

APPROVED	
CITY OF EMERYVILLE PLANNING DEPARTMENT	
<i>Charles S. Bryan</i>	<i>2/22/18</i>
(Signature)	(Date)
<i>Community Development Director</i>	
(Title)	FDP 17-001
File # (if any)	

CONDITIONS OF APPROVAL

Sherwin Williams Architectural
Final Development Plan (FDP17-001)
Exhibit A. Conditions of Approval
February 22, 2018

Planned Unit Development/Preliminary Development Plan (PUD 13-001) ("PDP"), Conditions of Approval dated November 1, 2016 attached as an exhibit to Ordinance No. 16-006 and Vesting Tentative Map 8357 (SUBDIV16-002) ("VTM") Conditions of Approval dated May 25, 2017, apply to FDP17-001 in addition to conditions outlined below. In the event of any inconsistencies between the Conditions of Approval for the PDP and the VTM and the conditions set forth below, the Community Development Director shall determine which condition of approval shall take precedence.

I. COMPLIANCE WITH APPROVALS

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

1. A Final Development Plan for four new buildings ("Project") – B1, B2, C and D accommodating 500 units including live-work units and approximately 6,000 square feet of commercial space (retail and gallery space). The table below outlines the use and unit mix within the four buildings.

	Building B1	Building B2	Building C	Building D	Total (%)
Retail/Gallery (sq. ft.)	2,103	3,025	885	-	6,072
Live-Work	4		4		8 (2%)
Studios	8	15	10	14	47 (9%)
1-bedroom units	20	52	42	81	195 (39%)
2-bedroom units	23	44	54	54	175 (35%)
3-bedroom units	9	19	12	35	75 (15%)
TOTAL (units)	64	130	122	184	500 units

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 "Sherwin Williams Combined Architectural FDP" sheets SP-00 to SP-28 dated February 13, 2018.
2. The drawings entitled "Sherwin Williams Building B1 Architectural FDP" sheets B1-00 to B1-29 dated February 13, 2018.
3. The drawings entitled "Sherwin Williams Building B2 Architectural FDP" sheets B2-00 to B2-36 dated February 13, 2018.
4. The drawings entitled "Sherwin Williams Building C Architectural FDP" sheets C-00 to C-33 dated February 13, 2018.
5. The drawings entitled "Sherwin Williams Building D Architectural FDP" sheets D-00 to D-35 dated February 13, 2018.

- C. APPROVAL EFFECTIVENESS AND DURATION. In the event Applicant undertakes no construction pursuant to the PDP or action under the VTM, then Applicant shall have no obligation under these conditions of approval. Otherwise, this permit shall be valid for the term of the PDP and the VTM.
- D. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the Community Development Director.
- E. COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN. No part of this approval shall be construed to be a violation of the Emeryville Municipal Code or the General Plan. Operations on the Property (as defined in I.G) shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.
- F. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville ("City"), then such failure shall be cause for non-issuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
- G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in the Property. The term

“**Property**” herein refers to Lots 2, 3, 4 and 5 as shown in the Vesting Tentative Map 8357 (SUBDIV16-002) Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this zoning approval.

II. GENERAL CONDITIONS

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

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. AFFORDABLE HOUSING PROGRAM. No fewer than 17 per cent of total units in the Project shall be affordable units, i.e. no fewer than 85 affordable units out of a total of 500 units. Prior to the issuance of the first building permit for a residential structure, the Community Development Director shall confirm that the Applicant has entered into an agreement (Affordable Housing 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.

a. Affordability Income Levels. Pursuant to Section 9-4.204(d)(1) of the Planning Regulations, affordable units shall, at a minimum, be affordable to households of the following income levels, as defined

in Article 4 of Chapter 5 of the Planning Regulations, or at a deeper level of affordability:

Very Low Income	3.9%	20 units
Low Income	5.9%	30 units
Moderate Income	7.2%	35 units
TOTAL	17.0%	85 units

If the applicant chooses to develop fewer than the maximum 500 units, the number of affordable units shall be reduced proportionally, subject to the requirements of Section 9-4.204(d)(1) and the Rules for Rounding Numbers in Section 9-2.103 of the Planning Regulations.

If the applicant chooses to sell the units in any of the buildings as condominiums, then 25% of the units in that building shall be affordable to moderate income households, as required by Section 9-4.204(d)(1).

- b. Location of Affordable Units. The affordable units shall be dispersed through the Project. Affordable units shall be comparable to the market rate units in terms of appearance, materials and quality of finishes, and parking designated for affordable units shall be provided in an equitable manner as that provided for the market rate units. The Affordable Housing Agreement shall specify the number of units and their affordability income level for each building. See also Condition of Approval II.D.1.
2. 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.

Subject to City Council approval, the Applicant may use no more than 25% of the Public Art fees assessed for the Sherwin Williams Architecture Final Development Permit (FDP-17-001) for an art work to be installed at the terminus of the pathway from Hubbard Street to the City Parcel (APN: 49-1041-29-16) provided that the Applicant satisfies the following conditions: 1) submittal to the Public Art Committee (PAC) for review, possible revision, and recommendation; and acceptance by the City Council on recommendation of the PAC, and 2) prior to issuance of a grading/ building permit for the Public Park, the applicant enters into an ongoing maintenance agreement regarding the installed art, consistent with the Art in Public Places Ordinance. **[Economic Development]**

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

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

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

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

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

existence of truck traffic; 4) existence of a nearby mainline railroad that operates 24 hours per day seven days per week with associated train horns and other sounds and vibration; 5) the possibility of future nearby development that may block views; and 6) site has contained hazardous materials and that measures have been undertaken to remediate any potential health risks associated with the hazardous materials and documents related to this effort are on file with the property owner, the City of Emeryville City Attorney Department and Department of Toxic Substances and Control (DTSC). **[City Attorney/Planning]**

2. Fees, Dedications and Exactions. Prior to the issuance of each certificate of occupancy, the Building Official shall confirm that all applicable fees due at the issuance of the certificate of occupancy has been paid. **[Building]**
3. Cost Recovery Planning Fees. Prior to the issuance of each 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. Housing Set-Aside Program. Prior to the issuance of each certificate of occupancy, the Economic Development and Housing Division shall inspect and approve the Project for compliance with the requirements of the Agreement on Affordable Units. **[Economic Development]**
6. Final Map(s) and Condominium Plan. Prior to each certificate of occupancy, the phased final map for the VTM, which creates the Lot on which the building receiving the certificate of occupancy is located, shall be recorded and shall include a condominium map for all of the residential units in that building. Any subdivision or condominium map review for purposes of subdividing the residential units of the Property for sale as individual units shall include, as required, legal documentation pertaining to dedication or reservation of group or common open spaces, for the creation of a non-profit homeowners' association, for the long-term maintenance of the landscaped and common areas of the Project, which include open space and the road (designated as Parcel A by the VTM), as required by the VTM Conditions of Approval, and for performance bonds, pursuant to Emeryville Municipal Code Section 9-7.1009(b)(8). The map or condominium plan shall be filed prior to the issuance of a certificate of occupancy for the residential units. The map/plan and the Covenants, Conditions and Restrictions for the homeowners' association shall include

a condition that residential parking shall not be used for storage in lieu of needed parking. **[City Attorney's Office]**

7. Mitigation Measures. Prior to the last temporary certificate of occupancy, the applicant shall implement all applicable mitigation measures identified in the Final Environmental Impact Report (FEIR) prepared for the Sherwin-Williams Development Project, certified by the City Council via Resolution No. 16-122 and attached to the Conditions of Approvals of PUD13-001.

D. ONGOING

1. Amenities. The roof terrace, clubhouse and swimming pool in Building B-2 shall serve and be available for use by all residents of the Project. Residents of the affordable residential units shall have access to and the right to use all Project-wide shared amenities offered to market rate residents, under the same terms and conditions as offered to market rate residents, including but not limited to the amenities of Building B-2,, recreation facilities, bike facilities, car share stalls, and podium courtyards in buildings on Parcel B-2, C and D. Prior to temporary certificate of occupancy, a deed restriction on the parcels with the amenities to be shared shall be recorded in a form acceptable to the City Attorney to provide access and the right to use amenities to fulfill this condition.

III. BUILDING AND CONSTRUCTION REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Plans. Prior to the issuance of each building permit, the Building Official shall verify that the title sheet for the building permit drawings contains the following: **[Building]**
 - a. Permit number.
 - b. Zoning district.
 - c. FAR (density per acre for residential).
 - d. Lot area in square feet.
 - e. Total number of parking spaces with parking spaces numbered on plans in a consecutive manner and consistent with the parking summary on the title page.
 - f. Building heights with height of any appurtenances noted.
 - g. Number and type of residential units (e.g. live/work, apartment, condo).
 - h. Detailed breakdown of floor areas.
 - i. Number of floors.
 - j. Existing building information (if applicable).

- k. 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).
 - l. Scorecard Summary from one of the following checklists: the most recent Multi-Family or Single Family Green Building Guidelines, developed by StopWaste.org or Build It Green, or the most recent LEED-NC Guidelines (or other LEED product most appropriate for the Project from the USBGC) (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person).
 - m. Scorecard Summary from the most recent Bay-Friendly Landscaping Guidelines checklist, as developed by StopWaste.org. (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person.)
2. Compliance with Applicable Codes. Prior to the issuance of each building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic Zone 4, and Title 24 energy conservation and disabled access requirements. **[Building]**
3. Utility Service. Prior to the issuance of each building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing water, electrical, gas, telephone, and other like utilities services to the site, including a review of the existing services to the site and measures or improvements on-site that will be required to adequately serve the site, including the location and design of transformers (if above ground and if required) and all connections. All new and existing on-site electrical and communication lines shall be placed underground. All transformers shall be placed underground unless prior permission is granted by the City to place them above ground, in which case they shall be screened from public view by fencing, dense landscaping, or other acceptable means. **[Building]**
4. Traffic and Parking Management Plan during Construction. Prior to issuance of each building permit for any portion of the Project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street

debris and dust control and proposed on-site staging and equipment/material storage areas. **[Public Works]**

5. Construction Sign. Prior to the issuance of the first building permit, Applicant shall submit a construction sign for approval by the Community Development Director in accordance with the prototype provided. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 3 feet by 4 feet with a minimum letter size of 3 inches. The sign shall include this information: the Project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The contact person should be the Noise Disturbance Coordinator listed below in Condition III.B.1.c.

