed to reduce the majority of impacts to a less-than-significant level. Although not stated as a recommended mitigation measure, the Public Draft EIR included a recommendation to prepare and implement a parking and TDM plan. Furthermore, the environmental document states that the project would be compliance with the City's General Plan and related goals by introducing TDM and parking-related strategies as a part of the project.

PROJECT DESCRIPTION

The 10.05-acre project site is located in the City of Emeryville and is bounded by Horton Street to the east, Sherwin Avenue to the south, and Union Pacific Railroad tracks to the west. The proposed development would divide the site into six new parcels, roadways and a park area to construct a mixed-use development. The existing Sherwin-Williams Building on the site would remain and be reused and five new structures would be constructed. In total, the project would include 649,000 square feet of residential space (540 units) and about 94,600 square feet of commercial space. Other amenities would include park and open space, playground, adult fitness space and a central green.

3 TDM VISION

Lennar Multifamily Communities has committed to a robust and comprehensive package of strategies for Sherwin-Williams development site. It is a significant investment and a demonstration of their commitment to meet, and moreover exceed the city's requirements for the site. Lennar Multifamily Communities recognizes that they are part of the larger Emeryville community and that the Sherwin-Williams development will have significant implications for the future of the city. As such, the TDM plan present herein is designed to go beyond the core objective of reducing vehicle trips and VMT by also ensuring that the strategies contribute to larger city goals related to environmental sustainability, economic development, and quality of life. It is a plan that benefits not just the adjacent environs of the site, but all of the city.

COMPLIANCE STRATEGY GOALS

The primary goals of the TDM plan include:

- Reduce vehicle trips in peak-hours, per city policy;
- Provide additional mobility options for residents, employees, and visitors;
- Attract residents and employees that use alternative modes of transportation in part to minimize car ownership and project vehicle trips;
- Encourage healthy and sustainable travel; and
- Provide transportation benefits to the surrounding community.

FACTORS FOR SUCCESS

In order for the TDM plan to be successful, a number of factors are important. First, the TDM plan must leverage the substantial investment in transportation infrastructure made by Lennar Multifamily Communities, particularly new bicycle and pedestrian facilities. It is these backbone infrastructure investments that will make the TDM programs implementable.

Second, the TDM plan should be actionable. It proposes a set of strategies that are operationally and financially realistic, enabling the plan to get "off the shelf".

Third, it is important to consider not just the individual strategies, but how they complement each other in a coordinated package. The TDM plan is designed with the understanding that each component is needed to maximize trip reductions.

Fourth, a comprehensive parking management plan that prioritizes resident, employee and visitor convenience and effective utilization of the site's parking supply will be crucial to achieving the City's transportation, economic, and sustainability goals.

Therefore, the trip reduction goals need to be phased in so that they remain realistic and achievable. No TDM plan is perfect on day one and monitoring of the programs is essential. Adjustments will be made to better tailor programs to actual usage and the evolving demographics of the site.

Finally, Emeryville's traffic and transportation challenges are systemic and extend far beyond this project. Vehicle capacity constraints at the city's corridors may continue to be an issue whether project is developed or not. Therefore, the TDM plan should be evaluated in the context of the need to develop a coordinated, citywide trip-reduction and mobility strategy.

TDM APPROACH

The project would support larger City goals, objectives and policies related to reducing auto traffic and creating a multimodal environment. The TDM plan herein supports current project design and transportation components identified in the Public Draft EIR and this plan is to compliment these transportation improvements. In addition, this TDM plan specifies how demand management strategies can actually be applied in the real world, how they can quantifiably reduce auto traffic demand and how these strategies can be measured. The TDM plan herein focuses on five overarching strategies and these are outlined in the following chapters:

- Multimodal Infrastructure
- Management and Marketing
- Employee and Resident Strategies
- Parking Management
- Monitoring

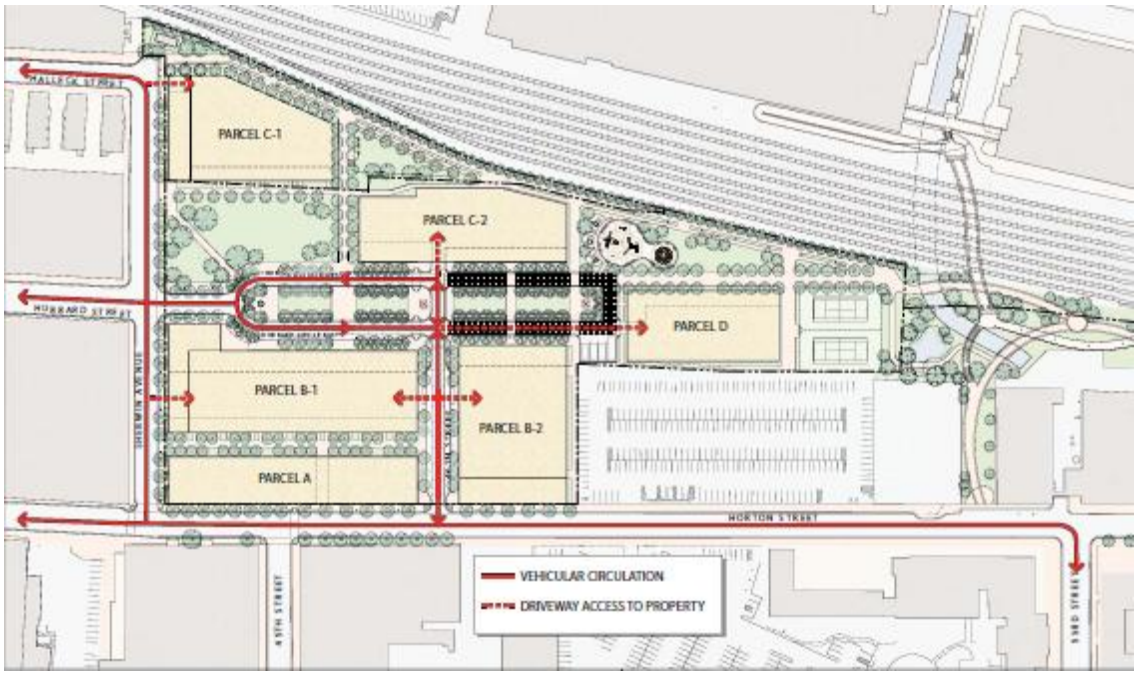
4 MULTIMODAL INFRASTRUCTURE

The project would include a considerable level of investment in new multimodal infrastructure to support active transportation for future residents, employees and visitors as well as the surrounding neighborhood. These investments will significantly improve transportation access and connectivity at and adjacent to the project site. Most importantly, it is these infrastructure investments which will enable the TDM programs to be successful and achieve ways to reduce vehicle trips.

