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RESOLUTION NO. 22-103

Resolution Of The City Council Of The City Of Emeryville Approving A Conditional Use Permit And Design Review To Construct A New 300,000 Square Foot Research And Development Building And A Six Level Parking Structure Accommodating 496 Parking Spaces On An Approximately 113,325 Square Foot Site On The Block Bounded By Overland Avenue And 62nd, 63rd And Hollis Streets. (APN: 49-1488-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Sections 15332 and 15061(b)(3))

WHEREAS, on March 1, 2021, Wareham Development submitted an application for a Conditional Use Permit and Design Review Permit to construct a new 300,000 square foot Research and Development building and a six level parking structure accommodating 496 parking spaces on an approximately 113,325 square foot site on the block bounded by Overland Avenue and 62nd, 63rd and Hollis Streets ("Project"). The proposal includes preservation of the existing Hollis Street Building that accommodates Ruby's Café and 41 live-work units, and demolition of all other structures on the western portion of the block. The proposal also includes a Tree Removal Permit to remove 18 street trees located on 62nd Street, Overland Avenue and 63rd Street; and

WHEREAS, the Emeryville Planning Commission reviewed the proposed Project at study sessions on April 22, 2021 and March 24, 2022; and

WHEREAS, the Emeryville City Council reviewed the proposed Project at study sessions on July 20, 2021, November 16, 2021 and April 5, 2022; and

WHEREAS, the Planning Commission held a duly and properly noticed public hearing on June 8, 2022 and voted to recommend that the City Council approve the Use Permit and Design Review for the project, except for parking spaces more than the maximum, and approved a Tree Removal permit to accommodate construction of the project contingent on Council approval of the Use Permit and Design Review; and

WHEREAS, the City Council held a duly and properly noticed public hearing on July 5, 2022, to solicit public comments and consider the Project; and

WHEREAS, the Emeryville City Council has reviewed and considered the staff report and attachments thereto, the plans, all public comments and the Project, subject to the conditions and requirements set forth in Exhibit A attached to this Resolution and the applicable standards of the Emeryville Municipal Code ("the Record"); now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the project is exempt from environmental review under State CEQA Guidelines Section 15332, which applies to infill development projects, for the reasons generally set forth in the Record and specifically on pages 13 and 14 of the staff report; and that the project is further exempt from environmental review under the "common sense exemption" at Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that

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there is no possibility that the proposal may have a significant effect on the environment; and be it further

RESOLVED, that in approving **UPDR21-001** for the Project, the City Council makes the following findings required by the Emeryville Municipal Code:

Section 1. General Conditional Use Permit Findings Pursuant to Section 9-7.505:

(a) The proposed use is consistent with the General Plan.

The Land Use Diagram (Figure 2-2) classifies the Property for "Office/Technology" use, which is described as (Section 2.4): "Administrative, financial, business, professional, medical and public offices, research and development, biotechnology, and media production facilities."

The project is consistent with this description as the new building will house Research and Development and associated uses.

General Plan goals (G) and policies (P) that are particularly germane, and with which the Project is consistent, include:

Goal LU-G-2: A mixed use City;

Goal LU-G-11: A wide range of economic activity; and

Policy LU-P-27: A diversity of commercial uses to insulate the City's fiscal base from downturns in particular markets shall be maintained.

(b) The location, size, coverage, density, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting.

The location, size, design, and operating characteristics of the project will be compatible with the surrounding neighborhood. The scale, bulk and coverage of the project are similar to other mixed use projects that have been approved in the area. The project will not result in any significant impacts on the neighborhood.

In addition, the proposed project can adequately be served by the capacity and physical character of surrounding streets. The proposed heights and design features break up the massing and are compatible with varied heights of buildings along Hollis and Horton Streets. The

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project as designed will not adversely affect safety in the immediate area; light which falls on adjacent buildings and open spaces will also not be impacted. The project can be served by existing public services and utilities.

(c) The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.

The proposed project can be adequately served by all required utilities and public services, and it is not foreseen that there will be an increased demand for such services with the new use.

Demand for public safety services may be slightly increased with the new uses but no deficiencies have been identified by the Police and Fire Departments.

(d) The proposed use at its proposed location will provide a service or facility that will contribute to the general well-being of the surrounding neighborhood or community.

The Project will add to the existing "Research and Development" uses in the vicinity and provide a large privately owned public open space (POPOS) along 62nd Street for the general public to use. In addition, the project will provide a mid-block bicycle and pedestrian path connecting 62nd and 63rd Streets that will be open at all times, and an Art Walk for the neighborhood to enjoy during daylight hours.

(e) The proposed use complies with all applicable standards and requirements of these Planning Regulations.

The proposed use complies with the Planning Regulations.

Section 2. Conditional Use Permit Findings For Bonus Floor Area Ratio and Height Pursuant to Section 9-4.204(f)(2):

(a) That the proposed project will provide community benefits sufficient to earn the number of points required for the bonus amount requested, pursuant to subsections (c), (d) and (e) of this section.

The project requires 100 development bonus points, of which 50 must come from affordable housing, and 50 must come from other community benefits. As detailed in the accompanying staff report, the project will earn 50 bonus points for affordable housing by paying an

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additional 100 percent of the affordable housing impact fee pursuant to Section 9-4.204(d), 20 community benefit bonus points by providing 5% of the project site area as public open space pursuant to Section 9-4.204(e)(1), and 30 community benefit bonus points by converting 10 of the existing 41 live/work units in the adjacent Hollis Street Building into seven low-income and three very low-income housing units, calculated at a value of 3% of construction valuation, pursuant to Section 9-4.204(e)(7)..

(b) That the proposed community benefits for the project are significant and clearly beyond what would otherwise be required for the project under applicable code provisions, conditions of approval, and/or environmental review mitigation measures.

The additional affordable housing impact fee will provide approximately $1.45 million beyond the base requirement for the City's affordable housing programs. The additional public open space is in addition to the common open space and Privately Owned Public Open Space (POPOS) required for the project. The conversion of 10 existing live-work units in the adjacent Hollis Street Building to below market rate (BMR) units will add seven units reserved for low-income households earning 51% to 80% of the Area Median Income ("AMI"), and three units reserved for very low-income households earning up to 50% of AMI, to the City's BMR inventory. These benefits are clearly beyond what would otherwise be required for the project under applicable code provisions, conditions of approval, and/or environmental review mitigation measures.

(c) That the proposed community benefits for the project are acceptable and appropriate in this case, and will provide tangible benefits to the community.

The City Council finds that proposed community benefits are acceptable and appropriate in this case, and will provide tangible benefits to the community. Specifically, they will contribute to funding for the City's affordable housing programs, will add much-needed public open space for the community, and will provide housing for seven low-income and three very low-income households.

Section 3. Conditional Use Permit Findings For Providing Parking Over the Maximum Pursuant to Section 9-4.404(h):

(a) That the applicant has convincingly demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses.

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The project applicant retained CHS Consulting to conduct a parking demand study for the project. This study concluded that the project would generate more parking demand than the proposed parking supply and that the implementation of a transportation demand management (TDM) plan could reduce parking demand to the level of the proposed parking supply. Fehr & Peers conducted a peer review of the CHS study assessing the data sources, methodology, and findings of this analysis and concurred that parking demand would be greater than the proposed parking supply, with the potential for TDM measures to reduce parking demand. The need for a TDM plan to reduce parking demand demonstrates that the proposed parking is required to meet the anticipated parking demand.

(b) That the provision of the additional parking will not result in an overdependence on automobiles and will not adversely affect transit, bicycle, or pedestrian access to the site or other adjacent uses.