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

6. Fencing. Prior to the issuance of each building permit, Applicant shall install temporary construction fence around the perimeter of the portion of the Property under construction that provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director. **[Public Works]**
7. Approval of Regulatory Agencies. Prior to the issuance of any building permit, Applicant shall submit to the Building Official copies of all other permits necessary from the applicable regulatory agencies. **[Building]**
8. Approval of Hazardous Material Regulatory Agencies. Prior to issuance of the first building or grading permit, Applicant shall confirm that the Property has never been subject to an environmental regulatory action or order. For sites that are or have been the subject of a regulatory action or order, the Applicant shall submit to the Community Development Director confirmation that the proposed use of the Property is acceptable to the appropriate regulatory agency (e.g. San Francisco Bay Regional Water Quality Control Board, Alameda County Department of Health or the State of California Department of Toxic Substances Control) and that any conditions prior to such use have been met. For closed cases, agency closure letters describing conditions of closure or use restrictions (if any) may be used to satisfy this documentation requirement. For open cases, a

site-specific agency determination may be necessary. If a Risk Management Plan, Site Cleanup Plan, Health and Safety Plan or similar document is required for the work that is the subject of the permit, then Applicant shall have such plan approved by the regulatory agency; shall submit copies to the Community Development Director and Public Works Director; and shall comply with all provisions of such plan. **[Planning and Public Works]**

9. Lead and Asbestos. Prior to the issuance of each demolition or building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's construction lead standard (Title 8, California Code of Regulations, Section 1532.1). **[Building]**
10. Broadband Service. Prior to the issuance of each building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing open access fiber optic cable service to all occupants of the site at a minimum of 1 gigabit, provided that such facilities exist adjacent to the site. If such facilities do not exist adjacent to the Property, the applicant shall make a good faith effort to work with service providers to extend service to the Property. **[Building]**
11. Construction Sequence and Timing. The applicant shall submit to the Community Development Director, a construction sequence and timeline for all the buildings prior to the issuance of the first building permit. The applicant shall submit an update to the timeline every six months till the Project construction is complete as evidenced by issuance of the last final certificate of occupancy.
12. Construction Site Fire Safety. Prior to the issuance of each building permit in which the design consists of combustible materials use the applicant shall submit a Construction Site Fire Safety Plan to the Chief Building Official for review and approval in accordance with the attached document entitled "Standards for Construction Site Fire Safety" dated February 5, 2018. **[Building]**
13. Water Supply for Fire Protection. (CA Fire Code 3313.1) The applicant shall coordinate with EBMUD to ensure water services will be provided prior to start of combustible frame construction. **[Building]**

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

1. Construction Noise.

- a. *Hours.* Unless the City Council grants a waiver allowing different construction hours pursuant to Section 5-13.06 of the Emeryville Municipal Code, construction hours shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, except that pile driving and similarly loud equipment, including but not limited to jack hammering, grading, compacting, dump trucks, generators, and chain saws shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. In an urgent situation, the City Manager, Planning and Building Director, or Public Works Director may approve weekend or night work pursuant to Section 5-13.05(e) of the Emeryville Municipal Code.
 - b. *Equipment.* All heavy construction equipment used on the Project shall be maintained in good operating condition, with all internal combustion, engine-driven equipment equipped with intake and exhaust mufflers that are in good condition and as deemed to be practically feasible. All non-impact tools shall meet a maximum noise level of no more than 85 dB when measured at a distance of 50 feet. All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines especially residential uses.
 - c. *Noise Disturbance Coordinator.* Applicant shall designate a "Noise Disturbance Coordinator" who shall be responsible for responding to any complaints about construction noise. The Noise Disturbance Coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem be implemented. Applicant shall conspicuously post a telephone number for the Noise Disturbance Coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The Noise Disturbance Coordinator shall be the contact person listed on the construction sign required by Condition III.A.5 above.
2. Traffic Measures. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).

3. Street Debris. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.
4. Dust Control Measures. Dust control measures to minimize air quality impacts shall be implemented including:
 - a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b. Cover all trucks hauling soil, sand, and other loose materials.
 - c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d. Limit traffic speeds on unpaved roads to 5 mph.
 - e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.
 - g. No grading between October 1st and April 15th unless the Public Works Director has approved an erosion and sedimentation control plan.
5. Archeological Resources. If archeological resources are encountered during construction, then Applicant shall: cease all construction activity in the vicinity; notify the Community Development Director; have the significance of the items determined by a qualified archeologist or cultural consultant; and take any further appropriate measures under the California Environmental Quality Act and other applicable laws with the Community Development Director's approval. If human remains are encountered, state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue has been received.
6. Construction Site Fire Safety Plan. The applicant shall implement the approved Construction Site Fire Safety Plan through the duration of construction of each building. (CA Fire Code 3308). **[Building]**

IV. PUBLIC IMPROVEMENTS

- A. Applicant shall construct all Public Improvements as specified in Section III of the Conditions of Approval for the VTM and as specified in Section IV of the Conditions of Approval for FDP-002 and said public improvements shall be ready for City acceptance prior to the last final certificate of occupancy being issued, unless another condition or agreement requires the public improvement shall be constructed and ready for City acceptance earlier.

V. PUBLIC SAFETY REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Fire Department Standards. Prior to the issuance of a building permit, the Fire Department shall confirm that the final building plans include all fire and emergency safety measures as required by the Department, including access requirements, premises identification, key boxes, hydrants, fire protection systems and equipment and exiting and emergency illumination, as more particularly set forth in the attached Fire Department standards. **[Fire]**
2. Site Security Management Plan. Prior to the issuance of each building permit, the applicant shall submit a Site Security Management Plan that shall which shall address the Police Department standard specifications. **[Police]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

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

C. ONGOING

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

VI. PARKING AND TRANSPORTATION

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

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

- a. A minimum of 335 vehicular parking spaces for residential units including live-work units. All resident parking shall be unbundled except that all affordable units shall be assigned one parking space per unit at no additional cost.

A minimum of 117 spaces in Building B-2 to accommodate parking for office use in Building 1-31. A minimum of 67 resident guest spaces shall be provided in Building B-2. The resident guest parking and office parking may be shared.

A minimum of 36 parking spaces shall be provided on the ground floor for the general public in Building B-2.

Prior to the issuance of the first building permit, the applicant shall provide, and the Community Development Director and the City's Transportation consultant shall approve, a parking plan that shall identify parking for resident, resident guests, office and the general public as outlined above, and internal garage circulation and interface for each building with the street system. The plan shall identify mechanisms for managing parking for different uses including installing appropriate signage. Parking spaces shall be clearly numbered consecutively on plans, and a summary table provided.

- b. A minimum of 550 bicycle parking spaces as set forth below:
 - i. 50 guest parking spaces in visible locations near entrances 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. 550 resident bicycle parking in an enclosed, limited-access area.

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 for all residential uses. This plan shall also include 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.

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

- iii. Prior to the issuance of the first building permit, the applicant shall submit to the Community Development Director a plan showing location of 30 lockable enclosed bike lockers.

The lockers shall be provided by the Applicant and no fee shall be charged for their use. No less than 50 percent of the bike lockers shall be sized to accommodate "cargo bikes". The project shall provide outlets to charge electric bikes in all the proposed lockers. These 30 lockers may count towards provision of long term bicycle parking.

- c. At least 3 per cent of parking spaces (or 21 spaces) will have electrical vehicle (EV) charging stations; and at least 10 per cent (or 70 spaces) will be EV cable. EV cable is defined as:
 - i. minimum size conduit to be 1 ½ inch;
 - ii. all Feeder conduits serving ten (10) or less future EV charges shall have the calculated conduit size increased by one (1) nominal inch size;
 - iii. All feeder conduits serving more than ten (10) future EV chargers shall have a calculated conduit size increased by one-half (1/2) nominal inch size; and
 - iv. space shall be provided to install dedicated breakers to handle electrical load from the installed conduit sizes listed in item numbers (ii) and (iii) above.

- d. Car Share: The applicant shall provide up to 10 car share dedicated spaces of which up to 7 will be within the project site and up to 3 will be on the surrounding streets. Prior to the final certificate of occupancy of the first residential building two on-site and three off-site parking spaces shall be dedicated for car share purposes. The applicant shall be responsible for obtaining necessary permits from the City. The provision of remaining car share spaces shall be determined by the Transportation Demand Management (TDM) plan implementation reports.
 - e. To the extent a building does not contain its share of vehicular or bicycle parking or EV charging stations and relies on another building within the Project to satisfy these parking requirements, prior to building permit issuance, applicant shall record a deed restriction or covenant in a form acceptable to the City Attorney to ensure that the parking requirements for each building are met indefinitely.
2. Transportation Information Display. Prior to the issuance of each building permit, the Community Development Director shall confirm that the final building plans for the Project incorporate a transportation information display that will provide either websites linking to information Berkeley and Oakland biking and walking maps (which include Emeryville); BART, AMTRAK, AC Transit and Emery Go-Round route maps, schedules and fares; and NextBus, 511 and Zipcar (or other similar care share companies) contact information. The display shall be placed in a prominent location convenient to building occupants. **[Planning]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Transportation Information Display. Prior to issuance of each temporary certificate of occupancy, the Community Development Director shall confirm that an up-to-date information display as described in section VI.A.2 has been installed. **[Planning]**
2. Emery Go-Round. Applicant shall fully participate in the Emeryville Transportation Management Association (the TMA), a private, nonprofit agency responsible for administering the Emery-Go-Round, a transportation service system serving Emeryville and the members participating in the TMA. Prior to the issuance of certificate of occupancy, Applicant shall provide evidence to the Community Development Director that it has executed a Membership Agreement as required in accordance with the policies, rules and regulations of the TMA. **[Planning]**

3. Transportation Coordinator and Transportation Demand Management (TDM) Implementation. Prior to the issuance of the first temporary certificate of occupancy, the applicant shall designate a Transportation Coordinator, who shall submit a Monitoring Plan that shall outline provisions of TDM measures outlined in Nelson\Nygaard's memo entitled Sherwin Williams TDM Plan -Supplemental Memorandum dated February 16, 2018.
4. TDM Peer Review. Prior to the issuance of the last temporary certificate of occupancy, the applicant shall deposit a sum of \$7,500 (to be adjusted annually by the Consumer Price Index for the San Francisco area) to cover the City's costs to review the Annual TDM reports. The City shall hire a transportation consultant to do a peer review of the annual TDM reports and provide recommendations to the Community Development Director. Based on the peer review the Community Development Director may require modifications to the plan. Any funds not used shall be refunded to the applicant.