VEHICULAR ACCESS

Vehicular infrastructure would include the use of existing street network and an extension of Hubbard Street into the project site. The creation of a central street ("Hubbard Circle") would be located within the center of the site and comprise a space 125 feet wide and 300 feet long and allow for traffic to flow in a one-way circle within the site (forming Hubbard Circle East and Hubbard Circle West)), surrounding the central green. The new Hubbard Circle would comprise a 20-foot lane for vehicular and bicycle movement, as well as sidewalks. An additional connection eastward to Horton Street from Hubbard Circle by the extension of a new 46th Street is also proposed. This new street would provide for pedestrian, bicycle and vehicular movement as well as access to the development parcels. Figure 1 illustrates the proposed vehicular circulation plan.

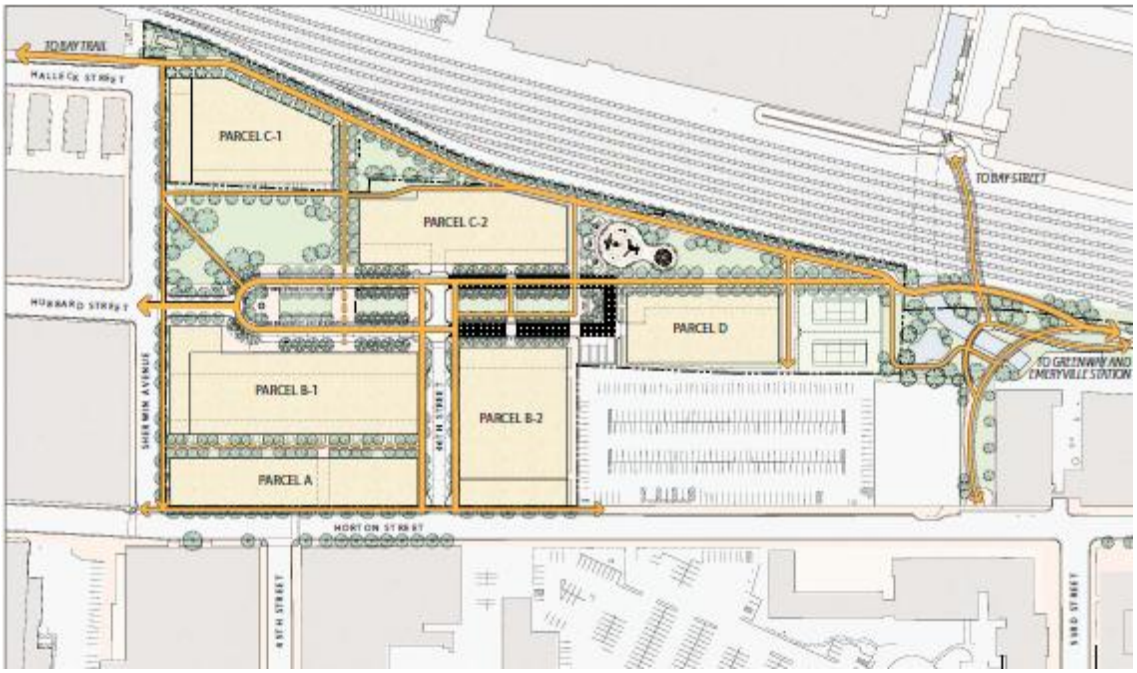
Figure 1 Proposed Street Network and Vehicle Access



PEDESTRIAN INFRASTRUCTURE

Pedestrian circulation within the project site would be along new roadways. Sidewalks would be included along all interior roadways and additional pedestrian pathways would be located throughout the site. Pedestrian crosswalks would be provided at intersections and STOP signs would be provided at the Hubbard Street intersection with Sherwin Avenue and at the new 46th Street intersection and Hubbard Circle in the east-west direction of travel. The pedestrian facilities would also provide a connection to the Bay Trail, Emeryville Greenway and Emeryville Amtrak Station, and across to Bay Street. Figure 2 illustrates the pedestrian infrastructure plan.

Figure 2 Proposed Pedestrian Facilities

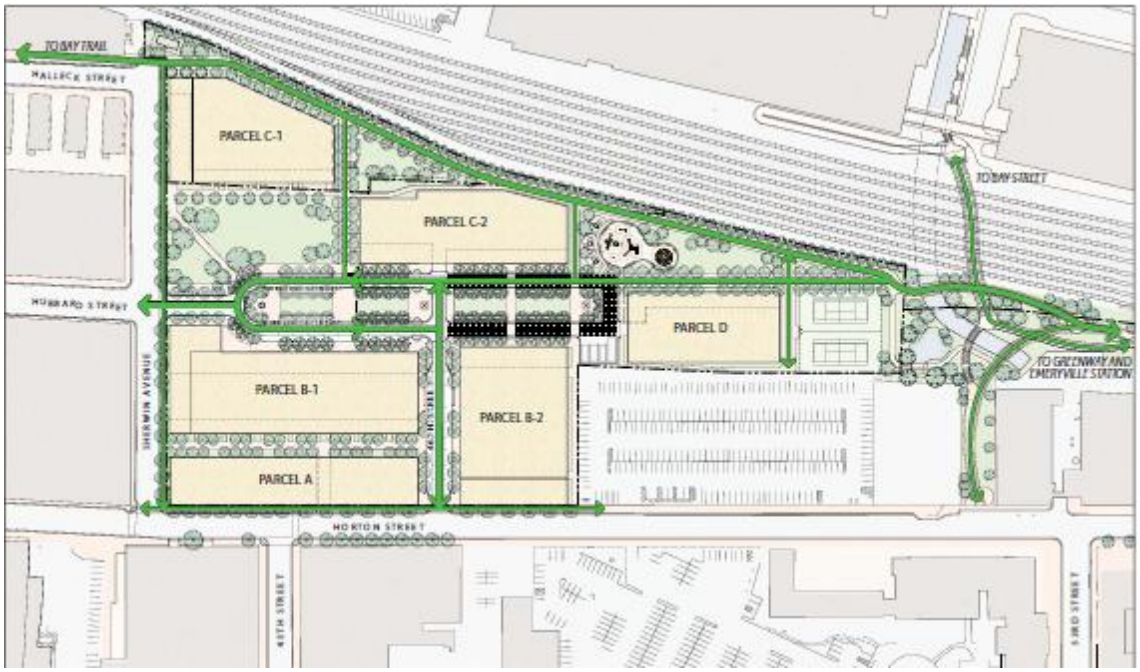


BICYCLE INFRASTRUCTURE

Bicycle Facilities

Bicycle circulation within the project site would be along new roadways. Bicycle paths would be provided along the western boundary of the project site (adjacent to the railroad tracks) to connect to the Emeryville Greenway and Bay Trail and along other proposed pathways within the site. The proposed bicycle facilities would comprise Class II (striped bike lanes) and Class III (signed routes without lanes). Figure 3 illustrates the bicycle infrastructure plans.

