

Conditional Use Permit Findings

Emeryville Municipal Code Section 9-7.505

1. The proposed use is consistent with the General Plan.

The General Plan Land Use Classifications for the property are Office/Technology with Transit Hub and North Hollis District Overlays. The proposed Health Care: Clinics and Medical Offices use is consistent with these General Plan Land Use classifications as well as consistent with the following General Plan goals and policies:

Land Use Goal LU-G-1: An overall balance of uses—Employment, residential, cultural, destination and local retail—as well as a full range of amenities and services necessary to support a vibrant community.

Parks and Open Space Policy PP-P-19: A diversity of lifestyles, ages, and income-levels will be accommodated through zoning and community facilities and programming.

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

The proposed medical offices will go into an existing mixed-use building. This use fits within the existing fabric of the area in terms of size, design and operating characteristics and will not adversely affect the surrounding area.

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

The proposed use will make use of existing facilities and will not cause an increased burden on existing utilities and resources.

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

This use will provide additional health facilities and resources in the Emeryville community.

5. The proposed use complies with all applicable standards and requirements of these Planning Regulations.

The proposed use complies with the Planning Regulations and all applicable codes.

The existing building provides 120 parking spaces, 3 of which are required for the ground floor restaurant space. This leaves 117 available parking spaces. Per Table 9-4.404 in the Planning Regulations, the estimated parking demand for Clinics and Medical Offices at 5800 Hollis is 257 parking spaces. Because 5800 Hollis is located within a Transit Hub overlay, the estimated parking demand is reduced in half to

129 parking spaces. In order to be approved as a minor conditional use permit the parking provided must be no less than 33% of the estimated parking demand: this results in a minimum parking requirement of 86 parking spaces. The existing 117 spaces is more than enough to accommodate the parking required for Clinics and Medical Offices.

CONDITIONS OF APPROVAL

**Health Care: Clinics and Medical Offices
5800 Hollis Street**

**File Number: UP14-009 Exhibit A. Conditions of Approval
November 21, 2014**

1. A Conditional Use Permit to allow for a Health Care: Clinic and Medical Offices in accordance with the application materials dated November 10, 2014, and as modified by these Conditions of Approval. Any additional uses or design modifications, including signs, will require a separate application and approval.
2. These Conditions of Approval are provided in addition to the Conditions of Approval for UP08-04: Emery Station Greenway. All provisions of the UP08-04 Conditions of Approval apply to UP14-009.
3. A Certificate of Occupancy is required. Contact Courtney Barrett of the Building Division at 510-596-4310 or cbarrett@emeryville.org for more information.
4. Building and impact fees are required. Contact Courtney Barrett of the Building Division at 510-596-4310 or cbarrett@emeryville.org for more information.
5. Building permits are required for the project. Contact Courtney Barrett of the Building Division at 510-596-4310 or cbarrett@emeryville.org for more information.
6. If the construction valuation of the project is over \$100,000, it is subject to the Private Sewer Lateral program by EBMUD. Courtney Barrett (contact above) has more information.
7. Construction hours are 7:00 am to 6:00 pm, Monday – Friday.
8. Adequate maintenance shall be provided to prevent deterioration of any exterior improvements.
9. The project is subject to all applicable provisions of the Emeryville Municipal Code including, but not limited to, the Planning Regulations in Title 9.

CONDITIONS OF APPROVAL

Emery Station Greenway Project

UP08-04/DR08-10/VAR08-01: Exhibit A. Conditions of Approval

Cit Council Resolution No. 09-86

I. COMPLIANCE WITH APPROVALS

- A. PROJECT APPROVALS. The project shall be constructed and operated in accordance with the following actions by the Planning Commission:
1. A Conditional Use Permit to allow approximately 89,678 square feet research and development office building, laboratory space and approximately 49,554 square feet of parking space in accordance with the staff report dated May 19, 2009, as modified by these Conditions of Approval.
 2. Design review approval for a four story, approximately 139,232 square foot building in accordance with the approved plans described below, as modified by these Conditions of Approval.
 3. A Variance to allow building height 58.5 feet where 55 feet is the allowed maximum in accordance with the approved plans described below, as modified by these Conditions of Approval.
 4. A minimum of 5,000 square feet of ground level leasable space will be occupied by an active pedestrian-oriented commercial use that is not office, laboratory or research and development such as café, restaurant, retail space, and/or other uses listed in Condition IX.C.