C. ONGOING

1. Transportation Information Display. Applicant, its successors and assigns shall maintain the Transportation Information Display described in Section IV.A.2 and update it annually.
2. Emery Go-Round. Applicant, its successors and assigns, shall remain a member of the TMA so long as the TMA or its successor or assignee is in fact operating the Emery-Go-Round. Applicant and future property owners shall make good faith efforts to provide a brief description or tag line about the Emery-Go-Round and other forms of alternative transportation in its marketing and advertising efforts.
3. Transportation Coordinator and TDM Implementation. The applicant shall ensure there is a designated Transportation Coordinator for at least 5 years after the Project is fully occupied. The Transportation Coordinator will be responsible for monitoring TDM measures and providing an annual report to the Community Development Director as outlined in Nelson\Nygaard's memo entitled Sherwin Williams TDM Plan -Supplemental Memorandum dated February 16, 2018. The first annual report shall be submitted after one year of last temporary certificate of occupancy is issued. The Community Development Director may request information on TDM measures and parking usage on demand.

VII. DESIGN CONDITIONS AND SITE STANDARDS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Elevations/Colors/Materials/Site Plan. Prior to the issuance of each building permit, Applicant shall submit a color scheme, samples and details of all exterior elevations and building materials of sufficient size to the Community Development Director for review and approval. Materials to be submitted shall include, but not be limited to, all perimeter gates and fences, window treatments, storefront windows and doors, awnings, outdoor furniture, paving and lighting fixtures and screening of garage openings in Buildings B2 and D. **[Planning]**

2. Landscaping Plans.

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

Green screens in Building B2 shall be designed and engineered to promote fast growth.

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

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

farther than 25 feet on center or as approved by the Director. Street trees may require tree grates and an automatic sprinkler system.

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

3. Water Efficient Landscape (WELO) Plan. Prior to the issuance of the first building permit the applicant shall submit to the Community Development Director WELO plans for the Sherwin Williams PUD site for review and approval. **[Planning]**
4. Recycled Water. Prior to the issuance of each building permit, Applicant shall submit plans for the approval of the Community Development Director showing the design of a plumbing system to serve nonpotable uses in common areas including, but not limited to, landscaped areas and planters, if recycled water is available at the Property at a reasonable cost, is of adequate quality, will not be detrimental to public health, and will not adversely affect downstream water rights, degrade water quality or injure plants, fish and wildlife. 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]**
5. Trash, Recycling and Composting Facilities. Prior to the issuance of each building permit, the Community Development Director and Public Works Director shall review and approve a Trash, Recycling and Composting Plan from the applicant.
 - a. Maintenance and Service: Trash, recycling and composting storage areas shall include adequate space for the maintenance and servicing of containers for all materials that are provided by local hauling companies. Sewer drains, fire sprinklers, enclosures, and roofing (if outdoors) shall be provided as per city standards.
 - b. Adequate Space for Trash, Recyclables and Compostables: The amount of space provided for the collection and storage of recyclable materials shall be at least as large as the amount of space provided for the collection and storage of trash materials and shall reflect the estimated volumes of trash and recyclable and compostable materials to be generated providing for the separate and dedicated containers for those materials with the goal of 25%

or less of the total materials generated going to a landfill. An appropriately sized and designed area for wastes banned from regular trash containers such as electronics, fluorescent lamps and batteries shall be designated. Residential properties will also provide area for bulky item collection such as mattresses, furniture, tires and white goods.

- c. **Convenience and Accessibility:** The recycling area shall be at least as accessible and convenient for tenants and collection vehicles as the trash collection and storage area. If chutes are planned then separate, properly labeled (as per City Standards) and dedicated chutes must be provided for each and every collected stream of materials - not just for trash (non-recyclable and non-compostable materials.) The trash and recycling room(s) or areas shall be located on an exterior wall of the building (if indoors) with adequately-sized door or gate access to the street through the wall so as to minimize distance for the collection vehicle personnel and eliminate temporary outdoor storage of containers on collection days. If the storage area is located outside then it must be easily accessible by the collection vehicles. If the day-to-day-use trash and recycling area(s) cannot be located adjacent to the street, then service-day locations easily accessible by the collection vehicle staff, must be provided in an area on-site as per city standards in enclosures completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s). **[Planning and Public Works]**
6. **Height.** The heights of all buildings shall comply with the heights outlined in the Condition of Approval Number I.A.3 of the Planned Unit Development permit PUD13-001 dated November 1, 2016. **[Planning]**
7. **Development Sign.** The Project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed four square feet. Other development/marketing signs may be approved administratively by the Community Development Director provided that they are removed prior to issuance of a final certificate of occupancy. **[Planning]**
8. **Exterior Lighting.** Prior to issuance of each building permit, Applicant shall provide sufficient information for the Community Development Director to confirm that exterior lighting for the Project complies with the following standards and criteria: **[Planning]**

- a. Parking area illumination shall conform to the requirements of Section 9-4.406(k) of the Emeryville Municipal Code.
 - b. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.
9. Noise. Prior to the issuance of each building permit, the Building Official shall confirm that the Project is designed in order to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan. **[Building]**
10. Water Efficiency. Prior to issuance of each building permit, the Public Works Director shall confirm that the Project is complies with the applicable East Bay Municipal Utility District requirements. **[Public Works]**
11. Sustainable Features. Prior to the issuance of each building permit the applicant shall incorporate the following features:
 - a. a cool roof
 - b. programmable thermostats/heating systems
 - c. water efficient toilets that have two modes for flushing
 - d. “low-E” rated windows
12. Rooftop Screening. Prior to the issuance of each building permit the applicant shall demonstrate to the Community Development Director through submission of view diagrams that: all mechanical equipment, including electrical and gas meters; heating, ventilation, and air conditioning units; radio/TV antennas; satellite dishes; and all roof mounted mechanical equipment are visually and acoustically screened in such a manner so that it is not visible from an adjacent property at or below the level of the mechanical equipment, or from a public right-of-way. All electrical transformers and other utility boxes shall be either placed underground or appropriately screened. **[Planning]**
13. Design Features. Prior to the issuance of each building permit the applicant shall provide the following design details to the Community Development Director for a determination of consistency with the design intent of the renderings and elevations and, where information on detailing is not clear, in the approved FDP plans. **[Planning]**
 - a. Provide scale architectural details at facade offsets (such as where pilasters occur or brick is superimposed over the wall face to create additional facade layers), windows (frames, recesses, trims,

projections, sunshades), parapets/cornice detailing, balcony fascias and guardrails (all buildings), and steel frames (Building D).

- b. Provide details and elevation locations for wall vents and similar mechanical equipment that may appear on facades. These should be placed to be minimally visible on the building face, placing as side walls of balconies and similar places that have less public visibility. Where placed on the building face, compose and order the vents, etc., so they do not look random and paint them to match the adjacent wall color.
- c. Provide information on the color and reflectivity of the roofing for approval. Particularly for Buildings C and B1 the roofing should be a cool roof but not produce glare with south and west facing sunlight onto the units of Buildings B2 and D that overlook these roofs.
- d. Provide information screens for rooftop mechanical at Buildings C and B1 showing how screening blocks direct views of the mechanical equipment for same level of the adjacent buildings.
- e. Provide information on window coverings for all unit conditions that demonstrate occupants will be able to open window coverings in more than one direction to allow views out while limiting privacy impacts from the people passing by at the ground level or from occupants in facing units of the same or other building.
- f. To implement the level of facade articulation shown on line work on renderings and elevations provide a minimum 2-inch offset where offsets are shown. Offsets occur at pilasters or superimposed grids facades to horizontal material bands of material and inset panels. In some cases there are two offsets used in combination. Wall/facade offsets occur from brick-to-brick, brick-to-stucco, stucco-to-stucco with color variation, and stucco to phenolic panels.
- g. At certain locations the minimum offset shall be 3 inches and preferably more with best efforts to increase the recess, to reflect deeper shadow lines on the renderings. These include offsets at vertical stucco clad pilasters and parapet cornice at Building B1 (Sheets SP-12, SP-13, and SP-14), at brick pilaster to stucco infill panel at Building B2 (see SP-15), at concrete pilaster to brick infill panel at Building B2 (see SP-17), at aluminum composite wall face to brick inset panel at Building B2 Gallery sidewall (see SP-16), and at white metal panels to phenolic or light grey metal panels at

the south and east sides of Building C near the building corners (SP-25, cover rendering of Building C plan set and Sheet C-17).