The applicant is proposing pedestrian and bicycle improvements that include construction of vertical barriers for bicycle lanes along both sides of Horton Street from Powell Street to 62nd Street; and creation of a two-way protected bicycle lane on 62nd Street west of Hollis Street that would extend up Overland Avenue to 63rd Street; and closing Overland Avenue between 63rd and 64th Streets to create a public linear park, with retractable bollards and a 20-foot wide asphalt surface for emergency vehicles, bicycles and pedestrians. This proposed infrastructure will encourage use of bicycles and walking, and, therefore, the Project will not adversely impact transit, bicycle and pedestrian access to the site or to other uses.

Section 4. Design Review Findings Pursuant to Section 9-7.407:

(a) The design of the Project is consistent with the General Plan, including but not limited to its Urban Design goals and policies;

The Project meets Urban Design Policy UD-G3 that calls for a walkable and pedestrian scaled environment by providing a mid-block path between 62nd and 63rd Streets. The Project complies with the North Hollis Urban Design Program design guidelines by ensuring that development is oriented to public streets and rights-of-way; by retaining the Hollis Building that has industrial character; by incorporating building design that reflects the industrial character of the area through strong horizontal expression and roof forms and use of metal finishes, canopies, and large expanses of glass; and by

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selecting street trees based on soil and groundwater tests and the table on page 28 of the North Hollis Plan.

(b) The design of the Project conforms to the Emeryville Design Guidelines and any other applicable design guidelines or criteria. If strict compliance with the provisions of such design guidelines or criteria is not achieved, the applicant must convincingly demonstrate that the intent of the guidelines is met;

The Project complies with the City's Design Guidelines by providing the following: Bay-Friendly street landscaping (Guidelines A-11 to A-15); preservation and enhancement of the historic industrial warehouse character of Emeryville through the retention of architecturally significant structures (Hollis Building) (Guideline E-3); public entrances that are visible and accessible (E-12); and a color palette that reinforces building identity (Guideline F-13).

(c) The Project is of a high design quality that is compatible with, and will not adversely affect, the surrounding area;

This Project will result in a visually attractive design that is consistent with designs of other buildings in the surrounding area.

and be it further

RESOLVED, that the City Council approves **UPDR21-001** for the EmeryStation Overland project located at 1580 62nd Street subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

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APPROVED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, July 19, 2022, by the following votes:

AYES:	5	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez and Welch
NOES:	0	
ABSTAIN:	0	
ABSENT:	0	

DocuSigned by:
John Bauters
C7389B49E2C9458...
MAYOR

ATTEST:

DocuSigned by:
Sheri Hartz
EB7B5D8EAB6A4BE...
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
2C934D02DB5467...
CITY ATTORNEY

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CONDITIONS OF APPROVAL

EmeryStation Overland
1580 62nd Street
UPDR21-001: Exhibit A. Conditions of Approval
Adopted by City Council Resolution No. 22-103
July 19, 2022

I. COMPLIANCE WITH APPROVALS

A. PROJECT APPROVALS. The project shall be constructed and operated in accordance with the following actions by the Planning Commission:

1. A Conditional Use Permit to allow a bonus height of 55 feet for the garage building and 80 feet for the Research and Development building; bonus FAR of 2.6 and more than the permitted maximum parking spaces in accordance with the staff report dated May 26, 2022, as modified by these Conditions of Approval.

   Fifty bonus points are obtained via payment of additional Affordable Housing Fee as outlined in Condition of Approval Number VII.A.11; 30 bonus points for conversion of 10 live-work units in the Hollis Building as Below Market Rate (BMR) units as outlined in Condition of Approval Numbers II. B.6 and II.C.6 (Flexible Community Benefit Category); and 20 bonus points from the Public Open Space community benefit category by developing an equivalent of 5% of the project site area as outlined on Sheet Number APP-00.01 entitled *Open Space Area Plan.*

2. Design review approval for a new 80 feet tall “Research and Development” building and a new 55 feet tall, 496 space parking garage in accordance with the approved plans described below, as modified by these Conditions of Approval.

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3. A Tree Removal Permit to remove 13 street trees on 62nd Street, 4 street trees on Overland Avenue and one street tree on 63rd Street, for a total of 18 trees, as modified by these Conditions of Approval.

   [*Approved by the Planning Commission on June 8, 2022, contingent upon approval of the Use Permit and Design Review Permit by the City Council*]

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 EmeryStation Overland, sheets G0.00 to G0.04 and G1.02 and G1.03, dated April 20, 2022.

2. The drawings entitled EmeryStation Overland, sheets A0.00 to A0.04; A1.01 to A1.07; A2.0; A2.S; A2.1 to A2.7; A3.01 to A3.03; A3.11 to A3.13; A3.21; A3.22; A3.25; and A3.31 to A3.36 dated April 20, 2022.

3. The drawings entitled EmeryStation Overland, sheets L0.01, L0.02; L1.01 to L1.01 to L1.04; L1.11 to L1.15; L2.01 to L2.03; L3.01 to L3.09; and L4.01, dated April 20, 2022.

4. The drawings entitled EmeryStation Overland, sheets C1.0; C2.0; C2.1; C3.0; C4.0; APP-00.01; APP-00.02A; APP00.002B; APP-00.3A; APP-00.3B; APP-00.3C; APP-00.3D; APP-00.3E; APP-00.3F; and APP-00.04 dated April 20, 2022.

C. APPROVAL EFFECTIVENESS AND DURATION. Pursuant to Section 9-7.213 of the Emeryville Municipal Code, this permit shall automatically expire if an application for a building permit has not been filed and fees have not been paid within one year from the date of this approval, and a good faith effort to commence work upon the use has not been made, as determined by the Community Development Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the Planning Commission for such extension period prior to the expiration date of the permit. In no case shall the expiration period extend more than three years from the date of this approval. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval.

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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 this site shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.

F. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville ("City"), then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in Assessor Parcel Number 49-1488-1 (the "Property") and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this approval.

II. GENERAL CONDITIONS

A. INDEMNIFICATION. 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

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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. Subdivision Approval. Prior to the issuance of a building permit, the Public Works Director shall confirm that the Applicant has received subdivision approval for the project through a parcel map or tentative/final map procedure and has applied for the reapportionment of the Bay-Shellmound Assessment as applicable. **[Public Works]**

3. Public Art Program. Prior to the issuance of the first foundation/building permit, Applicant shall submit evidence of compliance with the Art in Public Places Ordinance (Article 4 of Chapter 2 of Title 3 of the Emeryville Municipal Code) by showing a signed contract to commission or purchase and to install the artwork on the Property, or by payment of the full amount of the in-lieu public art fee. Prior to the issuance of each temporary certificate of occupancy, Applicant shall notify the Economic Development and Housing Division to verify Applicant's installation of the on-site public art, complete a description provided by form, and provide high resolution photographs of the installations(s) or rendering of the proposed installation. If Applicant intends to install on-site art rather than pay the in lieu public art fee but has not supplied the above-specified information prior to the issuance of the foundation/building permit, payment of the in lieu public art fee will be required and will be repaid to Applicant only at such time the above-specified information is provided to City.