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 Planning Director to confirm that the plans substantially conform to the following except as modified by these Conditions of Approval: **[Planning]**
1. The architectural drawings entitled, Emery Station Greenway Building, submitted by DGA, sheets A1, A2, C1.0, C2.0, L1A, L2A, L2, L3, A3, A4, A5, A6, A7, A8, A9, A9A, A10, A11, A12, A13, A14 AND A15 dated January 8, 2009.
- C. APPROVAL EFFECTIVENESS AND DURATION. Pursuant to Section 9-4.82.10 of the Emeryville Municipal Code, this permit shall automatically expire if an application for a building permit has not been filed and fees have not been paid within one year from the date of this approval, and a good faith effort to commence work upon the use has not been made, as determined by the Planning Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the Planning Commission for such extension period prior to the expiration date of the permit. In no case shall the expiration period extend more than three years from the date of this approval. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval.
- 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 Planning Director.
- E. COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN. No part of this approval shall be construed to be a violation of the Emeryville Municipal Code or the General Plan. Operations on this site shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.
- F. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a

reasonable time after notice from the City of Emeryville (“City”), then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.

- G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in the property and 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 City of Emeryville Redevelopment Agency, the Bay Cities Joint Powers Insurance Authority and their respective officials, officers, agents and employees (the Indemnified Parties) against all claims, demands, and judgments or other forms of legal and or equitable relief, which may or shall result from: 1) any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final project or zoning approvals, analysis under the California Environmental Quality Act or granting of any permit issued in accordance with the Project; or 2) Applicant’s design, construction and/or maintenance of the public improvements set forth in the final building plans. Applicant shall pay for all direct and indirect costs associated with any action herein. Direct and indirect costs as used herein shall mean but not be limited to attorney’s fees, expert witness fees, and court costs including, without limitation, City Attorney time and overhead costs and other City Staff overhead costs and normal day-to-day business expenses incurred by the City including, but not limited to, any and all costs which may be incurred by the City in conducting an election as a result of a referendum filed to challenge the project approvals. The Indemnified Parties shall promptly notify the Applicant, its assignees, and successors-in-interest of any claim, demand, or legal actions that may create a claim for indemnification under this section and shall fully cooperate with Applicant, its assignees and successors-in-interest. **[City Attorney]**
- B. MITIGATION MEASURES. The mitigation measures identified in the Mitigated Negative Declaration prepared for the project are attached and incorporated by reference into this document. All mitigation measures that apply to the project’s impacts shall be considered conditions of approval of the project, as may be further refined or clarified by these Conditions of Approval. Overall monitoring compliance with the mitigation measures will be the responsibility of the Planning Director. **[Planning, et. al.]**

C. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Public Art Program. Prior to the issuance of a foundation permit, Applicant shall submit evidence of compliance with the Art in Public Places Ordinance (Article 4 of Title 3 of the Emeryville Municipal Code) by showing a signed contract to commission or purchase and to install the artwork on the development site, or by payment of the full amount of the in-lieu public art fee. If Applicant intends to install on-site art rather than pay the in-lieu public art fee, but has not supplied the above-specified information prior to the issuance of the foundation permit, payment of the in-lieu public art fee will be required and will be repaid to Applicant only at such time the above-specified information is provided to City. In addition, Redevelopment-Agency supported projects may have further requirements as set forth in the applicable agreements with the Agency. **[Economic Development]**
2. Fees, Dedications and Exactions. Conditions of Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions, attached as Exhibit A. Pursuant to Government Code Section 66020(d)(1), this set of Conditions of Approval constitutes written notice of a statement of the amount of such fees and a description of the dedications, reservations and other exactions. Applicant is hereby further notified that the 90-day approval period in which these fees, dedications, reservations and other exactions may be protested, pursuant to Government Code Section 66020(a) will begin upon approval of the aforementioned project approvals by the City of Emeryville Planning Commission. If Applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, Applicant will be legally barred from challenging such exactions