Figure 3 Proposed Bicycle Facilities and Circulation



Secure Bicycle Parking

Commuting by bike can be a significant financial investment for many. As such, even a small chance of theft can reduce bicycle commuting when all parking options leave bikes exposed to the elements. Sheltered parking and bicycle lockers also offer more protection from theft and vandalism when compared to standard bicycle racks.

The project would include secured, on-site bicycle parking space for residential and commercial uses. On-site bicycle parking would be provided in the parking garage.

5 MANAGEMENT AND MARKETING

Effective marketing and management of the TDM programs are essential to their success. If residents, employees, and the general public are unaware of the available transportations options and programs, they will not take advantage of them. Ongoing and tailored marketing efforts will be needed to ensure that programs are well utilized. Similarly, active management of the TDM programs by dedicated staff is needed to implement, tailor, and refine the programs and services to best meet the needs of the community.

SITE-LEVEL TRANSPORTATION COORDINATOR

Description: Lennar Multifamily Communities, or the relevant property manager, will designate one staff member or a consultant as the Transportation Coordinator. This position will have the authority to implement TDM strategies and oversee the management and marketing of TDM programs. The Transportation Coordinator will be responsible for developing information materials, managing transportation services offered as part of the TDM program, monitoring results, and coordinating with City staff and on-site representatives.

Action: In the initial implementation stages, a Transportation Coordinator will be hired at a 50% time commitment out of a 40-hour work week. Once the various programs are in place and informational materials have been created the time commitment could be reduced to 25% - 50%.

TRANSPORTATION REPRESENTATIVES

Description: For the residential component of the project, an on-site staff member of either the property management team or resident association would be designated as a Transportation Representative. As needed, the representative would work with the Transportation Coordinator to facilitate communications and program implementation with residential tenants.

Since many of the commercial-flex uses at the project site will be small businesses, a commercial tenant association will be created, which would have one representative to coordinate TDM implementation for all tenants. The commercial Transportation Representative will provide employees with a point of contact for any transportation related questions, and will work with employees to find transportation alternatives to driving alone to the site. The TDM Representatives will be responsible for distributing materials to residents/employees, promoting the use of alternative modes of transportation, and interacting with residents/employees.

Action: Require as part of any leasing agreement and designate a Transportation Representative for each residential building as they are completed. For all commercial uses, establish a commercial tenant association. As part of any lease agreement each commercial tenant will be required to join the association.

TRANSPORTATION INFORMATION

Description: Information on transportation options and/or links to the appropriate website will be conveyed to all prospective residential tenants and all prospective employees who receive an offer to work within the development. It will also be included as a component of resident and employee welcome packets or employee orientation. Furthermore, information and/or links will be posted in prominent locations for all residents and employees, such as apartment lobbies or lunchrooms.

Lennar Multifamily Communities will be responsible for developing marketing/informational materials and determine if there are additional supplemental materials that they should create. Keeping information and materials updated and relevant will also be required on a routine basis to ensure residents and employees are receiving the most up-to-date information.

Relevant information will be distributed in a number of different ways:

Resident and Employee Handbook

At the beginning of the year, an up-to-date transportation handbook will be distributed electronically to all new and existing employees and residents. This information should also be posted on the project website. The handbook or web-based tool should include the following information:

- Transportation Coordinator and Representative contact information
- Commute trip planning information, including links to the 511 Rideshare program
- Subsidies or financial incentives provided through the TDM program
- Walking and biking routes within the area, including estimated walk and bike times to key locations and a link to the East Bay Bike Coalition bike map
- Local transit options and schedules, including links to AC Transit schedule/route maps and the online BART schedule and trip planner app

Website (initial) and Smartphone App (long-term)

Creating a website or smartphone app that serves as a comprehensive source of transportation and TDM information has proven highly effective in raising awareness of alternatives to drive-alone mobility and commute options. Such tools can provide specific information on costs, benefits, and multimodal options available to employees and residents as well as links to citywide or regional information. Figure 4 on the following page is an example of these types of websites.

As feasible in the long-term, a smartphone app should be developed by Lennar Multifamily Communities to provide transportation information for the cities of Emeryville and Oakland.

Figure 4 Example Transportation Website (Mountain View)

www.mvgo.org

Transportation Information Kiosks

The development should have locations at which both residents and employees can obtain the transportation information. Information posted at these sites could include a link to the website or electronic tool, and contact information for the Transportation Coordinator and Representatives. Information may also include train and bus schedules, information on the 511 Rideshare program, and transit pass programs.

Given the size and layout of the site, information would need to be posted at more than one location in order to be easily accessible for both residents and employees. These boards would be maintained and updated as needed by the Transportation Coordinator. Where feasible, this information should be provided on electronic screens to enable updated information to be provided without the need to replace print materials.

Actions: Lennar Multifamily Communities will develop informational materials related to transportation. These materials will be disseminated via the employee and resident handbook and posted in kiosks or on electronic screens in the lobby of each residential building and in several additional locations throughout the site for employees and visitors. Materials will be kept up-to-date and residents and employees will provided with the most current program information on a routine basis.

6 EMPLOYEE AND RESIDENT TDM MEASURES

This chapter describes the TDM measures and policies Lennar Multifamily Communities will either implement or encourage as part of the development of the project site. Since some of these measures will require coordination with and the input of the City of Emeryville and future tenants, the exact parameters of a given measure may evolve over time or be determined at a later time.

Resident and employee TDM measures and policies are grouped into three categories: 1) those measures that apply to residents and employees; 2) resident-only programs; and 3) employee-only programs. For each measure, an explanation of the policy or program is provided, as well as a detailed description of what Lennar Multifamily Communities will provide.