- h. To implement the appearance of windows shown on renderings windows shall be recessed a minimum of 2 inches from the nearest adjacent exterior wall face at the following adjacent surfaces: stucco, brick, phenolic panels, and smooth metal panels at Building C.
- i. Windows at other surfaces, such as ribbed metal panels (Building D) and fiber cement panels (Building B2), may have a transitional trim where the window meets the wall cladding or a minimum 2-inch recess. Trim, if used, shall be reviewed for appearance consistency with renderings and elevations.
- j. Windows at Building B2 at the three sides above the gallery (clad in metal panels, fiber cement board or thin brick), shall have projecting window trim/surrounds on all window sides similar to illustrated on Sheets SP-16 and SP-17. These picture frame-like surrounds project out from the wall face about 2 to 3 inches as seen on Sheet SP-17.
- k. Update unit plans in each building to be consistent with building floor plans and elevations for window locations, etc. For example, units D4 and D6 on the Building B2 plan set do not match the building elevations.
- l. Provide building permit plans showing soundproofing between floors and ceilings with an Impact Insulation Classification that is above the Building Code requirement, except under kitchens and bathrooms, as noted under Guideline J-60.

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

- 1. Sign Permit. Applicant shall apply for a sign permit for any proposed signs not included in this approval, in accordance with the Sign Regulations at Article 16 of Chapter 5 of Title 9 of the Emeryville Municipal Code. **[Planning]**
- 2. Master Sign Program. Applicant shall apply for a master sign program in accordance with the Section 9-5.1613 of the Emeryville Municipal Code. The master sign program shall be reviewed and approved by the Planning Commission prior to implementation. Applicant shall submit to the Community Development Director an overall tenant sign handbook, detailing sign requirements, restrictions, dimensions, colors, materials,

approval procedures, prohibited signs, a protocol for temporary signs and other specifications for the long-term operations of the sign program. When a specific sign design is submitted to the Planning Department for approval, the sign application shall indicate how the sign is consistent with the approved master sign program. **[Planning]**

3. Completion of Landscaping.

- a. Prior to issuance of a certificate of occupancy, the Project landscape architect shall confirm to the Community Development Director that all on-site landscaping is completed and in accordance with the final building permit and improvement plans, including off-site and public improvements, or that other acceptable arrangements 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]**

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

- a. All mechanical equipment, including electrical and gas meters, heating/air conditioning or ventilation units, radio/TV antennas or satellite dishes shall be appropriately screened from off-site view, and electrical transformers shall be either placed underground or appropriately screened.
- b. All trash enclosures shall be completely screened and covered from off-site view by a solid fence or masonry wall at least six feet high and in harmony with the architecture of the building(s). Alternatively, the trash facilities may be placed within the building.
- c. All visible vents, gutters, down spouts, flashings, and the like shall match the color of adjacent surfaces, or shall be incorporated into the overall exterior color and materials scheme for the building.

5. Plan of Units. Prior to issuance of each temporary certificate of occupancy, the Community Development Director shall confirm that the developer has provided the City with a plan showing the layout of units with their mailing address unit numbers, unit types, square feet, number of bedrooms, and live/work units. The information shall also be provided in a spreadsheet with the breakdown of the above information. **[Planning]**

C. ONGOING

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

viewing of lots, premises, dwellings or structures that are for sale, lease, or rent, shall be regulated by the applicable provisions of Chapter 34 of Title 5.

VIII. BONUS POINT RELATED COMMUNITY BENEFITS

- A. Final True-Up of Community Benefit Costs. Prior to the issuance of a certificate of occupancy for the last building of the PUD, the total funding available for community benefits and the total value of community benefits provided shall be determined by the Community Development Director, and any remaining excess funding shall be contributed by the Applicant to the South Bayfront Bridge and Horton Landing Park capital improvement project (Project Number 16475006). The total funding available for community benefits shall equal five percent of the final total project construction valuation as determined by the Chief Building Official. (See also Condition of Approval Number II.D. (1) and (2) of PUD13-001)
- B. Affordable Housing (50 points). Pursuant to Section 9-4.204(d) of the Planning Regulations, half of the required bonus points shall be earned through the provision of 17% of the total number of residential units as affordable units.
- C. West Oakland BART Shuttle. Prior to the issuance of the second building permit, the applicant shall submit hours of operation and location of shuttle stops to the Community Development Director for review and approval. The shuttle shall be open to the general public. The shuttle shall be in operation within 60 days of fifty percent of the total residential units for the project. Subsidized ride hailing services may not be substituted for a shuttle.
- D. Public Art Gallery and Community Room. Prior to the issuance of the Building B-2 building permit, the applicant shall submit a tenant improvement plan to the Community Development Director for review and approval in accordance with the attached memo dated February 5, 2018 entitled Gallery Space B-2, Sherwin Williams Building B2. The approved plan shall be submitted as part of the Building B-2 building permit submittal.

Applicant shall be responsible for the day-to-day functioning and overall longer term and day-to-day maintenance of the Public Art Gallery and Community Room. Prior to the issuance of the building permit for Building B2, applicant or any masters' association or homeowners' association formed enter into an agreement with the City that shall govern

the operations and maintenance for the Public Art Gallery and Community room .

- E. Building 1-31 Pass Through. Prior to the issuance of the last temporary certificate of issuance, if the Building 1-31 Pass Through has not been constructed, applicant shall enter into an improvement agreement with the City to obtain all applicable approvals for design, and construction and to ensure the faithful performance of the design, construction, installation, and inspection of the Building 1-31 Pass Through, secured by good and sufficient payment, performance, and one (1) year warranty bonds or cash deposit to cover the costs of design, constructing the improvement based on prevailing wage rates and to cover administrative expenses. In the event that applicant and City enter into an improvement agreement, the valuation of construction for purposes of determining community benefits, shall be based upon the valuation of construction as provided in Condition VIII.A, and not upon the value of the bonds or cash deposit.

- F. Public Improvements and Utility Undergrounding. Prior to the issuance of the last temporary certificate of issuance, if the Public Improvements identified in PDP Condition of Approval II.D.(2)(c) have not been completed and there is sufficient funding for community benefits available, applicant shall enter into an improvement agreement with the City to obtain all applicable approvals for design, and construction and to ensure the faithful performance of the design, construction, installation, and inspection of the Public Improvements identified in PDP Condition of Approval II.D.(2)(c), secured by good and sufficient payment, performance, and one (1) year warranty bonds or cash deposit to cover the costs of design, constructing the improvement based on prevailing wage rates and to cover administrative expenses. In the event that applicant and City enter into an improvement agreement, the valuation of construction for purposes of determining community benefits, shall be based upon the valuation of construction as provided in Condition VIII.A, and not upon the value of the bonds or cash deposit.

IX. STORMWATER

A. GENERAL.

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

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

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT.

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

Measures Operation and Maintenance Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, operation, and maintenance of the stormwater treatment systems. **[City Attorney/Public Works]**

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

X. FUTURE LAND USE APPROVAL PROCEDURES

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

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

- 1. Permitted Uses. The following uses, as defined in Article 3 of Chapter 2 of the Planning Regulations, shall be permitted:

- a. Arts and Entertainment: Gallery
 - b. Community Assembly: Small
 - c. Eating and Drinking Establishments: Restaurants
 - d. Offices: Walk-In Clientele
 - e. Personal Services: Small and Large
 - f. Retail: Small Stores
2. Conditionally Permitted Uses. The following uses, as defined in Article 3 of Chapter 2 of the Planning Regulations, shall be allowed upon the granting of a conditional use permit by the Planning Commission pursuant to Article 5 of Chapter 7 of the Planning Regulations:
 - a. Animal Care and Sales: Pet Stores
 - b. Eating and Drinking Establishments: Bars/Nightclubs/Lounges
 - c. Retail: Liquor Sales
 - d. Retail: Food and Beverage Sales
3. Local-serving Small Businesses. All permitted and conditionally permitted uses listed in Conditions X.C.1 and X.C.2 above shall be “Local-serving”, as that term is defined in Section 9-8.212(g) of the Planning Regulations, and “Small Businesses” as that term is defined in Section 5-37.01(g) of Chapter 37 of Title 5 of the Emeryville Municipal Code, except as specified in Condition X.C.4 below.
4. Exceptions. Uses that are not Local-serving and/or Small Businesses, as defined above, shall be allowed upon the granting of a conditional use permit by the City Council upon a recommendation from the Planning Commission, pursuant to Article 5 of Chapter 7 of the Planning Regulations, provided that the following findings are made in addition to the findings required by Article 5 of Chapter 7:
 - a. That the applicant had convincingly demonstrated that it is infeasible for the space to be occupied by a Local-serving and/or Small Business use.
 - b. That the use is permitted or conditionally permitted in the MUR Mixed Use with Residential zone.
 - c. That all applicable requirements of the Planning Regulations pertaining to the use in question have been met.

D. LIVE/WORK STANDARDS.

1. Live/Work Regulations and Conditions. All live/work units in the Project are subject to the Live/Work Regulations at Article 9 of Chapter 5 of Title 9 of the Emeryville Municipal Code. A copy of these conditions of approval and the Live/Work Regulations shall be provided to all occupants of live/work units in the building prior to their execution of a lease or purchase agreement.
2. Zoning Compliance Review. The owner or occupant of each live/work unit shall receive zoning compliance approval. The zoning compliance approval shall identify the occupant(s) and use(s) of the live/work unit and demonstrate compliance with these conditions of approval. The zoning compliance approval for each live/work unit shall be posted in the work portion of the unit.
3. Permitted Uses. The work uses are permitted in this live/work Project are uses that are permitted by right or permitted with a minor conditional use permit in the Mixed Use with Residential (MUR) zone and shall be subject to an administrative zoning compliance review and approval procedure by the Community Development Director as part of the business license review.
4. Uses Requiring Planning Commission Approval. The following uses shall require Planning Commission approval: 1) those uses that are not listed in subsection 3 above; 2) when the results of the administrative review indicate that the use may result in a potentially adverse impact; or 3) the use involves hours of operation earlier than 7:00 a.m. or later than 10:00 p.m.
5. Limitations on Living Area. Not more than eighty percent (50%) of the floor area of each live/work unit shall be devoted to living area.
6. Change of Use or Occupancy. The owner or occupant of a live/work unit shall notify the City of any change in use or occupancy. Any change of use or occupancy shall require a new zoning compliance approval.
7. Activities Outside Building. No sales of merchandise or services, or any business activity related to any live/work shall take place outside of the building without the prior approval of the Community Development Director.
8. Building Management. A building manager shall be designated for the live/work building to serve as a liaison between City personnel and live/work occupants, and between live/work occupants and commercial or

industrial occupants. The building manager shall be provided with a copy of all occupancy permits, and shall notify the City of any changes in use or occupancy. The building manager shall report any infringements of permit conditions. The owner of the live/work building shall inform the Community Development Director of the name and telephone number of the building manager, and shall notify the Director of any changes thereto.