On-site art shall be maintained at the sole expense of the Applicant and should the art be damaged, lost or removed, written notification to the City must be made within 180 days and must documenting the replacement or payment in lieu of replacement. If replaced, Applicant must complete a description provided by form, and provide high resolution photographs of the installations(s) or rendering of the proposed installation demonstrating equal value. Unencumbered access to art on the site must be maintained at a minimum of 40 hours per week. Should the site be restricted by gates or staffed by security officials, site operations and training should be updated to ensure access in compliance with this Condition. At no point should a member of the public be restricted from access to art and the commission of photography of art during the minimum operational hours of the installation area. Title of the artwork(s) required by the Art in Public Places transfers at sale of property and responsibility for maintenance and access shall pass to successive owners of the

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development site. Each successive owner shall be responsible for the custody, protection and maintenance of the artwork. Should an artwork have been installed by a prior owner and found missing at time of Approval, replacement as per this Condition is required. **[Economic Development and Housing]**

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

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

6. Affordable Housing Agreement. Prior to the issuance of a building permit, the Director of Community Development shall confirm that Applicant has either paid the applicable affordable housing impact fee as required by Section 9-5.406 of the Emeryville Municipal Code, or entered into an agreement with the City and approved by the City Council to be recorded against the property which satisfies the requirements of the City of Emeryville's Affordable Housing Program, as set forth in Article 4 of Chapter 5 of Title 9 of the Emeryville Municipal Code. **[Economic Development and Housing]**

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 a temporary certificate of occupancy of the first tenant improvement, 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

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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; 6) require the use of 63rd Street address for all passenger drop-off/pick-up, delivery and loading and if applicable 7) site may contained hazardous materials and that measures may 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 and the City of Emeryville Community Development Department. **City Attorney/Planning]**

2. Fees, Dedications and Exactions. Prior to the issuance of a certificate of occupancy, the Building Official shall confirm that all applicable fees due at the issuance of a certificate of occupancy have been paid. **[Building]**

3. Cost Recovery Planning Fees. Prior to the issuance of a certificate of occupancy, the 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 certificate of occupancy, the Building Official shall confirm that the Bay-Shellmound Contingent Assessment has been paid. **[Building]**

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

6. Affordable Housing Agreement. Prior to the issuance of a temporary certificate of occupancy, the Economic Development and Housing Manager shall inspect and approve the project for compliance with the requirements of the Agreement on Affordable Units. **[Economic Development and Housing]**

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III. BUILDING AND CONSTRUCTION REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Plans. Prior to the issuance of a building permit, the Building Official shall verify that the title sheet for the building permit drawings contains the following: **[Building]**

    a. Permit number.
    b. Zoning district.
    c. FAR (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. Detailed breakdown of floor areas.
    h. Number of floors.
    i. Existing building information (if applicable).
    j. Total Impervious Surface area in square feet (from "Impervious Surface and Stormwater Treatment Measures - Final Form" provided by the City of Emeryville Public Works Department).
    k. Scorecard Summary from the most recent Bay-Friendly Landscaping Guidelines checklist, as developed by StopWaste.org. (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person.)

2. Compliance with Applicable Codes. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements. **[Building]**

3. Utility Service. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing water, electrical, gas, telephone, and other like utilities services to the site, including a review of the existing services to the site and measures or improvements on-site that will be required to adequately serve the site, including the location and design of transformers (if above ground and if required) and all connections. All new and existing on-site electrical and communication lines shall be placed underground. All

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transformers shall be placed underground unless prior permission is granted by the City to place them above ground, in which case they shall be screened from public view by fencing, dense landscaping, or other acceptable means. **[Building]**

4. Traffic and Parking Management Plan during Construction. Prior to issuance of a building permit for any portion of the project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, accommodation, protection and signage for cyclists and pedestrians, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. **[Public Works]**

5. Construction Sign. Prior to the issuance of a building permit, Applicant shall submit a construction sign for approval by the 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 site in a location facing the street where the information can be easily read. Street frontages exceeding 300 feet in length shall have one sign per each 300-foot segment or fraction thereof. **[Planning]**

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

7. Approval of Regulatory Agencies. Prior to the issuance of a building permit, Applicant shall submit to the Building Official copies of all other permits necessary from the applicable regulatory agencies. **[Building]**

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8. Approval of Hazardous Material Regulatory Agencies. Prior to issuance of a 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 site 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 a demolition or building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulators, Section 1532.1). **[Building]**

10. Broadband Service. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing 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 site, the applicant shall make a good faith effort to work with service providers to extend service to the site. **[Building]**

11. Building Address. Prior to the issuance of a building permit the applicant shall apply to obtain addresses for the project site solely on 63rd Street. The project site shall not have any addresses on 62nd Street.

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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.).

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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.

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IV. PUBLIC IMPROVEMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Traffic Signals. The Applicant shall be responsible for the following Traffic Signal Improvements described herein and as shown on the approved plans, to conform to CAMUTCD, Caltrans Standard Specifications, Caltrans Standard Plans, City of Emeryville Standards, the City of Emeryville Urban Forestry Ordinance, the Americans with Disabilities Act and implementing regulations, and the California accessibility regulations

a. A traffic signal at the Hollis Street/63rd Street intersection that is fiber interconnected with adjacent traffic signals and includes bicycle detection shall be installed as part of this project.

(Recommendation 1 of Fehr and Peers Memo entitled EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022).*

b. Signal Modifications designs shall be completed at the 65th/Overland/Shellmound and Hollis Street/62nd Street Intersections so that there is proper phasing, bicycle detection, pedestrian detection , minor concrete work, striping and signage to support safe and effective transition from the cycle track at the respective intersections.

c. Signal Timing parameters for all new/modified intersections using Econolite Cobalt EOS software with Econolite CFG and Synchro file outputs.

d. Signal Coordination Plans for Hollis Street/63rd Street and Hollis Street/62nd intersections for weekday (AM/MID/PM) and weekend (MID/PM) patterns

The Public Works Director shall confirm that the traffic study as outlined in condition IV.A.2.h is completed before issuance of the building permit for the Research and Development building superstructure. The traffic study shall take no longer than 6 months from the time that payment for the study is received from the applicant. Detailed improvement plans and specifications shall be submitted no later than 6 months after the issuance of the building permit for the Research and Development superstructure. **[Public Works]**

2. Street Improvements. The Applicant shall be responsible for the following public improvements described herein to conform to City of Emeryville Standards, the City of Emeryville Urban Forestry

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Ordinance, the Americans with Disabilities Act and implementing regulations, and the California accessibility regulations:

a. Constructing all new curb, gutter, and sidewalk on the 62nd Street, 63rd Street and Overland Avenue frontages shall be brought into ADA compliance in conjunction with the signal modifications, minor concrete work and striping at those intersections. The replaced sidewalks shall match the finish of existing sidewalks including bricks, colored concrete and scoring. Installation of all landscaping and irrigation to meet Bay Friendly requirements.

b. Installation of all landscaping and irrigation to meet Bay Friendly requirements.

c. Installation of all new street trees with a minimum 24" box size trees, with tree grates if required by the Public Works Director, including structural soil beneath the sidewalks as needed to achieve rootable soil requirements.

d. Payment of tree replacement fee for street trees removed in accordance with the Urban Forestry Ordinance.

e. Preparing and implementing a tree protection plan for all trees to remain within the project site.

f. Designate 20 feet of red curb on the east and west sides of the garage driveway to ensure adequate sight distance between exiting motorists and cyclists or motorists on 63rd Street.

(*Recommendation 2 of Fehr and Peers Memo entitled* EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022*).

g. There shall be a two-way protected bikeway on Overland Avenue, between 62nd and 63rd Streets that connects the two-way protected bikeway on 62nd Street to the mid-block path entrance at 63rd Street and Overland Avenue. In designing this two-way protected bikeway on Overland Avenue between 62nd and 63rd Streets, the Public Works Director shall consider the following design alternatives for vehicular traffic, in the following priority order:

I. One-way vehicular traffic, northbound only, on Overland Avenue between 62nd and 63rd Streets. There shall be a "No Outlet" sign posted on 63rd Street at Hollis Street and

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a "Do Not Enter" sign posted on 63rd Street just east of Overland Avenue.