RESIDENTS AND EMPLOYEES

AC Transit EasyPass

Description: Universal transit pass programs are different from traditional financial incentives because the employer or property owner purchases a pass for all residents/employees/tenants, regardless of whether they currently ride transit or not. These passes typically provide unlimited transit rides on local or regional transit providers for a low monthly fee; a fee that is lower than the individual cost to purchase a pass as a bulk discount is given. Such programs are highly cost-effective subsidies.

Universal transit pass programs are more effective at reducing vehicle trips than a standard transit subsidy. By providing all employees and residents with this pass, those who currently do not use transit will often try taking transit since there is no cost barrier to do so. AC Transit currently offers a universal transit pass for both residential developments as well as employers, called the EasyPass[2]. EasyPass will be provided via the regional Clipper Card. The Transportation Coordinator will be responsible for ensuring a registration and sign up process with AC Transit and the Clipper Card.

The AC Transit EasyPass Program is very effective at capturing transit mode share and promoting the use of local and regional transit service for employees and residents within East Bay communities that are served by AC Transit and other regional providers. Based on recent communication with AC Transit staff, approximately 50% of participants currently subsidized by the EasyPass Program (e.g., employer or building management company finances and distributes the passes) shift their primary mode choice to public transit. In the event the passes become a direct out-of-pocket expense to EasyPass participants (e.g., employees/residents responsibility to continue payment of the discounted passes), approximately 25% of participants continue to shift their primary mode choice to public transit, and rely less on private auto or other means of transport.[3]

[2] www.actransit.org/rider-info/easypass

[3] Information provided based on communication with Cleo Goodwin, AC Transit Senior Marketing Representative.

Action: The initial proposal is for Lennar Multifamily Communities to provide an AC Transit EasyPass for all employees and all residents, regardless of whether they currently ride transit. Providing the free pass to everyone is the best way to incentivize non-riders to begin using transit. In future years, this program could be revised depending on program performance.[4]

Car Sharing

Description: Car sharing programs allow people to have on-demand access to a shared fleet of vehicles on an as-needed basis. Car sharing has been shown to significantly reduce vehicle ownership and vehicle miles traveled (VMT). Car sharing provides employees with access to a vehicle for mid-day trips, reducing the need to drive their personal vehicle to work. For residents, car sharing increases the vehicle availability for non-car owners, and reduces the need for households to own more than one vehicle.

A Transit Cooperative Research Program (TCRP) publication "Car-Sharing: Where and How it Succeeds" provided a comprehensive evaluation of the effects of car sharing programs throughout the U.S. and importantly, the effects on users of such programs. The empirical study findings indicated that on average, about 20 percent of car sharing members give up their car (or a second or third vehicle) and about 40 percent of members forego purchasing a new car. The report also discusses the financial incentives or cost savings for developers by installing car share parking spaces. Providing car share parking spaces can reduce the overall need for parking spaces and because there is a cost associated with each parking space, reducing the number of parking spaces would reduce the overall project operating and maintenance costs. Therefore, such cost saving for developers can be reallocated to an investment in car sharing and related membership for future residents and businesses on the property.[5]

Two potential operators are City CarShare[6], which currently operates in Oakland and Berkeley, and may be open to expanding into Emeryville, and Zipcar[7], which operates throughout the East Bay. Other car share services, such as point-to-point or peer-to-peer, are encouraged by the developer and the City, but their deployment on Emeryville would ultimately be driven by the private vendor.

Action: Prior to the completion of the first phase, Lennar Multifamily Communities will work with a car share operator to locate one or more vehicles on-site. Key program considerations include:

- Vehicles should not be reserved for residents or employees, but available to general public. As such, vehicles should only be located in publicly accessible locations.
- Allow car sharing vehicles to be located in both on- and off-street parking spaces to increase their visibility and access. This provision would require revision to the City zoning code.
- Maintain flexibility to increase the number of vehicles as development occurs.

Lennar Multifamily Communities will continue to work with the private operators to provide additional vehicles as the site is developed and demand warrants additional vehicles. The type of vehicles provided will ultimately be determined by the car share provider; however Lennar Multifamily Communities will work with the provider(s) to provide a range of vehicle types.

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[4] Lennar Multifamily Communities is currently coordinating with AC Transit and establishing an AC Transit EasyPass program for future residents and employees of the site. Cost estimates have been provided by AC Transit which estimates that the annual per participant for the development would be approximately $94.30 and an overall estimated annual cost of $47,224 per program year. It is noted that Lennar Multifamily Communities would be responsible for payment of the program until the development is turned over to the new property management.

[5] Transportation Cooperative Research Program (TCRP) Report 108, *Car-Sharing: Where and How it Succeeds*, 2005.

[6] www.citycarshare.org

[7] www.zipcar.com

Bike Sharing

Description: Bike share systems provide a network of public bicycles from dispersed self-service bike share stations. Similar to car sharing, members can check out a bicycle, ride to their destination, and return the bicycle to any bike share pod in the system. For convenience, bike share systems typically provide real-time information on the status of available bikes and empty docks through the web, kiosk, and/or mobile applications. In order to increase accessibility and efficiency, bike share programs are typically provided as a dense network of stations across a city, region, or on a district-wide level.

Bay Area Bike Share[8] is currently exploring expansion into the East Bay, and there may be an opportunity to partner to bring that system to the project site by the time of project completion.

Action: "Loaner" bikes will be offered free of charge to residents and employees and, if Bay Area Bike Share is a viable option at the project site, Lennar Multifamily Communities will work with the planning staff to determine the best locations for pod placements. Given administrative costs, a loaner bike system would be exclusive to employees or residents, providing a free option to ride throughout the project site and the surrounding area. Such a system will require a check out procedure to limit theft and damage, as well as providing helmets and locks as part of the rental. Initial size of such a system will be approximately 50 bikes. A third party provider, such as Zagster[9] may be used to manage the bicycle fleet and employ smart bicycles to provide usage metrics.

On-site Bicycle Repair Facilities

Description: Providing basic tools for keeping bikes in good working order can encourage commuters to try biking to work, and keep them riding. Bicycle repair facilities, such as hand tools and an air compressor for tires, are a small investment that can keep bicycles in circulation and maximize bicycle trips.

Action: Do-it-yourself bicycle repair stands will be provided, including tire gauges, air pumps, wrenches and other tools for minor repairs in each secured parking facility that serves residents and employees.