Prior to the issuance of a building permit, the Building Official shall confirm that all applicable fees due at the issuance of a building permit have been paid. **[Building]**
3. Cost Recovery Planning Fees. Prior to the issuance of a building permit, the Planning Director shall confirm that all cost recovery planning fees have been paid to date. **[Planning]**

E. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Notice to Tenants and Future Owners. Prior to the issuance of a certificate of occupancy, Applicant shall provide to the Planning 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, including a bio-technology buildings such as Emery Station East, 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 Planning Department. **[City Attorney/Planning]**
2. Fees, Dedications and Exactions. Prior to the issuance of a certificate of occupancy, the Building Official shall confirm that all applicable fees due at the issuance of a certificate of occupancy have been paid. **[Building]**
3. Cost Recovery Planning Fees. Prior to the issuance of a certificate of occupancy, the Planning Director shall confirm that all cost recovery planning fees have been paid in full. **[Planning]**
4. Bay-Shellmound Contingent Assessment. Prior to the issuance of a certificate of occupancy, the Building Official shall confirm that the Bay-Shellmound Contingent Assessment has been paid. **[Building]**
5. Public Art Program. Prior to the issuance of a certificate of occupancy, Applicant shall notify the Economic Development and Housing Department Public Art Projects Coordinator to verify Applicant's installation of the on-site public art. If City determines that public art has not been installed, Applicant shall be required to pay the in-lieu public art fee in full. **[Economic Development]**

III. BUILDING AND CONSTRUCTION REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Plans. Prior to the issuance of a building permit, the Building Official shall verify that the title sheet for the building permit drawings contains the following: **[Building]**
 - a. Permit number.
 - b. Zoning district.
 - c. FAR (density per acre for residential).
 - d. Lot area in square feet.
 - e. Total number of parking spaces with parking spaces numbered on plans in a consecutive manner and consistent with the parking summary on the title page.
 - f. Building heights with height of any appurtenances noted.
 - g. Detailed breakdown of floor areas.
 - h. Number of floors.
 - i. Existing building information (if applicable).
 - j. Total Impervious Surface area in square feet (from "Impervious Surface and Stormwater Treatment Measures Worksheet" provided by the City of Emeryville).
 - k. A list of the LEED-CS Green Building points, developed by the United States Green Building Council, that are to be incorporated into the project and the total score that would have resulted for the project if it were being certified by the USGBC (with electronic version to be submitted to the Emeryville Public Works department with notes on claimed points)
 - l. Scorecard Summary from the most recent Bay-Friendly Landscaping Guidelines checklist, as developed by StopWaste.org. (with electronic version with notes on claimed points to be emailed to the Emeryville Public Works Department Environmental Programs Staff person.)
2. Compliance with Applicable Codes. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and other related information conform to the California Codes in effect at the time, and all other applicable local ordinances. Compliance with the California Codes and local ordinances shall include, but not be limited to, seismic and geotechnical requirements for Seismic

Zone 4, and Title 24 energy conservation and disabled access requirements. **[Building]**