9. Inspections. Live/work units shall be subject to periodic inspections by the City's fire, building, health and safety personnel from 9:00 a.m. to 5:00 p.m. on all days except Saturdays, Sundays, and legal holidays.
10. Performance Standards. Noise and odors which are perceptible beyond the parcel line of the live/work building and which are caused by activities within the live/work building shall not be permitted to exceed the levels specified for residential districts in Article 11 of Chapter 5 of Title 9 of the Emeryville Municipal Code.
11. Conversion of Live/Work Units. Any live/work unit may be converted to a wholly nonresidential use, subject to the requirements of Condition of Approval X.C. above.

Attachments:

- (1) Fee Charts – Building Permit Fees
- (2) Construction Sign Prototype
- (3) Fire Department Conditions of Approval Checklist
- (4) Memo dated February 5, 2018 entitled "Gallery Space B-2, Sherwin Williams Building B2
- (5) Stormwater Pollution Prevention and Source Control Measures

PROJECT

Sherwin Williams Building B1

PRELIMINARY FEE CALCULATIONS

Valuation

\$ 14,055,291.30

Print Date: February 9, 2018

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 112,442.33			\$ 112,442.33	
Plan Review Fee	\$ 73,087.51			\$ 73,087.51	
Energy Review Fee	\$ 14,055.29			\$ 14,055.29	
Electrical Permit Fee	\$ 22,488.47			\$ 22,488.47	
Plumbing Permit Fee	\$ 20,239.62			\$ 20,239.62	
Mechanical Permit Fee	\$ 19,115.20			\$ 19,115.20	
S.M.I.P.	\$ 3,935.48			\$ 3,935.48	
Microfiche	\$ 1,124.42			\$ 1,124.42	
Fire Department Fees	\$ 44,976.93			\$ 44,976.93	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 84,544.00			\$ 84,544.00	
Bay-Shell-Mound Contingent Fees				\$ -	NA residential
Transportation Facility Fees	\$ -			\$ -	To be calculated later per MD
School Fees	\$ 233,442.00			\$ 233,442.00	
Art In Public Places	\$ 70,276.46			\$ 70,276.46	
Technology Fee	\$ 14,055.29			\$ 14,055.29	
Building Standards Commision Fee	\$ 563.00			\$ 563.00	
General Plan Maintenance Fee	\$ 70,276.46			\$ 70,276.46	
Affordable Housing Fee	\$ -			\$ -	To be calculated later per MD
Parks and Recreation Fee	\$ -			\$ -	To be calculated later per MD
TOTAL:	\$ 784,622.46		\$ -	\$ 784,622.46	784,622.46

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 73,087.51		\$ -	\$ 73,087.51	
Energy Review Fee	\$ 14,055.29		\$ -	\$ 14,055.29	
Other Fees	**				
Sub Total:	\$ 87,142.81		\$ -	\$ 87,142.81	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 112,442.33		\$ -	\$ 112,442.33	
Electrical Permit Fee	\$ 22,488.47		\$ -	\$ 22,488.47	
Plumbing Permit Fee	\$ 20,239.62		\$ -	\$ 20,239.62	
Mechanical Permit Fee	\$ 19,115.20		\$ -	\$ 19,115.20	
S.M.I.P.	\$ 3,935.48		\$ -	\$ 3,935.48	
Microfiche	\$ 1,124.42		\$ -	\$ 1,124.42	
Fire Department Fees	\$ 44,976.93		\$ -	\$ 44,976.93	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 84,544.00		\$ -	\$ 84,544.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ -		\$ -	\$ -	
School Fees	\$ 233,442.00		\$ -	\$ 233,442.00	
Art In Public Places	\$ 70,276.46		\$ -	\$ 70,276.46	
Technology Fee	\$ 14,055.29		\$ -	\$ 14,055.29	
Building Standards Commision Fee	\$ 563.00		\$ -	\$ 563.00	
General Plan Maintenance Fee	\$ 70,276.46		\$ -	\$ 70,276.46	
Affordable Housing Fee	\$ -		\$ -	\$ -	
Parks and Recreation Fee	\$ -		\$ -	\$ -	
Sub Total:	\$ 697,479.65		\$ -	\$ 697,479.65	

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: Sherwin Williams Building B1

PRELIMINARY FEE CALCULATIONS

DATE: February 6, 2018

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:			\$ 14,055,291.30
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 112,442.33
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)			\$ 73,087.51
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 14,055.29
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 22,488.47
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 20,239.62
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 19,115.20
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 3,935.48
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 1,124.42
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 44,976.93
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$264.00 per Trap or \$1321.00 per Dwelling Unit	New traps - traps removed		\$ 84,544.00
	Number of Dwelling Units	64	
BAY SHELLMOUND FEES			
TRANSPORTATION FACILITY FEE (effective 7/1/2017 - 6/30/2018)			\$ -
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 233,442.00
ART IN PUBLIC PLACES (Residential Projects > 19 units Artwork or in-lieu fee -0.5% of valu.)			\$ 70,276.46
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 14,055.29
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 563.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 70,276.46
AFFORDABLE HOUSING (effective 7/1/2017 - 6/30/2018)			\$ -
PARKS AND RECREATION (effective 7/1/2017 - 6/30/2018)			\$ -
TOTAL			\$ 784,622.46

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

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

FEE PAYMENT SCHEDULE:**AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:**

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

AT ISSUANCE OF FIRST BUILDING PERMIT

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

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

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

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

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.04	Air Cond. + 8.14/6.79	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.04	\$6.79	1	(\$)	(\$)
III	Apartments	5	78,600	\$ 172.01	\$ 177.05	\$ 177.05	\$177.05	\$ 178.82	\$ 14,055,291.30
				\$ 159.02	\$ 164.06	\$ 170.85	\$170.85	\$ 172.56	\$ -
				\$ 159.80	\$ 164.84	\$ 171.63	\$171.63	\$ 173.35	\$ -
				\$ 159.02	\$ 164.06	\$ 170.85	\$170.85	\$ 172.56	\$ -
				\$ 158.32	\$ 163.36	\$ 170.15	\$170.15	\$ 171.85	\$ -
Totals		5	78,600						\$ 14,055,291.30
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.01	\$ 2.37	\$ 2.67		\$ -
DECLARED VALUATION									\$ 12,900,000.00
								TOTAL	\$ 14,055,291.30

BUILDING PERMIT FEE CALCULATIONS: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION	\$ 14,055,291.30		
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 13,805,291.30	0.80%	\$ 110,442.33
BUILDING PERMIT FEE:			\$ 112,442.33

SPRINKLER PERMIT FEE CALCULATIONS: Valuation is the replacement cost of the project once it is completed. fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION	\$ 396,144.00		
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	1.00%	\$ 500.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.75%	\$ 1,500.00
Over \$ 250,000.00	\$ 146,144.00	0.50%	\$ 730.72
SPRINKLER PERMIT FEE:			\$ 2,730.72
SPRINKLER PLAN CHECK FEE:			\$ 1,774.97
TOTAL FEE:			\$ 4,505.69

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial		\$ 0.47	\$ -
Live/work		\$ 1.72	\$ -
*Residential - Emeryville Only	78,600	\$ 2.97	\$ 233,442.00
Existing Building Credit		\$ 0.47	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 233,442.00

(School fees reflect the new fees effective May 29, 2007)

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

PROJECT

Sherwin Williams Building B2

PRELIMINARY FEE CALCULATIONS

Valuation

\$ 47,828,613.75

Print Date: February 9, 2018

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 382,628.91			\$ 382,628.91	
Plan Review Fee	\$ 248,708.79			\$ 248,708.79	
Energy Review Fee	\$ 47,828.61			\$ 47,828.61	
Electrical Permit Fee	\$ 76,525.78			\$ 76,525.78	
Plumbing Permit Fee	\$ 68,873.20			\$ 68,873.20	
Mechanical Permit Fee	\$ 65,046.91			\$ 65,046.91	
S.M.I.P.	\$ 13,392.01			\$ 13,392.01	
Microfiche	\$ 3,826.29			\$ 3,826.29	
Fire Department Fees	\$ 153,051.56			\$ 153,051.56	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 172,380.00			\$ 172,380.00	Retail not included
Bay-Shell-Mound Contingent Fees				\$ -	To be determined for Retail
Transportation Facility Fees	\$ -			\$ -	To be calculated later per MD
School Fees	\$ 527,480.03			\$ 527,480.03	
Art In Public Places	\$ 241,424.89			\$ 241,424.89	Prorated for Mixed Use
Technology Fee	\$ 47,828.61			\$ 47,828.61	
Building Standards Commision Fee	\$ 1,914.00			\$ 1,914.00	
General Plan Maintenance Fee	\$ 239,143.07			\$ 239,143.07	
Affordable Housing Fee	\$ -			\$ -	To be calculated later per MD
Parks and Recreation Fee	\$ -			\$ -	To be calculated later per MD
TOTAL:	\$ 2,290,052.68		\$ -	\$ 2,290,052.68	2,290,052.68

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 248,708.79		\$ -	\$ 248,708.79	
Energy Review Fee	\$ 47,828.61		\$ -	\$ 47,828.61	
Other Fees	**				
Sub Total:	\$ 296,537.41		\$ -	\$ 296,537.41	

FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 382,628.91		\$ -	\$ 382,628.91	
Electrical Permit Fee	\$ 76,525.78		\$ -	\$ 76,525.78	
Plumbing Permit Fee	\$ 68,873.20		\$ -	\$ 68,873.20	
Mechanical Permit Fee	\$ 65,046.91		\$ -	\$ 65,046.91	
S.M.I.P.	\$ 13,392.01		\$ -	\$ 13,392.01	
Microfiche	\$ 3,826.29		\$ -	\$ 3,826.29	
Fire Department Fees	\$ 153,051.56		\$ -	\$ 153,051.56	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 172,380.00		\$ -	\$ 172,380.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ -		\$ -	\$ -	
School Fees	\$ 527,480.03		\$ -	\$ 527,480.03	
Art In Public Places	\$ 241,424.89		\$ -	\$ 241,424.89	
Technology Fee	\$ 47,828.61		\$ -	\$ 47,828.61	
Building Standards Commision Fee	\$ 1,914.00		\$ -	\$ 1,914.00	
General Plan Maintenance Fee	\$ 239,143.07		\$ -	\$ 239,143.07	
Affordable Housing Fee	\$ -		\$ -	\$ -	
Parks and Recreation Fee	\$ -		\$ -	\$ -	
Sub Total:	\$ 1,993,515.28		\$ -	\$ 1,993,515.28	

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: Sherwin Williams Building B2

PRELIMINARY FEE CALCULATIONS

DATE: February 6, 2018

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:			\$ 47,828,613.75
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 382,628.91
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)			\$ 248,708.79
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 47,828.61
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 76,525.78
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 68,873.20
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 65,046.91
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 13,392.01
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 3,826.29
FIRE DEPARTMENT FEES (New Construction, T.I.'s - 40% of Building Permit Fee)			\$ 153,051.56
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$265.00 per Trap or \$1326.00 per Dwelling Unit	New traps - traps removed		\$ 172,380.00
	Number of Dwelling Units	130	
BAY SHELLMOUND FEES			
TRANSPORTATION FACILITY FEE (effective 7/1/2017 - 6/30/2018)			\$ -
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 527,480.03
ART IN PUBLIC PLACES (Residential Projects > 19 units Artwork or in-lieu fee -0.5% of valu.)			\$ 241,424.89
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 47,828.61
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 1,914.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 239,143.07
AFFORDABLE HOUSING (effective 7/1/2017 - 6/30/2018)			\$ -
PARKS AND RECREATION (effective 7/1/2017 - 6/30/2018)			\$ -
TOTAL			\$ 2,290,052.68

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

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

FEE PAYMENT SCHEDULE:**AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:**

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

AT ISSUANCE OF FIRST BUILDING PERMIT

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

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

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

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

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.04	Air Cond. + 8.14/6.79	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.04	\$6.79	1	(\$)	(\$)
III	Apartments	6	177,124	\$ 172.01	\$ 177.05	\$ 177.05	\$177.05	\$ 179.71	\$ 31,830,201.26
I	Garage	6	154,800	\$ 94.83	\$ 99.87	\$ 99.87	\$99.87	\$ 101.37	\$ 15,691,774.14
I	Retail	6	3,025	\$ 159.80	\$ 164.84	\$ 172.98	\$172.98	\$ 175.57	\$ 306,638.35
				\$ 159.02	\$ 164.06	\$ 170.85	\$170.85	\$ 173.41	\$ -
				\$ 158.32	\$ 163.36	\$ 170.15	\$170.15	\$ 172.70	\$ -
Totals		6	334,949						\$ 47,828,613.75
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.01	\$ 2.37	\$ 2.67		\$ -
DECLARED VALUATION									\$ 43,529,000.00
								TOTAL	\$ 47,828,613.75

BUILDING PERMIT FEE CALCULATIONS: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.

TOTAL VALUATION		\$ 47,828,613.75	
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 47,578,613.75	0.80%	\$ 380,628.91
BUILDING PERMIT FEE:			\$ 382,628.91

SPRINKLER PERMIT FEE CALCULATIONS: Valuation is the replacement cost of the project once it is completed. fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.

TOTAL VALUATION		\$ 1,688,142.96	
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	1.00%	\$ 500.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.75%	\$ 1,500.00
Over \$ 250,000.00	\$ 1,438,142.96	0.50%	\$ 7,190.71
SPRINKLER PERMIT FEE:			\$ 9,190.71
SPRINKLER PLAN CHECK FEE:			\$ 5,973.96
TOTAL FEE:			\$ 15,164.68

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)

TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial	3,025	\$ 0.47	\$ 1,421.75
Live/work		\$ 1.72	\$ -
*Residential - Emeryville Only	177,124	\$ 2.97	\$ 526,058.28
Existing Building Credit		\$ 0.47	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 527,480.03

(School fees reflect the new fees effective May 29, 2007)

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

PROJECT

Sherwin Williams Building C

PRELIMINARY FEE CALCULATIONS

Valuation

\$ 22,263,717.09

Print Date: February 9, 2018

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 178,109.74			\$ 178,109.74	
Plan Review Fee	\$ 115,771.33			\$ 115,771.33	
Energy Review Fee	\$ 22,263.72			\$ 22,263.72	
Electrical Permit Fee	\$ 35,621.95			\$ 35,621.95	
Plumbing Permit Fee	\$ 32,059.75			\$ 32,059.75	
Mechanical Permit Fee	\$ 30,278.66			\$ 30,278.66	
S.M.I.P.	\$ 6,233.84			\$ 6,233.84	
Microfiche	\$ 1,781.10			\$ 1,781.10	
Fire Department Fees	\$ 71,243.89			\$ 71,243.89	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 161,772.00			\$ 161,772.00	
Bay-Shell-Mound Contingent Fees				\$ -	N.A. Residential
Transportation Facility Fees	\$ -			\$ -	To be calculated later per MD
School Fees	\$ 349,168.05			\$ 349,168.05	
Art In Public Places	\$ 111,318.59			\$ 111,318.59	
Technology Fee	\$ 22,263.72			\$ 22,263.72	
Building Standards Commission Fee	\$ 891.00			\$ 891.00	
General Plan Maintenance Fee	\$ 111,318.59			\$ 111,318.59	
Affordable Housing Fee	\$ -			\$ -	To be calculated later per MD
Parks and Recreation Fee	\$ -			\$ -	To be calculated later per MD
TOTAL:	\$ 1,250,095.91		\$ -	\$ 1,250,095.91	1,250,095.91

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:					
Plan Review Fee	\$ 115,771.33		\$ -	\$ 115,771.33	
Energy Review Fee	\$ 22,263.72		\$ -	\$ 22,263.72	
Other Fees	**				
Sub Total:	\$ 138,035.05		\$ -	\$ 138,035.05	

FEES TO BE PAID AT PERMIT ISSUANCE:					
Building Permit Fee	\$ 178,109.74		\$ -	\$ 178,109.74	
Electrical Permit Fee	\$ 35,621.95		\$ -	\$ 35,621.95	
Plumbing Permit Fee	\$ 32,059.75		\$ -	\$ 32,059.75	
Mechanical Permit Fee	\$ 30,278.66		\$ -	\$ 30,278.66	
S.M.I.P.	\$ 6,233.84		\$ -	\$ 6,233.84	
Microfiche	\$ 1,781.10		\$ -	\$ 1,781.10	
Fire Department Fees	\$ 71,243.89		\$ -	\$ 71,243.89	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 161,772.00		\$ -	\$ 161,772.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ -		\$ -	\$ -	
School Fees	\$ 349,168.05		\$ -	\$ 349,168.05	
Art In Public Places	\$ 111,318.59		\$ -	\$ 111,318.59	
Technology Fee	\$ 22,263.72		\$ -	\$ 22,263.72	
Building Standards Commission Fee	\$ 891.00		\$ -	\$ 891.00	
General Plan Maintenance Fee	\$ 111,318.59		\$ -	\$ 111,318.59	
Affordable Housing Fee	\$ -		\$ -	\$ -	
Parks and Recreation Fee	\$ -		\$ -	\$ -	
Sub Total:	\$ 1,112,060.86		\$ -	\$ 1,112,060.86	

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

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Sherwin Williams Building C
 DATE: February 6, 2018
 PREPARED BY: Courtney

PRELIMINARY FEE CALCULATIONS

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:			\$ 22,263,717.09
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 178,109.74
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)			\$ 115,771.33
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 22,263.72
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 35,621.95
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 32,059.75
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 30,278.66
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 6,233.84
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 1,781.10
FIRE DEPARTMENT FEES (New Construction, T.I's - 40% of Building Permit Fee)			\$ 71,243.89
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$265.00 per Trap or \$1326.00 per Dwelling Unit	New traps - traps removed		\$ 161,772.00
	Number of Dwelling Units	122	
BAY SHELLMOUND FEES			
TRANSPORTATION FACILITY FEE (effective 7/1/2017 - 6/30/2018)			\$ -
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 349,168.05
ART IN PUBLIC PLACES (Residential Projects > 19 units Artwork or in-lieu fee -0.5% of valu.)			\$ 111,318.59
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 22,263.72
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 891.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 111,318.59
AFFORDABLE HOUSING (effective 7/1/2017 - 6/30/2018)			\$ -
PARKS AND RECREATION (effective 7/1/2017 - 6/30/2018)			\$ -
TOTAL			\$ 1,250,095.91

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

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

FEE PAYMENT SCHEDULE:**AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:**

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

AT ISSUANCE OF FIRST BUILDING PERMIT

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

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

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

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

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.04	Air Cond. + 8.14/6.79	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.04	\$6.79	1	(\$)	(\$)
III	Apartments	5	117,565	\$ 172.01	\$ 177.05	\$ 177.05	\$177.05	\$ 178.82	\$ 21,023,032.08
I	Garage	5	12,300	\$ 94.83	\$ 99.87	\$ 99.87	\$99.87	\$ 100.87	\$ 1,240,685.01
				\$ 159.80	\$ 164.84	\$ 171.63	\$171.63	\$ 173.35	\$ -
				\$ 159.02	\$ 164.06	\$ 170.85	\$170.85	\$ 172.56	\$ -
				\$ 158.32	\$ 163.36	\$ 170.15	\$170.15	\$ 171.85	\$ -
Totals		5	129,865						\$ 22,263,717.09
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.01	\$ 2.37	\$ 2.67		\$ -
DECLARED VALUATION									\$ 20,400,000.00
							TOTAL		\$ 22,263,717.09