EMPLOYEES ONLY

Transit Subsidy

Description: While the AC Transit EasyPass will be a viable transit option for commute and recreational trips, BART and the San Francisco Bay Ferry[10] provide additional connections to San Francisco and the larger region outside of the AC Transit service area.

Providing an additional monthly transit subsidy (in addition to the EasyPass) will encourage employees to use transit, particularly for those persons for whom their work or recreational trip cannot be completed on AC Transit service alone.

Action: Lennar Multifamily Communities will provide employees who take transit with a Clipper Card that will be loaded with $50 per month[11] to be used on the transit operator of their choice. Employees will need to notify the Transportation Coordinator and sign up to participate in this program.

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[8] www.bayareabikeshare.com

[9] www.zagster.com

[10] Operated by the Water Emergency Transportation Authority, or WETA. http://sanfranciscobayferry.com/weta

[11] Subsidy amount subject to change based on demand, effectiveness in meeting trip targets, and financial resources.

Pre-tax Commuter Benefits

Description: Pre-tax commuter benefit programs allow employees to pay for transit passes with pre-tax earnings and can help encourage transit use among employees. Employees are given vouchers as a substitute for taxable salary. Employees can redeem vouchers for transit passes at sales offices, retail sales outlets, or online to have passes mailed to them or loaded onto a Clipper Card.[12] By substituting taxable salary for a tax-free voucher, employees can save 40% in after-tax value while the employer can save 10% in payroll-related costs. These benefits are offered at the federal tax level[13] and are available to employers of any size. One example is the Commuter Checks[14] program. Another example is the Federal Bike Commuter Benefit[15] which lets bike commuters receive up to $20 per month as a tax-free employer subsidy for riding to work. This benefit cannot be used in combination with the pre-tax transit benefit in the same month.

Action: Commercial lease agreements will be required to contain language requiring commercial tenants to provide their employees with a pre-tax commuter benefits program. The Transportation Coordinator can assist employers with set up and implementation of these programs.

Ridematching Services

Description: One of the greatest impediments to carpool and vanpool formation can be finding suitable riders with similar work schedules, origins, and destinations. Facilitated rideshare matching can overcome this obstacle by enabling commuters who are interested in ridesharing to enter their travel preferences into a database and receive a list of potential rideshare partners. The success of these programs is largely determined by the number of participants and, in turn, the number of potential matches that can be made.

Action: The Transportation Coordinator will facilitate ridematching for residents and employees. Initially, existing programs such as 511.org can be utilized to facilitate carpooling. However, as the project site develops, the Lennar Multifamily Communities should consider developing an "internal" ridematching system, as people are hesitant to rideshare with strangers. By creating a pool of rideshare partners that are from the same development, people may be more comfortable sharing a ride.

Depending on the system used, it is possible for participants to share information about themselves, which can also help facilitate matches. For example, Hovee (www.hov.ee) ridematching services allows participants to create profiles, that can be viewed by other participants, helping them to determine if this would be a person that they would feel comfortable carpooling with.

OTHER TDM CONSIDERATIONS

The following TDM strategies are currently being considered by Lennar Multifamily Communities, the City of Emeryville, and other agencies. It is noted that no detailed plans or related actions have been developed and prior to implementation of these potential strategies will require additional analysis and coordination. However, these potential strategies are provided in this TDM plan to acknowledge that

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[12] For more information on how Clipper Card works with Commuter Checks go to https://www.clippercard.com/ClipperWeb/commutercheck.do

[13] For more information on federal tax regulations go to http://www.irs.gov/pub/irs-pdf/p15b.pdf

[14] Commuter Benefit Solutions https://www.commutercheckdirect.com/ is a third party vendor than can oversee a commuter checks program

[15] For more information go to http://transerve.dot.gov/docs/bicyclepolicy.pdf

other area-wide TDM strategies that affect both the project site and surrounding neighborhood may be considered in the future.

- **Emery-Go-Round Route Expansion/Modification**: The expansion and/modification of the current Emery-Go-Round bus transit route to operate adjacent to the project site and addition of bus stops at the site would provide increased transit access to other regional transit operators (e.g., BART, AC Transit). The Emery-Go-Round route currently stops on Hollis Street, about 700 feet from the project site. This strategy could include adding a route along Horton Street or 45th Street adjacent to the project site, or expanding the current service route to operate along Horton Street and/or 45th Street. Additional coordination with the City of Emeryville and technical analysis (including capital/operating costs, ridership forecasting, etc.) would be required to fully examine the effectiveness of this TDM strategy.
- **Petition for Bay Area Bike Share Pod:** The San Francisco Bay Area Bike Share is currently expanding and increasing the number of bike share bicycles and pods (stations) all over the area, including the East Bay. Approximately 100 Bay Area Bike Share bicycles will be located in Emeryville. The exact location of the new bike share locations has yet to be determined[16]. However, Lennar Multifamily Communities may consider petitioning for a bike share pod (and bikes) to be located adjacent to the project site and a nearby location that is accessible for residents and employees of the project as well as the surrounding community.

[16] Information on San Francisco Bay Area Bike Share Program is available online at: http://www.bayareabikeshare.com/expansion#ExpansionFacts; accessed February 28, 2016.

7 PARKING MANAGEMENT

Sufficient automobile parking is necessary for the successful development of the project. However, too much parking can encourage traffic, limit the ability to reduce vehicle trips, increase project costs, and impact site design and aesthetics. Finding the right balance needed to support the City's goals is critical, particularly given that parking is an expensive resource. The role of parking and parking management is also a key element to helping Lennar Multifamily Communities reduce vehicle trips. If free and unregulated parking is provided, there is little incentive for many employees and residents to use alternatives modes of transportation.

The parking management strategies presented in this chapter are designed to help ensure there are enough parking spaces to support functioning of the site, while not providing more parking than necessary. Balancing these factors will help achieve trip reduction goals, reduce development costs, and support the success of a pedestrian-friendly environment. A combination of some or all of the strategies below may be appropriate.

PARKING RATIOS

Description: Emeryville's zoning provisions include both minimum and maximum parking requirements. The minimum number of parking spaces required are to be 33% less than the estimated parking demand and the maximum number of parking spaces required are to be 10% more than the estimated parking demand. For residential uses the overall parking requirement is one parking space per unit and for retails uses the parking requirement is three spaces per 1,000 square feet. In addition, local-serving uses of less than 5,000 square feet are not require to provide off-street parking and the first 1,500 square feet of each commercial use is exempt.