II. One-way vehicular traffic, southbound only, on Overland Avenue between 62nd and 63rd Streets. There shall be design of a turn-around space and the limitation of on-street parking on 63rd Street, east of Overland Avenue to accommodate U-Turns for vehicles. This turn-around shall not conflict in any way with the safe movement of bicycles or pedestrians along Overland Avenue.

III. Two-way vehicular traffic on Overland Avenue may be retained only if the above alternatives are shown to be infeasible to design and the safety and design of the two-way protected bikeway is not compromised by accommodating two-way vehicular traffic.

Regardless of which design alternative the Public Works Director determines is the most suitable, design of any alternative shall prioritize the safety of cyclists and pedestrians along Overland Avenue.

(*Recommendations 3 and 14 of Fehr and Peers Memo entitled* EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022).*

h. Design a two-way cycle track on Overland Avenue between 64th and 65th Streets that is informed by a traffic study and approved by the Public Works Director. The traffic study shall assess pedestrian and bicycle traffic flow and safety, ADA, emergency vehicle access and parking and loading impacts. The study shall also inform the connection between the end of the cycle track and the bicycle lanes on 65th Street.

i. Include construction of Portland cement vertical curb barriers for bicycle lanes, at a minimum of 6 inches in height, along both sides of Horton Street from Powell Street to the intersection of 62nd Street, and all barriers along 62nd Street and Overland Avenue included in this project.

j. Provide intersection markings and signage directing bicycles into and out of the two-way protected bikeway on 62nd Street at the Hollis Street/62nd Street and Horton Street/62nd Street intersections.

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(*Recommendation 7 of Fehr and Peers Memo entitled* EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022*).

k. Provide the two-way protected bikeway on 62nd Street between Hollis Street and Overland Avenue, and on Overland Avenue between 62nd Street and 63rd Street to connect with the bicycle and pedestrian throughway between 63rd Street and 64th Street. Provide stop control on both approaches of the Overland Avenue/62nd Street intersection, including retaining the existing stop sign, to better allocate right-of-way between all intersection users and facilitate a safer crossing of vehicle lanes on Overland Avenue for bicyclists traveling between the protected bikeways on 62nd Street and Overland Avenue.

(*Recommendation 8 of Fehr and Peers Memo entitled* EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022*).

l. Ensure clear and accessible paths of travel between the bicycle/pedestrian throughway and the connecting sidewalks on the north side of 63rd Street and south side of 64th Street.

(*Recommendation 10 of Fehr and Peers Memo entitled* EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022*).

m. The applicant shall submit an assessment of feasibility of curb extensions and directional curb ramps as listed below. If determined to be feasible by the Public Works Director, the applicant shall implement the following:

- Provide concrete curb extensions and directional curb ramps with truncated domes on the northeast and southeast corners of the Overland Avenue/63rd Street intersection and mark the crosswalk across 63rd Street.
- Provide directional curb ramps with truncated domes at the Horton Street/62nd Street intersection.
- Provide concrete curb extensions and directional curb ramps with truncated domes at the Hollis Street/62nd Street and Hollis Street/63rd Street intersections.

(Recommendation 11 of Fehr and Peers Memo entitled Emer EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022).*

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n. Provide a pedestrian-scale lighting between the building exits and the bus stop on Hollis Street south of 63rd Street and ensure that the stop provides adequate lighting meeting IES standards for riders waiting at night. The lighting can be integrated with the face of the Hollis Street building along 63rd Street and 62nd Street between Overland Avenue and Hollis Street.

(Recommendation 12 of Fehr and Peers Memo entitled EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022).*

o. Provide signage next to the on-street loading spaces indicating that they may be used for active passenger loading/unloading in addition to commercial vehicle loading/unloading.

(Recommendation 6 of Fehr and Peers Memo entitled EmeryStation *Overland – Non-CEQA Transportation Assessment dated April 11, 2022).*

p. Construct a new streetlight system in conformance with City Standard (i.e. Lumec lights) along all project frontages in accordance with IES standards and as approved by the Public Works Director.

q. Grind and pave 2" of asphalt concrete along all project frontages to centerline of street. Sections of frontage streets that have base failure shall be removed and replaced with a 12" base repair section of asphalt concrete. Regrade and reconstruct 63rd Street as necessary to create positive drainage along project frontage designed to a traffic index of 9 (T.I. = 9) as approved by the Public Works Director.

r. Design and construct storm drainage system on the south side of 63rd Street which is compatible with new street grading as approved by the Public Works Director. If as a result of new street grading drainage issues are created elsewhere then they shall be corrected.

Prior to the issuance of a building permit of the Research and Development superstructure, detailed improvement plans and specifications shall be prepared and approved by the Public Works Director for said public improvements **[Public Works]**

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3. Site Grading and Storm Drainage. Development that contributes additional stormwater to an existing off-site drainage facility shall be required to perform a hydraulic review of the off-site drainage systems and shall be required to make improvements to the system as may be necessary to accommodate the additional stormwater flow. **[Public Works]**

4. Sanitary Sewer. The Applicant shall be responsible to conform to the requirements of the City's Wastewater Collection System Ordinance and to the East Bay Municipal Utility Districts (EBMUD) Private Sewer Lateral Ordinance. Any existing sanitary sewer lateral serving the property that is not to be reused shall be abandoned up to the connection to the City sanitary sewer main. Any existing sanitary sewer lateral serving the property that is to be reused or any new private sanitary sewer lateral to be installed shall pass a verification test witnessed by the City of Emeryville and EBMUD inspectors prior to occupancy. It shall be noted that if an existing sewer lateral cannot pass a verification test then it will need to be replaced. All work performed on sanitary sewer laterals shall require a Sanitary Sewer Lateral Permit and said work is not covered under the Building Permit. **[Public Works]**

5. Underground Utility Lines. All new and existing on-site electrical and communication lines shall be placed underground. In addition, existing overhead utility lines along the Overland Avenue frontage of the site shall be placed underground and existing utility pole and overhead lines on the 63rd Street project frontage shall be removed.

   Prior to the issuance of a building permit, the Public Works Director shall confirm that detailed improvement plans, and specifications have been prepared for said public improvements **[Public Works]**

6. Improvement Agreement. Prior to the issuance of a building permit and as deemed appropriate by the Public Works Director, Applicant shall enter into an Improvement Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, inspection and installation of all public improvements secured by good and sufficient surety bond or cash deposit adequate to cover all of the costs, inspections and administrative expenses of completing such improvement in the event of a default. **[City Attorney/Public Works]**

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

1. Encroachment Permit. Prior to removing any street trees or beginning any construction in the public right of way, Applicant shall apply for and receive an encroachment permit for all work and improvements

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within the City's right of way or City easements. As required by the Public Works Director, Applicant shall post the required security in the form of a Performance and Payment Bond equivalent to 100 per cent of the valuation of the project improvements plus triple the value of the trees to be protected and provide evidence of liability insurance as part of the encroachment permit process. Applicant shall pay for all inspection fees associated with work within the City's right of way. **[Public Works]**

C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

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

2. Signal Work. All signal related work shall completed/installed prior to the first building permit of the first TI in the Research and Development Building.