BUILDING PERMIT FEE CALCULATIONS: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION	\$ 22,263,717.09		
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 22,013,717.09	0.80%	\$ 176,109.74
BUILDING PERMIT FEE:			\$ 178,109.74

SPRINKLER PERMIT FEE CALCULATIONS: Valuation is the replacement cost of the project once it is completed. fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.			
TOTAL VALUATION	\$ 654,519.60		
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	1.00%	\$ 500.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.75%	\$ 1,500.00
Over \$ 250,000.00	\$ 404,519.60	0.50%	\$ 2,022.60
SPRINKLER PERMIT FEE:			\$ 4,022.60
SPRINKLER PLAN CHECK FEE:			\$ 2,614.69
TOTAL FEE:			\$ 6,637.29

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)			
TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial		\$ 0.47	\$ -
Live/work		\$ 1.72	\$ -
*Residential - Emeryville Only	117,565	\$ 2.97	\$ 349,168.05
Existing Building Credit		\$ 0.47	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 349,168.05

(School fees reflect the new fees effective May 29, 2007)

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

PROJECT

Sherwin Williams Building D

PRELIMINARY FEE CALCULATIONS

Valuation

\$ 36,460,110.97

Print Date: February 9, 2018

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 291,680.89			\$ 291,680.89	
Plan Review Fee	\$ 189,592.58			\$ 189,592.58	
Energy Review Fee	\$ 36,460.11			\$ 36,460.11	
Electrical Permit Fee	\$ 58,336.18			\$ 58,336.18	
Plumbing Permit Fee	\$ 52,502.56			\$ 52,502.56	
Mechanical Permit Fee	\$ 49,585.75			\$ 49,585.75	
S.M.I.P.	\$ 10,208.83			\$ 10,208.83	
Microfiche	\$ 2,916.81			\$ 2,916.81	
Fire Department Fees	\$ 116,672.36			\$ 116,672.36	
Fire Suppression Fees	\$ -			\$ -	Under separate permit
Sewer Connection Fees	\$ 243,984.00			\$ 243,984.00	
Bay-Shell-Mound Contingent Fees				\$ -	N.A. Residential
Transportation Facility Fees	\$ -			\$ -	To be calculated later per MD
School Fees	\$ 528,695.64			\$ 528,695.64	
Art In Public Places	\$ 182,300.55			\$ 182,300.55	
Technology Fee	\$ 36,460.11			\$ 36,460.11	
Building Standards Commission Fee	\$ 1,459.00			\$ 1,459.00	
General Plan Maintenance Fee	\$ 182,300.55			\$ 182,300.55	
Affordable Housing Fee	\$ -			\$ -	To be calculated later per MD
Parks and Recreation Fee	\$ -			\$ -	To be calculated later per MD
TOTAL:	\$ 1,983,155.92		\$ -	\$ 1,983,155.92	1,983,155.92

FEES TO BE PAID AT PLAN CHECK SUBMITTAL:					
Plan Review Fee	\$ 189,592.58		\$ -	\$ 189,592.58	
Energy Review Fee	\$ 36,460.11		\$ -	\$ 36,460.11	
Other Fees	**				
Sub Total:	\$ 226,052.69		\$ -	\$ 226,052.69	

FEES TO BE PAID AT PERMIT ISSUANCE:					
Building Permit Fee	\$ 291,680.89		\$ -	\$ 291,680.89	
Electrical Permit Fee	\$ 58,336.18		\$ -	\$ 58,336.18	
Plumbing Permit Fee	\$ 52,502.56		\$ -	\$ 52,502.56	
Mechanical Permit Fee	\$ 49,585.75		\$ -	\$ 49,585.75	
S.M.I.P.	\$ 10,208.83		\$ -	\$ 10,208.83	
Microfiche	\$ 2,916.81		\$ -	\$ 2,916.81	
Fire Department Fees	\$ 116,672.36		\$ -	\$ 116,672.36	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ 243,984.00		\$ -	\$ 243,984.00	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fee	\$ -		\$ -	\$ -	
School Fees	\$ 528,695.64		\$ -	\$ 528,695.64	
Art In Public Places	\$ 182,300.55		\$ -	\$ 182,300.55	
Technology Fee	\$ 36,460.11		\$ -	\$ 36,460.11	
Building Standards Commission Fee	\$ 1,459.00		\$ -	\$ 1,459.00	
General Plan Maintenance Fee	\$ 182,300.55		\$ -	\$ 182,300.55	
Affordable Housing Fee	\$ -		\$ -	\$ -	
Parks and Recreation Fee	\$ -		\$ -	\$ -	
Sub Total:	\$ 1,757,103.23		\$ -	\$ 1,757,103.23	

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

CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

PROJECT: Sherwin Williams Building D

PRELIMINARY FEE CALCULATIONS

DATE: February 6, 2018

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:			\$ 36,460,110.97
TYPE OF PERMIT OR FEE			AMOUNT
BUILDING PERMIT FEE (See calculation below)			\$ 291,680.89
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential <)			\$ 189,592.58
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$ 36,460.11
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$ 58,336.18
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$ 52,502.56
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$ 49,585.75
S.M.I.P. (Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$ 10,208.83
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages	
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$ 2,916.81
FIRE DEPARTMENT FEES (New Construction, T.I.'s - 40% of Building Permit Fee)			\$ 116,672.36
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			
SEWER CONNECTION FEE * \$265.00 per Trap or \$1326.00 per Dwelling Unit	New traps - traps removed		\$ 243,984.00
	Number of Dwelling Units	184	
BAY SHELLMOUND FEES			
TRANSPORTATION FACILITY FEE (effective 7/1/2017 - 6/30/2018)			\$ -
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$ 528,695.64
ART IN PUBLIC PLACES (Residential Projects > 19 units Artwork or in-lieu fee -0.5% of valu.)			\$ 182,300.55
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$ 36,460.11
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$ 1,459.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$ 182,300.55
AFFORDABLE HOUSING (effective 7/1/2017 - 6/30/2018)			\$ -
PARKS AND RECREATION (effective 7/1/2017 - 6/30/2018)			\$ -
TOTAL			\$ 1,983,155.92

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

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

FEE PAYMENT SCHEDULE:**AT SUBMITTAL OF INITIAL BUILDING PERMIT APPLICATION AND PLANS:**

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

AT ISSUANCE OF FIRST BUILDING PERMIT

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

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

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

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

VALUATION CALCULATIONS:

Type of Const.	Use	Number of Floors	Gross Floor Area	Square Foot Cost	Sprinklers + \$5.04	Air Cond. + 8.14/6.79	Modifier x 1.00	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.04	\$6.79	1	(\$)	(\$)
III	Apartments	6	178,012	\$ 172.01	\$ 177.05	\$ 177.05	\$177.05	\$ 179.71	\$ 31,989,779.97
I	Garage	5	44,100	\$ 94.83	\$ 99.87	\$ 99.87	\$99.87	\$ 101.37	\$ 4,470,331.01
				\$ 159.80	\$ 164.84	\$ 171.63	\$171.63	\$ 174.20	\$ -
				\$ 159.02	\$ 164.06	\$ 170.85	\$170.85	\$ 173.41	\$ -
				\$ 158.32	\$ 163.36	\$ 170.15	\$170.15	\$ 172.70	\$ -
Totals		6	222,112						\$ 36,460,110.97
Exist. Bldg. Adjustment - 80% (No credit for existing sprinklers or HVAC)									
	W'House				\$ 2.40	\$ 2.40	\$ 2.40		\$ -
T.I. ONLY Adjustment * 20%									
				\$ -	\$ 1.01	\$ 2.37	\$ 2.67		\$ -
DECLARED VALUATION									\$ 33,070,000.00
								TOTAL	\$ 36,460,110.97

BUILDING PERMIT FEE CALCULATIONS: (Valuation is the replacement cost of the project once it is completed.) Grading, Demolition and Fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.

TOTAL VALUATION		\$ 36,460,110.97	
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	0.80%	\$ 400.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.80%	\$ 1,600.00
Over \$ 250,000.00	\$ 36,210,110.97	0.80%	\$ 289,680.89
BUILDING PERMIT FEE:			\$ 291,680.89

SPRINKLER PERMIT FEE CALCULATIONS: Valuation is the replacement cost of the project once it is completed. fire Sprinkler Permits are calculated in the same way except that the contract price may be used instead of the valuation.

TOTAL VALUATION		\$ 1,119,444.48	
VALUATION BASIS	AMOUNT	PERCENTAGE	TOTAL
\$ 1.00 - \$ 50,000.00	\$ 50,000.00	1.00%	\$ 500.00
\$ 50,000.00 - \$ 250,000.00	\$ 200,000.00	0.75%	\$ 1,500.00
Over \$ 250,000.00	\$ 869,444.48	0.50%	\$ 4,347.22
SPRINKLER PERMIT FEE:			\$ 6,347.22
SPRINKLER PLAN CHECK FEE:			\$ 4,125.69
TOTAL FEE:			\$ 10,472.92

EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION: (D78)

TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial		\$ 0.47	\$ -
Live/work		\$ 1.72	\$ -
*Residential - Emeryville Only	178,012	\$ 2.97	\$ 528,695.64
Existing Building Credit		\$ 0.47	\$ -
Low Income Housing Credit			\$ -
SCHOOL DISTRICT FEE:			\$ 528,695.64

(School fees reflect the new fees effective May 29, 2007)

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

Construction Sign - Minimum 3" letters

3 feet

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

4 feet



Alameda County Fire Department

Fire Prevention Bureau

Plan Review Comments

1333 Park Av, Emeryville, California 94608 (510) 596-3759 Fax (510) 658-8095

Address		PLN##		FD #	
Business	Sherwin Williams Architectural FDP			Occ. Class	R2/M/S2
Job Description	4 Buildings with Livework Units, Residential Units, Residential Amenities, Retail and Parking				
Fire Department Contact	Bonnie Terra Bonnie.terra@acgov.org	Date	4/6/16	Review #	1

Review of Planning referrals are usually based on information and plans that lack sufficient information and details for specific comments. The primary focus of our review is to assure fire access to the site. Specific fire and building code issues will be addressed during the regular building permit submittal and review process.