The zoning code also prioritizes the provision of a public pool of shared parking. It is recommended that the site plans provide as limited parking as feasible. Public parking supply should also be included in the initial development and retail/commercial should be "shared" and not reserved to a particular tenant or building.

Action: Per the current development plan and to meet the City requirements, the project would be required to provide between 598 to 983 parking spaces, depending on the build design.

Per the current development plan, off-street parking spaces will be provided in a parking garage with a total of 929 to 982 off-street parking spaces for residential, commercial and retail uses.

Short-term and long-term bicycle parking is required for the project. Per City Code, one short-term bicycle parking space is required per every 10 required vehicle parking spaces, with a minimum of at least two bicycle parking spaces for the commercial portion of the project. Long-term bicycle parking spaces are required at the same rate. Based on these requirements, about 25 short-term and 25 long-term bicycle parking spaces are required for the commercial use. Residential uses are required to provide one short-term for every four visitor vehicle spaces and one long-term space for each unit. As planned, the project

would provide one bicycle parking space per residential unit and provide short- and long-term bicycle parking for employees and visitors of commercial uses.

UNBUNDLED PARKING FOR RESIDENTS

Description: Parking construction and operating costs are generally subsumed into the price of housing. Although the cost of parking is often hidden in this way, parking is never free. Instead, the cost to construct and maintain the "free" parking is included in the cost to buy or rent housing.

The development will provide unbundled parking consistent with the City of Emeryville Municipal Code[17], which includes the following:

- All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s);
- Cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential buyers or renters of three (3) bedroom or more units, second to potential buyers or renters of two (2) bedroom units, and then to potential buyers and renters of other units;
- Potential buyers and renters of affordable units shall have an equal opportunity to buy or rent a parking space on the same terms and conditions as offered to potential buyers and renters of market-rate units, at a price proportional to the sale or rental price of their units as compared to comparable market-rate units. This stipulation shall be included in any agreement recorded between the City and developer pertaining to the affordable housing units pursuant to Article 4 of Chapter 5; and
- Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces may be rented out to nonresidents with the provision that such spaces must be vacated on thirty (30) days' notice if they become needed by residents. Required visitor spaces shall not be rented out.

Unbundling requires that off-street parking spaces shall be leased separately from the rental or purchase fees for the individual units for the life of the units. The unbundled parking policy provides a financial incentive to residents to use only the amount of parking they need. For residential development, unbundled parking may prompt some residents to dispense with one of their cars and to make more of their trips by other modes. Among households with below-average vehicle ownership rates (e.g., low-income, students, singles, seniors, etc.), unbundled parking can also provide a substantial financial benefit that increases housing affordability.

The U.S. Department of Transportation Federal Highway Administration issued a recent study that stated the combination of unbundled parking with on-site carsharing vehicle access corresponded to an average vehicle ownership rate of 0.76 per household, which was about a 22% to 32% reduction in vehicle ownership per household, compared to other buildings that had neither carsharing nor unbundling, carsharing only, and unbundling only.[18] As another comparable example, a mixed-use development in St.

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[17] City of Emeryville, Site Development Regulations, Chapter 4. Accessed March 2, 2016. http://www.codepublishing.com/CA/Emeryville/html/Emeryville09/Emeryville094.html

[18] U.S. Department of Transportation, Federal Highway Administration, Tolling and Pricing Program: Contemporary Approaches to Parking Pricing: A Primer; accessed online at: http://ops.fhwa.dot.gov/publications/fhwahop12026/sec_4.htm; November 24, 2014.

Louis, Missouri and located within one block of a Metrolink Station (light rail) implemented unbundled parking and approximately 20% to 25% of buyers opted to not purchase an off-street parking space.[19]

Action: Lennar Multifamily Communities will unbundle parking for multi-family units and lease those spaces on a month-to-month basis at the appropriate market rate[20]. The cost per space will be reviewed periodically to determine if the price should be increased or decreased to restrict demand to available supply.

Unbundling of parking spaces will be implemented as follows:

- Spaces shall be leased not sold. Month-to-month leases provide flexibility for residents and property owners. Leasing is much easier to manage.
- Leasing rates will be adjusted as needed to manage parking demand. Prices will reflect the market for parking and be used to restrict demand to available supply.
- Where there are fewer parking spaces than units, the parking spaces shall be offered to the potential buyers or renters of the largest units first.
- Potential buyers and renters of affordable residential units have an equal opportunity to buy or rent a parking spaces on the same terms and conditions, at a price proportional to the sale or rental price of their units as compared to comparable market rate units.
- Surplus spaces may be rented out to non-residents or non-tenants with the provision that such spaces must be vacated on 30-day notice if they become needed.

PARKING PRICING

Description: Parking management, and in particular charging visitors and employees for parking, is a key component to managing parking demand and to encouraging the use of alternative modes of transportation. Parking pricing is one of the most significant factors affecting a motorist's choice to drive or travel by another mode.

Action: Lennar Multifamily Communities will implement parking pricing for spaces used for employees and visitors. Public pricing rates will be set to ensure availability and determined based on parking demand and parking behavior. Rates should vary by location and time of day, with hourly rates at a higher rates during peak periods, to ensure parking availability.

Rates should be set at the *lowest* hourly rate to ensure adequate availability per block. Occupancy should be monitored on a consistent basis, and rates should be adjusted to reflect demand. Parking should also be as convenient as possible, and meters should accept multiple forms of payment, including credit cards and pay-by-phone technology.

Revenue generated from pricing of off-street parking will be allocated as a funding source for TDM programs, or other local improvements.

TIME LIMITS

Description: Time limits encourage turnover of parking spaces in commercial areas and discourages employees from parking in spaces directly adjacent to businesses, ensuring greater availability for customers. A wide range of time limits are used for varying circumstances, from 10-minute loading and

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[19] Steve Patterson, "Downtown Still Going Strong; Neighborhoods and Inner Suburbs Need Leadership", Urban Review STL, November 20, 2006; accessed online at: http://www.urbanreviewstl.com/2006/11/downtown-still-going-strong-neighborhoods-and-inner-suburbs-need-leadership/; November 24, 2014.

[20] Revenue will be utilized to cover the costs of parking construction and/or ongoing parking operations.

commercial zones to 4- or 6-hour zones. Time limits can be effective where businesses would prefer spaces be made available to customers throughout the day.