D. ONGOING

1. Damage to Public Facilities. Applicant shall be deemed responsible for any damage to public improvements that occurs during construction and shall repair such damage at its expense and to the satisfaction of the Public Works Director, including but not limited to sidewalk repair, street slurry seal or street reconstruction.

2. Maintenance of Street Trees and other vegetation in the Public Right of Way: Applicant, its successors and assigns, shall maintain all landscaping improvements in the public areas fronting the property, in a healthy, growing condition at all times according to Bay Friendly Landscaping Practices as described by StopWaste.org's Bay Friendly Landscaping program. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Public Works Director after obtaining an encroachment permit from the City. Landscaping work shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code.

3. Maintenance of installed infrastructure improvements in Public Right of Way: Applicant, its successors and assigns, shall maintain in

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perpetuity the above ground improvements within the public right of way on Overland Avenue between 63rd and 64th Street, and site frontage between the face of curb and the property lines, not including City Lumec poles. conditions.

4. Bike Lane Maintenance: Applicant shall purchase LS1175 Mini Sweeper or its equivalent as approved by the Public Works Director, and deliver to the City Public Works Department prior to the final inspection of the superstructure of the Research and Development building.

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. **[Fire]**

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

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

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

2. Site Security Management Plan. Prior to the issuance of a certificate of occupancy, Applicant shall submit a Site Security Management Plan for approval by the Police Department. **[Police]**

C. ONGOING

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

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

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VI. PARKING AND TRANSPORTATION

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

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

   a. No greater than 496 vehicular parking spaces of which 68 spaces shall be assigned to uses in the existing Hollis Building and 428 spaces shall be made available to the Research and Development Building. Prior to the use of the garage for tenants, the applicant shall submit a memorandum outlining the general rules for the garage including that parking will be made available to tenants, use of key card access only, 24/7 access for cardholder, first come-first serve space use and use of valet parking inside the garage only.

   b. Prior to the issuance of the first building permit, the Applicant shall provide, and the Community Development Director shall have approved, a bicycle parking plan that shows locations and number of short term and long-term bicycle parking spaces a minimum of 116 bicycle parking spaces as set forth below:

      i. 58 short-term bicycle parking spaces in visible locations near entrances and plazas in the form of inverted U bike racks or lockers with verticals at least 18 inches apart enabling cyclists to lock frame and wheel to rack with a U-lock, and with adequate clearances.

      ii. 58 long-term bicycle parking spaces, suitable for a variety of bicycle sizes, in enclosed, limited-access area(s).

      iii. A reasonable number of electrical outlets in the long-term bicycle parking areas to allow charging for electric bicycles subject to the approval of the Community Development Director. At a minimum there should be at least one electrical outlet on each wall, or equivalent.

      iv. All long-term and short-term bicycle spaces shall be provided free of cost to the users.

   d. Prior to issuance of the first building permit for any building, final building plans for the Parking Garage shall be submitted that show a minimum of 50 electric vehicle (EV) charging

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stations and all remaining spaces being EV capable spaces, in the following manner:

i. 50 electrical vehicle (EV) charging stations installed in accordance with the Tier 2 Nonresidential Voluntary Measures in Appendix A5 or Tier 2 Residential Voluntary Measures in Appendix A4 of the California Green Building Standards Code for new buildings. These spaces shall actually be equipped with electric vehicle supply equipment (EVSE), which shall be Level 2 or better. All EVSE shall be installed in accordance with the requirements of the California Building Code and the California Electrical Code.

ii. 30 EV capable spaces. Construction shall comply with Chapter 4 Residential Mandatory measures or Chapter 5 Nonresidential Mandatory measures of the California Green Building Standards Code to facilitate future installation of electric vehicle supply equipment (EVSE). Raceways and service panels installed to support future EVSE shall be fifty percent (50%) larger (upsized) than those required by the current California Green Building Standards Code.

iii. All other parking spaces shall be demonstrated to be capable of receiving EVSE if a future need arises to add additional EVSE without changes to the structure. This could include but is not limited to slab block outs for future conduit lines, additional space in electrical rooms for future equipment, etc.

2. Transportation Information Display. Prior to the issuance of a building permit, the Community Development Director shall confirm that the final building plans for the project incorporate a transportation information display including Berkeley and Oakland biking and walking maps (which include Emeryville); BART, AMTRAK, AC Transit and Emery Go-Round route maps, schedules and fares; and NextBus, 511 and Zipcar contact information. The display shall be placed in a prominent location convenient to building occupants. **[Planning]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Transportation Information Display. Prior to issuance of a 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]**

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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. Transportation Demand Management (TDM) Plan. Prior to the issuance of temporary certificate of occupancy TDM plan with a goal of having a project employee single-occupant vehicle commute mode share that is 15 percent or more below the countywide average for workers. Should this goal be met during two consecutive monitoring periods at least six months apart, no further monitoring shall be required. Potential measures should include:
   - Information related to transit in the area
   - Subsidized transit passes
   - Subsidized rides to MacArthur BART outside the operating hours of the Emery Go-Round shuttle
   - Charging for parking
   - Restricting the use of valet parking that parks vehicles outside the garage
   - Encouraging carpool/vanpool through carpool matching, preferential parking, and a guaranteed ride home
   - Include information on nearby bicycle facilities and project bicycle parking in new-hire orientation packets

   Should the goal not be met for two consecutive monitoring periods, additional strategies shall be employed, tailored to the site population. Any TDM plan shall restrict the use of valet parking using near-by parking garages.

   (Recommendation 1 of Fehr and Peers Memo entitled EmeryStation *Overland –CEQA Transportation Assessment dated April 11, 2022; and Recommendation 4 of Fehr and Peers Memo entitled* EmeryStation *Overland- Non–CEQA Transportation Assessment dated April 11, 2022).*

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.

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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. Mid-Block Path and the Art Walk. The mid-block path shall remain open to the public at all times (i.e., 24 hours a day, seven days a week). The Art Walk shall remain open to the public at all times except between the hours of 10:00 pm and 6:00 am. **[Planning]**

VII. DESIGN CONDITIONS AND SITE STANDARDS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Elevations/Colors/Materials/Site Plan. Prior to the issuance of a 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. **[Planning]**

2. Landscaping Plans.

   a. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site landscaping and irrigation plan for the approval of the Community Development Director. The plans shall conform to Article 5 of Chapter 4 of Title 9 of the Municipal Code and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. The landscape plan shall be reviewed by the Cit Arborist at the expense of the applicant and recommendations incorporated in the final plan. **[Planning]**

   b. Prior to the issuance of a building permit, Applicant shall submit a detailed off-site landscaping and irrigation plan for the approval of the Public Works Director. The plans shall conform to Article 5 of Chapter 4 of Title 9 of the Emeryville Municipal

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Code, Bay Friendly Landscaping Practices as per the guidelines from StopWaste.org and Section B of the attached Stormwater Pollution Prevention and Source Control Measures. The plans shall include species, number of plantings, size of plantings and specifications for the irrigation system. Minimum plant sizes are flats or 1-gallon containers for ground cover, 5-gallon containers for shrubs and 24-inch box containers for trees. Street trees shall be of a species approved by the Public Works Director and shall be spaced no farther than 25 feet on center or as approved by the Director. In addition, street trees shall be selected based on soil and groundwater tests and the table [on page 28 of the North Hollis Plan].

Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. As part of the encroachment permit fees, the applicant will pay to have the City Consulting Arborist perform soil and drainage tests in the public right of way areas that will have tree plantings and recommend species appropriate for the site. The City also requires the applicant to pay for the installation of structural soil or other engineered products, as per City standards and in consultation with the arborist, under sidewalk areas, to provide adequate rootable soil volume areas for healthy street trees. The amount of rootable soil volume to be provided per tree is based on the size of the tree at maturity: 600 cubic feet of rootable soil volume shall be installed per small tree, 900 cubic feet per medium-sized tree and 1200 cubic feet per large-sized tree. The plan shall also discuss proper drainage to be provided for all street trees based on the Consulting Arborist's soil and drainage findings which could entail extensive excavation for sumps or trenching with clean sand or rock backfill. All imported soils shall be tested and the results provided to the City for approval before import. Import soil shall be amended with compost per city standards in place of other soil amendments. Street trees may require tree grates and an automatic sprinkler system. The replacement trees shall be provided off-site but within the vicinity of the project site. Prior to the issuance of encroachment permit for street tree removal the applicant shall pay to the City the replacement value of the trees to be removed ($146,000). **[Public Works]**

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

3. Recycled Water. Prior to the issuance of a building permit, Applicant shall submit plans for the approval of the 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 project site at a reasonable cost, is of adequate quality, will not be detrimental to public health, and will not adversely affect downstream water rights, degrade water quality or injure plants, fish and wildlife. In addition, Applicant shall submit a letter from the recycled water provider (East Bay Municipal Utility District) stating requirements for recycled water plumbing, prior to issuance of building permit. If Applicant is not complying with the requirements of the recycled water provider, Applicant shall provide a written explanation of its actions. **[Planning]**

4. Trash, Recycling and Composting Facilities. Prior to the issuance of a building permit, the 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.

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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).

d. Will Serve Letter: Prior to construction, a "will-serve" letter from the franchised solid waste hauler must be obtained. **[Planning and Public Works]**

5. Height. A height of up to 80 feet and 55 feet for Research and Development Building and the Garage building respectively shall be permitted to the roof of the building structure. **[Planning]**

6. Development Sign. The project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed twelve square feet. Other development/marketing signs may be approved administratively by the Community Development Director provided that they are removed prior to issuance of a final certificate of occupancy. **[Planning]**

7. Exterior Lighting. Prior to issuance of a building permit, Applicant shall provide sufficient information for the 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.

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b. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.

c. All exterior lighting must utilize high-efficiency lamps.

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

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

10. Bird-Safe Glazing. Prior to the issuance of a building permit, the building permit plans shall demonstrate compliance with the Section 9-4.803 of the Planning Regulations that outlines requirements for bird-safe glazing.

11. Payment of Affordable Housing Impact Fee. Prior to the issuance of a building permit, the applicant shall pay Affordable Housing Impact fee plus 100% in accordance with Section 9-4.204(d)(2) of the Planning Regulations.

12. Compliance with Water Efficient Landscape Ordinance (WELO). The building permit application shall include demonstration of compliance with the City's WELO regulations.

13. Generator Enclosure Design. Prior to the issuance of any building permit the applicant shall submit a design for the generator enclosure that includes visual interest on all three sides as it will be visible along half the length of the mid-block path. This design shall be approved by the Community Development Director and included as part of the building permit application.

14. Art Walk Path and Gate. Prior to the issuance of any building permit the applicant shall submit a final design of the Art Walk gate and art features and street furniture on the Art Walk. This design shall be approved by the Community Development Director and included as part of the building permit application. The plan shall include a sign on 63rd Street at the entrance that states that the Art Walk Path is open to the general public between the hours of 6:00 am and 10:00 pm.

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15. POPOS Sign. The building permit application for the Research and Development building superstructure must include sign stating that the open space is available for public use and the hours of use, as required by Emeryville Municipal Code Section 9-4.303(b)(4) b. iii. The hours of use for the general public shall be at minimum the hours that City of Emeryville parks are open pursuant to Chapter 24 of Title 5. The sign shall be at least 2 square feet and include City of Emeryville logo.

16. Mid-Block Path Signage. The building permit application for the Research and Development building superstructure must include a sign at the entrance of the mid-block pedestrian and bicycle path on 62nd and 63rd Street indicating that the path is open to pedestrians and bicyclists 24 hours a day, seven days a week and include appropriate way finding language.

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. Completion of Landscaping.

   a. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Community Development Director that all on-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. **[Planning]**

   b. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Public Works Director that all off-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements acceptable have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit to cover all costs of the unfinished work plus 25 percent. **[Public Works]**

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3. Equipment/Storage. Prior to issuance of a certificate of occupancy, the Community Development Director shall confirm that: **[Planning]**

   a. All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.

   b. All trash enclosures shall be completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s). Alternatively, the trash facilities may be placed within the building.

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

C. ONGOING

1. Landscaping. All landscaping improvements shall be maintained in a healthy, growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Community Development Director. Landscapes within the public right of way shall be maintained according to the principles of Bay Friendly Landscaping per guidelines by StopWaste.org

2. No Outside Storage. There shall be no outside storage of any type in parking areas. Those areas shall be kept free of obstruction and available for their designated use at all times. Boats, trailers, camper tops, inoperable vehicles and the like shall not be parked or stored on the parking areas.

3. Maintenance and Graffiti Removal. The site and improvements shall be well maintained and kept free of litter, debris, weeds and graffiti. Any graffiti shall be removed within 72 hours of discovery in a manner which retains the existing color and texture of the original wall or fence as most practically feasible.

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

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5. Exterior Lighting. Exterior lighting shall provide adequate illumination for on-site security and display purposes for the building, parking lots and pedestrian accessways while limiting off-site spillover of light through shielding. No light shall create a hazard for auto drivers.

6. Trash, Recycling and Composting Plan. Applicant and its successors and assigns shall implement the approved Trash, Recycling and Composting Plan and report its activities and achievements to the Public Works Director annually. **[Public Works]**

VIII. STORMWATER

A. GENERAL.

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

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

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT.

1. Compliance with Stormwater Measures. Prior to the issuance of a building permit, the applicant shall submit plans as part of the building permit package, showing how the project complies with the attached Stormwater Measures, in particular with the provision C.3 requirements (or new development section) of the City's NPDES Stormwater Permit and with plans and calculations showing how the project meets the numeric hydraulic sizing requirements as described in Section A of the attached Stormwater Measures. The applicant shall also provide calculations showing the percentage of on-site stormwater treatment through mechanical means and percentage of on-site treatment through vegetative means. If a portion of on-site

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stormwater treatment is through mechanical means, then the applicant shall provide justification as to why all on-site treatment by vegetative means is not feasible. **[Public Works]**

2. Site Grading and Storm Drainage. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed site drainage, grading plans and hydraulic calculations in conformance with the City's stormwater runoff requirements and specifications. All runoff from the site shall be intercepted at the project boundary, and shall be collected, treated and conducted via an approved drainage system through the project site to an approved public storm drain facility. Roof drainage from the structure shall be collected, treated and conducted to an approved drainage facility. No concentrated drainage of surface flow across sidewalks shall be permitted. Grading and drainage plans shall conform to Section A of the attached Stormwater Measures. Any storm drain inlets within the project must be fitted with an approved trash capture inlet device. **[Public Works]**

3. Site Plan. The site plan shall conform to Section B of the attached Stormwater Measures. **[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]**

3. Operations and Maintenance Agreement. Prior to the issuance of a temporary certificate of occupancy, 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]**

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

IX. FUTURE LAND USE APPROVAL PROCEDURES

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

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

Attachments: Fee Charts – Building Permit Fees and Public Work Fees
Construction Sign Prototype
Stormwater Pollution Prevention and Source Control Measures