3. Utility Service. Prior to the issuance of a building permit, the Building Official shall confirm that the building permit plans, specifications and information include detailed plans for providing water, electrical, gas, telephone, and other like utilities services to the site, including a review of the existing services to the site and measures or improvements on-site that will be required to adequately serve the site, including the location and design of transformers (if above ground and if required) and all connections. All new and existing on-site electrical and communication lines shall be placed underground. All transformers shall be placed underground unless prior permission is granted by the City to place them above ground, in which case they shall be screened from public view by fencing, dense landscaping, or other acceptable means. **[Building]**
4. Traffic and Parking Management Plan during Construction. Prior to issuance of a building permit for any portion of the project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. **[Public Works]**
5. Construction Sign. Prior to the issuance of a building permit, Applicant shall submit a construction sign for approval by the Planning Director in accordance with the prototype provided. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 3 feet by 4 feet with a minimum letter size of 3 inches. The sign shall include this information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The contact person should be the Noise Disturbance Coordinator listed below in Condition III.B.1.c.

The sign shall be posted at the time of placing temporary fencing and start of construction activity. At least one sign shall be placed along each public street frontage of the site in a location facing the street where the

information can be easily read. Street frontages exceeding 300 feet in length shall have one sign per each 300-foot segment or fraction thereof.

[Planning]

6. Fencing. Prior to the issuance of a building permit, Applicant shall install temporary construction fence around the perimeter of the site that provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director. **[Public Works]**
7. Approval of Regulatory Agencies. Prior to the issuance of a building permit, Applicant shall submit to the Building Official copies of all other permits necessary from the applicable regulatory agencies. **[Building]**
8. Approval of Hazardous Material Regulatory Agencies. Prior to issuance of a building or grading permit, Applicant shall submit to the Planning Director confirmation that the proposed use of the site is acceptable to the appropriate regulatory agency (e.g. Regional Water Quality Control Board, Alameda County Department of Health or Department of Toxic Substances Control) and that any conditions prior to such use have been met. If a Risk Management Plan, Health and Safety Plan or similar document is required, then Applicant shall have such plan approved by the regulatory agency; shall submit copies to the Planning Director and Public Works Director; and shall comply with all provisions of such plan. **[Planning and Public Works]**
9. Lead and Asbestos. Prior to the issuance of a demolition or building permit, the Building Official shall confirm that a survey of lead-based paint (LBP) and asbestos-containing materials (ACMs) shall be completed and all identified ACMs and any loose or peeling LBP must be abated. If intact LBP is present on the site and not abated, demolition and construction activities must comply with the State's onstruction lead standard (Title 8, California Code of Regulators, Section 1532.1). **[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, and pile driving activity 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 ost.

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 Planning 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 Planning 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.

IV. PUBLIC IMPROVEMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Street Improvements. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed improvements for all street frontages of the project (i.e. Hollis Streets), including, but not limited to, construction or reconstruction of the curbs, gutters, sidewalks, driveways, curb cuts and street trees in conformance with the City of Emeryville standards, City of Emeryville Urban Forestry Ordinance and the Americans with Disabilities Act and implementing regulations and California accessibility regulations, unless the Public Works Director determines that the curb, gutter and sidewalk are already in conformance and in good condition. There shall be an effective width of at least 4 feet between obstacles (light poles, street signs, pedestrian seating, building frontages, landscaping, curb, etc.). The sidewalk width and building setbacks shall conform to the North Hollis Area Plan. **[Public Works]**
2. Site Grading and Storm Drainage. Development that contributes additional stormwater to an existing off-site drainage facility shall be required to perform a hydraulic review of the off-site drainage systems and shall be required to make improvements to the system as may be necessary to accommodate the additional stormwater flow. **[Public Works]**
3. Sanitary Sewer. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed plans and design calculations for providing sewer service to the site. If an existing sanitary sewer lateral is to be reused, it shall comply with the City Sanitary Sewer Infiltration/Inflow Reduction Standards. As requested by the Public Works Director, Applicant shall be required to review the existing public sanitary sewer main to determine if there is sufficient capacity to serve the proposed project and shall be responsible to perform any off-site improvements that may be necessary to serve the proposed project. **[Public Works]**
4. Underground Utility Lines. All new on-site electrical and communication lines shall be placed underground. In addition, the Applicant shall, at its

own expense underground all existing utilities on the east side of Hollis Street between Powell and 59th Streets.