Action: Lennar Multifamily Communities will work with the City of Emeryville to determine where and what parking time limits would be beneficial. The location of on-street time limits may include Sherwin Avenue and Horton Street and along new proposed roadways within the project site. This strategy could be used in conjunction with parking pricing.

8 IMPLEMENTATION TIMELINE

Figure 5 summarizes the implementation timeline for each TDM strategy. In general, the implementation timeline should remain flexible to ensure that strategies and programs are implemented in response to project conditions. Most strategies and programs would be in place on day one, while others would have limited deployment. Many of the employee strategies would be limited in their scope on day one simply because they are estimated to be a small number of employees. All of the strategies and programs would likely grow and evolve throughout the life of the project. For example, limited car share vehicles may be needed initially, but as the site continues to develop additional cars would be needed to serve the increase in residents and employees.

Management of parking is largely to be determined based on market conditions. Pricing, time limits, and permit programs are all potential management tools on day one, but exactly how they are implemented would depend on the specific parking demand and behaviors at the time. Parking policies such as unbundled parking, shared parking, and preferential spaces for ridesharing and electric vehicles would be in place on day one.

Figure 5 TDM Strategy Timeline

Strategy/Program	Is the strategy/program operational on Day One?	Notes
Management and Marketing		
Site-Level Transportation Coordinator	Yes	
Transportation Representatives	Yes	
Transportation Website	Yes	
Transportation App	No	Implemented as demand grows and funding is available.
Transportation Handbook	Yes	
Transportation Information Boards	Yes	
Resident and Employee TDM Programs		
AC Transit EasyPass	Yes	Yes, with potential modifications based on performance
Secure Bicycle Parking	Yes	
Car sharing	Limited	To be expanded as demand warrants

Strategy/Program	Is the strategy/program operational on Day One?	Notes
Bike loaner program	Yes	To be expanded as demand warrants or transitioned to BABS[21]
Bike sharing	No	Integrate with BABS as feasible
On-site Bike Repair Facilities	Yes	
Employee Only TDM Programs		
Clipper Cash Transit Subsidy	Yes	
Pre-tax Commuter Benefits	Limited	
Ridematching services	Limited	
Parking Management		
Shared Parking	Yes	
Unbundled Parking	Yes	Yes, pricing would be adjusted based on market demand.
Parking Pricing	No	Exact pricing structure TBD based on market conditions.
Time Limits	No	TBD based on parking behavior and management plan.

[21] Bay Area Bike Share (www.bayareabikeshare.com)

9 VEHICLE TRIP GENERATION FROM TDM

As part of the Environmental Impact Review (EIR) for the Sherwin-Williams Development Project a calculation of future vehicle trips was made for the entire site using a travel demand model. As presented in the EIR, application of the MXD+ model (Fehr & Peers) was used to determine project vehicle trip generation. This model assess trips to more accurately assess the traffic generation of mixed-use and other forms of sustainable development, recognizing that they relate closely to the density, diversity, design, destination accessibility, transit proximity, and scale of development.

In brief, the MXD+ methodology starts with standard, nationwide trip generation rates from the Institute of Transportation Engineers (ITE) trip generation estimates, which are typically conservative as rates are derived from developments in a suburban locations (and thus, generally include higher vehicle demand than developments in more urban areas). These standards rates were then adjusted to account for the mix of uses and environment characteristics around the project site. Use of the MXD+ methodology requires more input data than a traditional trip generation application. Data detailing the geographic layout of the site, land use in the surrounding area, including retail and employment opportunities, and socioeconomic data of both the site and the surrounding area were collected to inform the MXD+ methodology. Sources used to collect this data include the Metropolitan Transportation Commission (MTC) travel demand model, Census and American Community Survey (ACS), the Bay Area Travel Survey (BATS), and the project site plan.

Other key metrics and assumptions used in the modeling effort included average household size, average vehicle ownership per household, employment density, employment within a 30-minute transit trip, intersection density per square mile, and other proposed transportation improvements near the project site, including construction of a bridge connecting to Bay Street and potential for bike share station.[22]

Figure 6 shows the estimated vehicle trips that will be generated by the project at full build out. As shown, the project would result in 3,610 daily weekday trips, 279 morning (AM) peak hour trips and 323 evening (PM) peak hour trips. On a Saturday, the project is expected to generate 3,220 daily trips and 282 trips during the peak hour, respectively.

Figure 6 Vehicle Trips Generation Estimates[23]

Period	AM Peak Hour Trips	PM Peak Hour Trips	Daily Trips
Weekday	279	323	3,610
Weekend	282		3,220

Source: Draft EIR, Table IV.C-7.

[22] Detailed information on metrics and assumptions for MXD+ Model provided by Kathrin Tellez (Fehr & Peers), February 4, 2016.

[23] Sherwin-Williams Development Project Draft Public Environmental Impact Report, Table IV.C-7.

TDM PROGRAM EFFECTIVENESS

The TDM plan includes a series of measures that will be incorporated into the project. As many of these measures are programmatic in nature, and complimentary to one another, it is critical to quantify vehicle trips that could be reduced with the implementation of the complete TDM program. As explained below, the methodology to actually quantify the effectiveness of the TDM program used the trip generation analysis from the EIR document and produced estimated, quantifiable trip reduction results by employing the URBEMIS model. Nelson\Nygaard has used URBEMIS to calculate the trip reduction effects of the location and various TDM programs. The URBEMIS mitigation component is a simple yet powerful tool; it employs standard traffic engineering methodologies, but provides the opportunity to adjust ITE average trip generation rates to quantify the impact of a development's location, physical characteristics and any demand management programs. In this way, it provides an opportunity to fairly evaluate developments that minimize their transportation impact through the implementation of TDM programs.

It is important to note that for purposes of this analysis, the input values in URBEMIS did not include the same metrics and assumptions that were incorporated into the MXD+ modeling, as previously discussed. This approach was to avoid any redundancies in the number of vehicle trip reductions that the MXD+ model accounts for (e.g. land use mix).

TDM measures are complimentary and support one another to achieve vehicle trip reductions. Because of this, the effectiveness of one TDM measure cannot be evaluated independent of the other measures included in the proposed TDM program. Assuming each of the proposed measures in this report are included in the Sherwin-Williams Development Project TDM program, an estimated 17% trip reduction can be expected. Figure 7 shows the overall trip reductions that can be expected based on the proposed TDM program.