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PROJECT **EmeryStation Overland lab & office building** **PRELIMINARY FEE CALCULATIONS**

Valuation $ 91,188,000.00 Print Date: April 15, 2022

SUMMARY OF ALL FEES	FEES		PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	$ 729,504.00				$ 729,504.00	Assumed not Phased
Plan Review Fee	$ 474,177.60				$ 474,177.60	
Energy Review Fee	$ 91,188.00				$ 91,188.00	
Electrical Permit Fee	$ 145,900.80				$ 145,900.80	
Plumbing Permit Fee	$ 131,310.72				$ 131,310.72	
Mechanical Permit Fee	$ 124,015.68				$ 124,015.68	
S.M.I.P.	$ 25,532.64				$ 25,532.64	
Microfiche	$ 7,295.04				$ 7,295.04	
Fire Department Fees	$ 291,801.60				$ 291,801.60	
Fire Suppression Fees	$ -				$ -	Under separate permit
Sewer Connection Fees	$ -				$ -	To be determined
Bay-Shell-Mound Contingent Fees	$ -				$ -	To be determined
Transportation Facility Fees	$ 972,000.00				$ 972,000.00	R&D FY21-22. Credit for (E) Us
School Fees	$ 147,180.00				$ 147,180.00	New fees effective 1/17/2021
Art In Public Places	$ 911,880.00				$ 911,880.00	
Technology Fee	$ 91,188.00				$ 91,188.00	
Building Standards Commission Fee	$ 3,648.00				$ 3,648.00	
General Plan Maintenance Fee	$ 455,940.00				$ 455,940.00	
Affordable Housing Fee	$ 1,449,000.00				$ 1,449,000.00	R&D FY21-22. Credit for (E) Us
Parks and Recreation Fee	$ 912,000.00				$ 912,000.00	R&D FY21-22. Credit for (E) Us
TOTAL:	***$ 6,963,562.08***			***$ -***	***$ 6,963,562.08***	***6,963,562.08***

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FEES TO BE PAID AT PLAN CHECK SUBMITTAL:						
Plan Review Fee	$ 474,177.60			$ -	$ 474,177.60	
Energy Review Fee	$ 91,188.00			$ -	$ 91,188.00	
Other Fees	**					
Sub Total:	***$ 565,365.60***			***$ -***	***$ 565,365.60***	

FEES TO BE PAID AT PERMIT ISSUANCE:					
Building Permit Fee	$ 729,504.00		$ -	$ 729,504.00	
Electrical Permit Fee	$ 145,900.80		$ -	$ 145,900.80	
Plumbing Permit Fee	$ 131,310.72		$ -	$ 131,310.72	
Mechanical Permit Fee	$ 124,015.68		$ -	$ 124,015.68	
S.M.I.P.	$ 25,532.64		$ -	$ 25,532.64	
Microfiche	$ 7,295.04		$ -	$ 7,295.04	
Fire Department Fees	$ 291,801.60		$ -	$ 291,801.60	
Fire Suppression Fees	$ -		$ -	$ -	
Sewer Connection Fees	$ -		$ -	$ -	
Bay-Shell-Mound Contingent Fees	$ -		$ -	$ -	
Transportation Facility Fees	$ 972,000.00		$ -	$ 972,000.00	
School Fees	$ 147,180.00		$ -	$ 147,180.00	
Art In Public Places	$ 911,880.00		$ -	$ 911,880.00	
Technology Fee	$ 91,188.00		$ -	$ 91,188.00	
Building Standards Commission Fee	$ 3,648.00		$ -	$ 3,648.00	
General Plan Maintenance Fee	$ 455,940.00		$ -	$ 455,940.00	
Affordable Housing Fee	$ 1,449,000.00		$ -	$ 1,449,000.00	
Parks and Recreation Fee	$ 912,000.00		$ -	$ 912,000.00	
Sub Total:	***$ 6,398,196.48***		***$ -***	***$ 6,398,196.48***	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}

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

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: EmeryStation Overland lab & office building **PRELIMINARY FEE CALCULATIONS**

DATE: April 13, 2022

PREPARED BY: Courtney

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

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

FEES BASED ON VALUATION OF:			**$ 91,188,000.00**
TYPE OF PERMIT OR FEE			**AMOUNT**
BUILDING PERMIT FEE (See calculation below)			$ 729,504.00
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)			$ 474,177.60
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			$ 91,188.00
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			$ 145,900.80
PLUMBING PERMIT FEE (18% of Building Permit Fee)			$ 131,310.72
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			$ 124,015.68
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			$ 25,532.64
MICROFICHE	Valuation < $ 100,000 = $ 1.00/ Page.	# of Pages	
	Valuation > $ 100,000 = 1% of Bldg. Permit F	Bldg.. Permit Fee * 1%	$ 7,295.04
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			$ 291,801.60
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * $298.00 per Trap or $1499.00 per Dwelling Unit	New traps - traps removed		$ -
	Number of Dwelling Units		
BAY SHELLMOUND FEES			$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2021 - June 30, 2022)			$ 972,000.00
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			$ 147,180.00
ART IN PUBLIC PLACES (Commercial Projects > $300k valu. Artwork or in-lieu fee -1% of valu.)			$ 911,880.00
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			$ 91,188.00
BUILDING STANDARDS COMMISSION FEE ($ 1.00 per $ 25k Valuation)			$ 3,648.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			$ 455,940.00
AFFORDABLE HOUSING (effective July 1, 2021 - June 30, 2022)			$ 1,449,000.00
PARKS AND RECREATION (effective July 1, 2021 - June 30, 2022)			$ 912,000.00
		TOTAL	**$ 6,963,562.08**

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

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

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

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

AT ISSUANCE OF FIRST BUILDING PERMIT

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

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

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

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

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + $5.71	Air Cond. + 9.22/7.68	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	*($)*	*$5.71*	*$9.22*	*1*	*($)*	*($)*
I-A	Lab	8	300,000	$ 234.38	$ 240.09	$ 249.31	$249.31	$ 255.54	$ 76,662,825.00
					$ 5.71	$ 14.93	$14.93	$ 15.30	$ -
					$ 5.71	$ 14.93	$14.93	$ 15.30	$ -
					$ 5.71	$ 14.93	$14.93	$ 15.30	$ -
					$ 5.71	$ 14.93	$14.93	$ 15.30	$ -
Totals		8	300,000						$ 76,662,825.00
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				$ 2.40	$ 2.40	$ 2.40		$ -
T.I. ONLY Adjustment * 20%									
				$ -	$ 1.14	$ 2.99	$ 3.37		$ -
DECLARED VALUATION									$ 91,188,000.00
								TOTAL	$ 91,188,000.00

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BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.