1. Plans are to conform to the currently adopted codes and standards at time of building permit submittal.
2. On the plans show locations of all fire hydrants within 400 feet of the project.
3. On the plans provide a section showing the ladder access to the rescue windows of the new buildings and new sleeping rooms. The ladders shall be shown at a 65 degree angle. There needs to be 3 feet clear space in front and to the sides of the ladder.
4. On the plans it is not clear where the emergency egress/windows are located. Clearly show these on the plans.
5. On the plans provide the following building information for each building: Occupancy classification, type of construction, number of stories, square footage of each floor, total square footage of the building, fire sprinklers are required.
5. For high-rise buildings show the location of the required secondary on site water supply.
6. It appears that buildings B2 and D are high-rise buildings. Building D is shown with a fire pump, Building B2 is not shown with a fire pump. Please clarify.
7. Clearly demonstrate how high-rise buildings comply with Section 914.3 of the 2016 California Fire Code
8. Fire pump rooms are to be constructed in accordance with Section 913.2.1 of the 2016 California Building Code and NFPA 20. On the plans state type of fire pump to be installed (diesel, gas?).

9. On the plans provide a deferred approval heading for the required Fire Sprinkler System, Fire Alarm System, Fire service underground, Fire Pump and Standpipe systems as each require a separate submittal, permit, plan review, inspections and fees.
10. On the plans show locations of the required building address'.
11. On the plans show the locations of the required fire department key box for the retail spaces and the entrance to the residential portion of the buildings.
12. On the plans show the locations of the required fire extinguishers and state their rating.
13. On the plans a pool is shown on the roof of Building B2. Where will the pool chemicals be stored? How will they be stored? Please clarify.
14. On the plans show the required separation between the parking and the residential portions of the building.
15. Will the buildings be provided with generators? Show the locations and type of generators (diesel?) to be installed.
16. Fire department access roads are to have a clear width of 20 feet and a clear vertical height of 13'6". In front of fire hydrants the width is required to be 26 feet in width with a clear vertical height of 13'6".
17. As per Section 905.4(1) In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plans. Hose connections shall be located at an intermediate landing between stories. Show this on the plans.
18. On the floor plans it appears that Building B1 has dead end corridors in excess of 50 feet which is not permitted. (Section 1020.4(2) of the 2016 California building Code.)
19. Please clarify how the Co-Working space in Building B2 is used.
20. On the first floor of Building B2 there appears to be a dead end greater than 50 feet between the Lobby and Co-working space which is not permitted.
21. On the first floor of Building C there appears to be a dead end greater than 50 feet between Lobby and Fitness/exhaust which is not permitted.
22. On the first floor of Building D there appears to be a dead end corridor greater than 50 feet which is not permitted.
23. Provide an exit analysis for each floor of each building clearly showing how travel distances are met.

24. Note: A thorough review could not be conducted at this time as the plans are substantially incomplete.

2/5/18

Gallery Space- B2

Sherwin Williams Building B2 Emeryville California

The Gallery space to be constructed is about 3,000sf on the ground floor of a new residential building. The following is a narrative program and a description of the finishes and fixtures for a fully code compliant space ready for move in.

Program

- The space must accommodate code compliant ADA accessible bathrooms to be used exclusively by the gallery staff, users and visitors. Number of rooms and fixtures to be arrived at after a full building code research, design and a preliminary review by the Building Department.
- Conference area to accommodate up to 15 people
- An office for a staff
- A fully enclosed or semi-enclosed prep/storage/set up room that can also be used for small projects
- Kitchenette equipped with counter and sink, dishwasher and a refrigerator.
- An area open to the main gallery for staff/sitter with a potential built-in reception/work station.
- Movable display walls inside of the storefront windows.

Material/Finishes/Fixtures

- Ceilings to be painted sheet rock where required; wood slats attached to a hung Unistrut system at main gallery space.
- Gallery display walls to be plywood backed sheet rock walls
- Walls to be Level 5 plaster finish, painted.
- Floors to be generally ground and sealed concrete. A small percentage might be wood or carpeting.
- Window covering, Mecho Shades based on tenants' specification for visibility and natural light control
- All casework to be custom grade
- Hardware to be standard use or better.
- Storefront entry doors wide enough to easily accommodate the transport of artwork in and out, 6' minimum

Mechanical/ Electrical/ plumbing

- Provide a complete HVAC system appropriate for a gallery use.
- Provide at least 400 Amps of electricity to the space
- Provide up to 6 secure/tamper proof exterior electrical outlets at the Plaza.

- All plumbing and electrical/lighting fixtures and outlets to be furnished and installed based on the tenant's specification.
- Phone and Data connections to be provided and installed based on tenant's requirements.

Signage to be provided.

Parking for employees and visitors.

Use of outdoor area/Plaza for special events.



City of Emeryville • Department of Public Works
Stormwater Permit Application and Inspection Requirements

Project NAME: _____	Address: _____
APPLICANT (Contact person): _____	OWNER/DEVELOPER: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE, ZIP: _____	CITY, STATE, ZIP: _____
PHONE: _____ EMAIL: _____	PHONE: _____ EMAIL: _____
ARCHITECT: _____	CONTRACTOR: _____
ADDRESS: _____	ADDRESS: _____
CITY, STATE, ZIP: _____	CITY, STATE, ZIP: _____
PHONE: _____ EMAIL: _____	PHONE: _____ EMAIL: _____

TWO COMPLETE SETS OF STORMWATER (C.3) PLANS
MUST BE SUBMITTED WITH THIS APPLICATION

Please complete the below:

ESTIMATED PROJECT START DATE: _____ ESTIMATED PROJECT COMPLETION DATE: _____

For Annual Regional Water Board Report:

TOTAL SITE AREA IN ACRES: _____ TOTAL LAND to be DISTURBED (ACRES): _____

TOTAL PRE-PROJECT IMPERVIOUS SURFACE AREA (sq.ft.): _____

NEW IMPERVIOUS AREA REPLACING PERVIOUS SURFACE (sq.ft.): _____

(Attach Impervious Surface Final Form)

TOTAL REPLACED IMPERVIOUS SURFACE AREA (sq.ft.) _____

TOTAL POST-PROJECT IMPERVIOUS SURFACE AREA (sq.ft.): _____

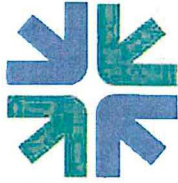
PROPOSED NUMBER OF STORMWATER TREATMENT AREAS: _____

I hereby agree to protect and indemnify the City of Emeryville and hold it harmless in every way from all claim or suits for injury or damage to persons or property as set forth in the Standard Provisions. I agree not to begin construction until all materials to be used are on hand; to perform all work in accordance with the plans submitted (if any), the Standard Provisions to this Stormwater Permit, and all applicable Special Conditions of Approval, and to pay all inspection and engineering costs in addition to those paid at the time of issuance of this permit. I further agree to complete the work to the satisfaction of the City Engineer and if for any reason the City of Emeryville is required to complete this work, I will pay all costs for such work.

After final inspection is approved, please contact the Public Works Department at 510-596-4330 to determine final cost, and for final payment or reimbursement of deposit. Failure to obtain approval of a Final Inspection of the work covered by this Stormwater Permit within one (1) year of the estimated completion date shall result in the loss of the security deposit which shall be retained by the City of Emeryville.

SW Permit No. _____	Date _____
Permit Admin. Fee: \$175 (as of 7/1/14)	
Initial Deposit estimates:	
Plan Check Cost Recovery Estimate:\$	_____
Inspection Cost Recovery Estimate:\$	_____
Total Payment Required: \$	_____
Received: \$	Date _____
Receipt #	_____
Additional Cost Recovery Estimate:\$	_____
Date Additional required:	_____
Pymt. Received:\$	Date: _____
Receipt #:	_____

Applicant Signature: _____ Date: _____



CITY OF EMERYVILLE

INCORPORATED 1896

1333 PARK AVENUE
EMERYVILLE, CALIFORNIA 94608-3517

TEL: (510) 596-4330 FAX: (510) 596-4389

Requirements for C3 Stormwater Permit Plan Check Submittal January 14, 2015

A complete packages of the following information shall be submitted:

- A. The registered engineer's stamp and wet signature should be on the plans.
- B. Completed C-3 Stormwater Permit application (from Public Works).
- C. Provide calculations (tabulations) for treatment area.
- D. Roof plumbing plans, which shows roof slopes and roof drains.
- E. Floor plumbing plans which show roof leaders and storm water drainage pipes through the building.
- F. Podium, deck and/or area drain plans and associated leaders.
- G. Size of drains and leaders.
- H. Slopes of horizontal pipes.
- I. Location of cleanouts.
- J. Pipe materials.
- K. Civil plans which show the following:
 - 1) Location of all treatment areas.
 - 2) Size and type of treatment areas.
 - 3) Drains and overflow drains from treatment areas.
 - 4) Slope of drains serving treatment areas (1%) minimum.
- L. Landscape plans which show the following:
 - 1) Type of treatment areas.
 - 2) Types of vegetation.
 - 3) Surface area of treatment areas.
 - 4) Cross references to treatment area section views.
 - 5) Cross section details of treatment systems.
 - 6) Overflow drains.
 - 7) Clean-outs.
 - 8) Waterproof membrane inside treatment systems such as flow-through planters.
- M. Provide information on the plans stating the depth to the groundwater. If the groundwater level is higher than the bottom of the treatment systems, then show how buoyancy issues will be resolved.
- N. Detail(s) of splash block and orientation of water flow on the plans to ensure the water will flow to its designated treatment area(s).
- O. Provide a detailed maintenance plan for storm water treatment measures.