Figure 7 Estimated Trip Generation with TDM program

Period	Estimated Vehicle Trips	Percent Trip Reduction based on TDM Program	Vehicle Trip Reduction based on TDM Program	Adjusted Daily Trips
Weekday Daily (including AM and PM peak hours below)	3,610	-17.01%	-614	2,996
Weekday AM Peak Hour	*279*	*-17.01%*	*-47*	*232*
Weekday PM Peak Hour	*323*	*-17.01%*	*-55*	*268*
Weekend Daily (including peak hour below)	3,220	-17.01%	-548	2,672
Weekend Peak Hour	*282*	*-17.01%*	*-50*	*232*

Source: Nelson\Nygaard, 2016.

10ANNUAL MONITORING

A robust monitoring program is key to the success of the project's TDM Program. Monitoring allows the City of Emeryville and Lennar Multifamily Communities to specifically determine trip reductions, as well as a more qualitative assessment of how the programs offered are meeting the needs of residents and employees.

The objectives of the annual monitoring program are:

- To measure progress towards achieving, or retaining, compliance with the Plan goals to reduce automobile trips; and
- To identify the most and least effective TDM strategies, so that the former can be strengthened and the later can be replaced or significantly improved.

Ongoing monitoring will enable City of Emeryville and Lennar Multifamily Communities to determine if the effectiveness of the program is growing over time or if adjustments are needed to improve the performance of the TDM program.

This chapter describes the approach, program components, and proposed process of the monitoring program. As described in the City of Emeryville Municipal Code, the TDM plan shall be implemented for a minimum of 40 years following issuance of a certificate of occupancy. The efficacy of the TDM plan shall be measured by conducting "annual survey of residents of the development to measure the plan's success at achieving its primary goal". The assigned TDM Coordinator and/or relevant personnel member shall submit the survey information to the City's Community Development Director, as required. Additionally, the City's Community Development Director may require modifications to the Plan if it does not appear to be meeting its primary goal. As such, Lennar Multifamily Communities or future property management will be responsible for annual reporting and assessment of the TDM plan.

MONITORING APPROACH AND PROCESS

The monitoring approach and process for the project includes the following:

1. Monitor
2. Analyze
3. Report
4. Refine
5. Implement

Monitoring Plan

Lennar Multifamily Communities or future property management will develop a data collection plan for traffic/bike/pedestrian counts, parking occupancy surveys, and an employee/resident survey. These materials will be updated each year, yet should facilitate consistent data collection and analysis across years.

Data should be collected over a one-week period during the fall or spring during a “typical week" - one in which there are no holidays or rainy weather. Data collection should be done during the same month each year. The following data will be collected:

- Annual traffic counts at all entry and exit points to the site during morning and evening peak-hour.

- Sampling counts to determine automobile occupancies and carpool rates
- Resident and employee travel and TDM surveys, via hard copy and web-based survey methods
- Bicycle and pedestrian counts along key facilities or at gateways
- Parking occupancy for public and private, on- and off-street facilities

The Transportation Representatives will work with the site-level TDM Coordinator to make sure the survey is distributed to all residents and employees, with a goal of a 60% response rate.

Data Analysis

Lennar Multifamily Communities or future property management will analyze the data collected to measure the following metrics:

- Analysis of peak hour traffic counts to compare with the peak-hour baseline trip generation for residential and non-residential land uses
- Employee and resident mode split
- Participation rates in TDM programs and services
- Parking utilization throughout the day at public/private on- and off-street facilities
- TDM program awareness
- Cost-effectiveness of the TDM program

In monitoring project-related vehicle trips, it is strongly recommended that the monitoring program evaluate the site's trips in the aggregate, and not try to differentiate trip type. From a practical perspective, trying to monitor "commercial" or "residential" trips will likely prove problematic. The surveys would provide a more appropriate method by which to determine mode split and travel behavior by user group or specific building/tenant.

In addition, the data collection and analysis process will enable the Lennar Multifamily Communities or future property management to gather more qualitative data, such as employee and resident feedback on what programs they are using, what is working well, and how programs can be improved.

The data can be analyzed and cross-referenced to derive information such as by what mode employees and residents of the project travel for various trip purposes; the frequency of travel by a mode other than the single-occupant-vehicle; or which TDM services employees and residents use and why (and vice versa). This data can be further cross-referenced with demographic data to classify travel characteristics by personal and household characteristics such as occupation, income, vehicle ownership, vehicle availability, place of residence, and household size. Cross-referencing is valuable in targeting specific groups with programs designed to meet their needs.

Annual Reporting

Following the data analysis the Lennar Multifamily Communities or future property management will prepare an annual TDM Progress Report that summarizes the transportation program over the preceding year, intended upcoming changes, and achievement towards the trip reduction targets. The reports should be submitted within a month of the completion of the data collection. This report will be submitted to the City of Emeryville Community Development Director and posted online for public review. Descriptions of elements that will be included in the Progress Report are listed below:

- Introduction identifying goals of the TDM plan
- Summary of past performance

- Findings of the data analysis, including but not limited to:
  - Comparison of vehicle trips to trip reduction target
  - Mode split data by group
  - Parking occupancy rates
  - Bicycle and pedestrian counts
- Employee and resident survey results
- Any recommended or planned changes to the TDM program based on the performance of the programs over the past year or responses to the surveys

Refine and Implement

As needed, and based on the findings presented in the Annual Report, Lennar Multifamily Communities or future property management, in collaboration with the City, will develop an annual detailed refinement plan for the TDM plan to improve performance of the program so as to reasonably meet vehicle trip reductions. The refinement plan will included a detailed implementation program for program refinements, including required actions and timelines for property owners, businesses, tenants, and residential associations, as appropriate.

At this time, it is not possible or prudent to define exactly how the program can and should be revised if it does not reasonably comply with the trip reduction targets. Refinements to the TDM plan will need to be developed based on trip counts, survey data, and detailed information regarding travel behavior of residents employees, and visitors. Potential revisions to the TDM plan could include:

- Increased financial subsidies for transit, biking, walking, or ridesharing and/or direct financial payments to reduce single-occupancy vehicle trips;
- Improved and diversified parking management, including increasing parking fees;
- Enhanced marketing and promotion of TDM programs;
- Expanded bike sharing and car sharing services;
- Additional investment in transit, biking, and walking infrastructure;
- Increased on-site TDM staffing levels ;
- Administrative changes to ensure that programs are as user-friendly as possible to use; and/or
- Other measures determined to be appropriate by Lennar Multifamily Communities or future property management and the City.

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.

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.