TOTAL VALUATION	$ 91,188,000.00

VALUATION BASIS	**AMOUNT**	**PERCENTAGE**	**TOTAL**
$ 1.00 - $ 50,000.00	$ 50,000.00	0.80%	$ 400.00
$ 50,000.00 - $ 250,000.00	$ 200,000.00	0.80%	$ 1,600.00
Over $ 250000.00	$ 90,938,000.00	0.80%	$ 727,504.00
		BUILDING PERMIT FEE:	$ 729,504.00

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)

TYPE OF PROJECT	**AREA**	**FEE/SQ.FT.**	**TOTAL FEE**
Commercial	300,000	$ 0.66	$ 198,000.00
Live/work		$ 2.37	$ -
Residential		$ 4.08	$ -
Existing Building Credit	77,000	$ 0.66	$ (50,820.00)
Low Income Housing Credit			$ -
		SCHOOL DISTRICT FEE:	$ 147,180.00

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

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

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PROJECT **EmeryStation Overland parking garage** **PRELIMINARY FEE CALCULATIONS**

Valuation $ 31,154,735.00 Print Date: April 15, 2022

SUMMARY OF ALL FEES	FEES		PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	$ 249,237.88				$ 249,237.88	Assumed not Phased
Plan Review Fee	$ 162,004.62				$ 162,004.62	
Energy Review Fee	$ 31,154.74				$ 31,154.74	
Electrical Permit Fee	$ 49,847.58				$ 49,847.58	
Plumbing Permit Fee	$ 44,862.82				$ 44,862.82	
Mechanical Permit Fee	$ 42,370.44				$ 42,370.44	
S.M.I.P.	$ 8,723.33				$ 8,723.33	
Microfiche	$ 2,492.38				$ 2,492.38	
Fire Department Fees	$ 99,695.15				$ 99,695.15	
Fire Suppression Fees	$ -				$ -	Under separate permit
Sewer Connection Fees	$ -				$ -	To be determined
Bay-Shell-Mound Contingent Fees	$ -				$ -	To be determined
Transportation Facility Fees	$ -				$ -	N.A.
School Fees	$ -				$ -	N.A. New fees effective 1/17/202
Art In Public Places	$ 311,547.35				$ 311,547.35	
Technology Fee	$ 31,154.74				$ 31,154.74	
Building Standards Commission Fee	$ 1,247.00				$ 1,247.00	
General Plan Maintenance Fee	$ 155,773.68				$ 155,773.68	
Affordable Housing Fee	$ -				$ -	N.A.
Parks and Recreation Fee	$ -				$ -	N.A.
TOTAL:	***$ 1,190,111.69***			***$ -***	***$ 1,190,111.69***	***1,190,111.69***

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FEES TO BE PAID AT PLAN CHECK SUBMITTAL:						
Plan Review Fee	$ 162,004.62			$ -	$ 162,004.62	
Energy Review Fee	$ 31,154.74			$ -	$ 31,154.74	
Other Fees	**					
Sub Total:	***$ 193,159.36***			***$ -***	***$ 193,159.36***	

FEES TO BE PAID AT PERMIT ISSUANCE:					
Building Permit Fee	$ 249,237.88		$ -	$ 249,237.88	
Electrical Permit Fee	$ 49,847.58		$ -	$ 49,847.58	
Plumbing Permit Fee	$ 44,862.82		$ -	$ 44,862.82	
Mechanical Permit Fee	$ 42,370.44		$ -	$ 42,370.44	
S.M.I.P.	$ 8,723.33		$ -	$ 8,723.33	
Microfiche	$ 2,492.38		$ -	$ 2,492.38	
Fire Department Fees	$ 99,695.15		$ -	$ 99,695.15	
Fire Suppression Fees	$ -		$ -	$ -	
Sewer Connection Fees	$ -		$ -	$ -	
Bay-Shell-Mound Contingent Fees	$ -		$ -	$ -	
Transportation Facility Fees	$ -		$ -	$ -	
School Fees	$ -		$ -	$ -	
Art In Public Places	$ 311,547.35		$ -	$ 311,547.35	
Technology Fee	$ 31,154.74		$ -	$ 31,154.74	
Building Standards Commission Fee	$ 1,247.00		$ -	$ 1,247.00	
General Plan Maintenance Fee	$ 155,773.68		$ -	$ 155,773.68	
Affordable Housing Fee	$ -		$ -	$ -	
Parks and Recreation Fee	$ -		$ -	$ -	
Sub Total:	***$ 996,952.33***		***$ -***	***$ 996,952.33***	

Encroachment, Stormwater & PSL Fees	See separate Fee Chart by Public Works for additional fees	{Calculated By Public Works}

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

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CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: EmeryStation Overland parking garage **PRELIMINARY FEE CALCULATIONS**

DATE: April 13, 2022

PREPARED BY: Courtney

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

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

FEES BASED ON VALUATION OF:			**$ 31,154,735.00**
TYPE OF PERMIT OR FEE			**AMOUNT**
BUILDING PERMIT FEE (See calculation below)			$ 249,237.88
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)			$ 162,004.62
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			$ 31,154.74
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			$ 49,847.58
PLUMBING PERMIT FEE (18% of Building Permit Fee)			$ 44,862.82
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			$ 42,370.44
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			$ 8,723.33
MICROFICHE	Valuation < $ 100,000 = $ 1.00/ Page.	# of Pages	
	Valuation > $ 100,000 = 1% of Bldg. Permit F	Bldg.. Permit Fee * 1%	$ 2,492.38
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			$ 99,695.15
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * $298.00 per Trap or $1499.00 per Dwelling Unit	New traps - traps removed		$ -
	Number of Dwelling Units		
BAY SHELLMOUND FEES			$ -
TRANSPORTATION FACILITY FEE (effective July 1, 2021 - June 30, 2022)			$ -
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.)			$ 311,547.35
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			$ 31,154.74
BUILDING STANDARDS COMMISSION FEE ($ 1.00 per $ 25k Valuation)			$ 1,247.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			$ 155,773.68
AFFORDABLE HOUSING (effective July 1, 2021 - June 30, 2022)			$ -
PARKS AND RECREATION (effective July 1, 2021 - June 30, 2022)			$ -
		TOTAL	**$ 1,190,111.69**

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

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

FEE PAYMENT SCHEDULE:

AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:

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

AT ISSUANCE OF FIRST BUILDING PERMIT

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

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

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

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

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + $5.71	Air Cond. + 9.22/7.68	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	*($)*	*$5.71*	*$9.22*	*1*	*($)*	*($)*
II-A	Garage	6	194,395	$ 80.54	$ 86.25	$ 95.47	$95.47	$ 96.90	$ 18,837,274.01
					$ 5.71	$ 14.93	$14.93	$ 15.15	$ -
					$ 5.71	$ 14.93	$14.93	$ 15.15	$ -
					$ 5.71	$ 14.93	$14.93	$ 15.15	$ -
					$ 5.71	$ 14.93	$14.93	$ 15.15	$ -
Totals		6	194,395						$ 18,837,274.01
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				$ 2.40	$ 2.40	$ 2.40		$ -
T.I. ONLY Adjustment * 20%									
				$ -	$ 1.14	$ 2.99	$ 3.37		$ -
DECLARED VALUATION									$ 31,154,735.00
								TOTAL	$ 31,154,735.00

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BUILDING PERMIT FEE CALCULATIONS {Without Adjustments}: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.

TOTAL VALUATION	$ 31,154,735.00

VALUATION BASIS	**AMOUNT**	**PERCENTAGE**	**TOTAL**
$ 1.00 - $ 50,000.00	$ 50,000.00	0.80%	$ 400.00
$ 50,000.00 - $ 250,000.00	$ 200,000.00	0.80%	$ 1,600.00
Over $ 250000.00	$ 30,904,735.00	0.80%	$ 247,237.88
		BUILDING PERMIT FEE:	$ 249,237.88

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)

TYPE OF PROJECT	**AREA**	**FEE/SQ.FT.**	**TOTAL FEE**
Commercial		$ 0.66	$ -
Live/work		$ 2.37	$ -
Residential		$ 4.08	$ -
Existing Building Credit		$ 0.66	$ -
Low Income Housing Credit			$ -
		SCHOOL DISTRICT FEE:	$ -

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

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

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Construction Sign - Minimum 3" letters

3 feet

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

4 feet

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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

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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.

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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

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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.

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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.

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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.]

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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.

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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.

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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

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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.