5. Completion of Greenway Improvements: The Greenway improvements between Powell Street and 59th Street shall be initiated and completed in accordance with the terms of the OPA **[Public Works and Economic Development]**
6. Improvement Agreement. Prior to the issuance of a building permit and as deemed appropriate by the Public Works Director, Applicant shall enter into an Improvement Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, inspection and installation of all public improvements secured by good and sufficient surety bond or cash deposit adequate to cover all of the costs, inspections and administrative expenses of completing such improvement in the event of a default. **[City Attorney/Public Works]**

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

1. Encroachment Permit. Prior to removing any trees or beginning any construction in the public right of way, Applicant shall apply for and receive an encroachment permit for all work and improvements within the City's right of way or City easements. As required by the Public Works Director, Applicant shall post the required security and provide evidence of liability insurance as part of the encroachment permit process. Applicant shall pay for all inspection fees associated with work within the City's right of way. **[Public Works]**

C. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Completion of Public Improvements. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that all off-site and on-site public improvements are completed in accordance with the final building permit and improvement plans or that other arrangements acceptable to the Public Works Director have been made for ensuring that the work is completed, such as an irrevocable standby letter of credit. **[Public Works]**
2. Maintenance of Street Trees and other vegetation in the Public Right of Way: Applicant, its successors and assigns, shall maintain all landscaping improvements in the public areas fronting the property, in a

healthy,
Landscaping
Landscaping
automatic sprinkler
replace all
or substitutes approved
an encroachment permit from
with the provisions of Chapter
Municipal Code.

growing condition at all times according to Bay Friendly
Practices as described by StopWaste.org's Bay Friendly
program. The landscaped areas shall be irrigated by an
system designed to reduce water usage. Applicant shall
landscaping that dies with the exact living species,
by the Public Works Director after obtaining
the City. Landscaping work shall comply
10 of Title 7 of the Emeryville

3. Compliance with 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.

D. ONGOING

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

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]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Site Security Management Plan. Prior to the issuance of a certificate of occupancy, Applicant shall submit a Site Security Management Plan for approval by the Police Department **[Police]**
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 a building permit, the Planning Director shall confirm that the final building plans for the project incorporate: **[Planning]**
 - a. A minimum of 120 vehicular parking spaces of which 72 can be compact spaces, based upon a parking requirement of 1.5 per 1000 square feet for research and development use and 3 per 1000 square feet for other commercial uses. Parking spaces shall be clearly numbered consecutively on plans, and a summary table provided.
 - b. A minimum of 12 bicycle parking spaces as set forth below:
 - i. 6 short term parking spaces in visible locations near entrances in the form of inverted U bike racks or lockers or hitching posts 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. 6 employee or tenant bicycle parking in an enclosed, limited-access area.

Bicycle parking shall conform to the Emeryville Municipal Code Section 9-4.68.

- c. Conduit for a minimum of 2 future electrical recharging stations.

2. Lockers and Showers: In conjunction with Mitigation Measure TRAFFIC 3, showers and lockers for use of employees may be provided within any Emery Station campus under control of Wareham Development. Prior to the issuance of building permit, the applicant shall either show provision of showers and facilities in the building or provide documentation that allows tenants of Emery Greenway building use of lockers and showers on the Emery Station campus.

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

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Transportation Information Display. Prior to issuance of a certificate of occupancy, the Planning 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 Planning Director that

it has executed a Membership Agreement as required in accordance with the policies, rules and regulations of the TMA. **[Planning]**

3. Employee Trip Reduction. Prior to the issuance of a certificate of occupancy, Applicant shall submit for the Planning Director's approval an employee trip reduction program in order to encourage employees to commute to work by means other than single-occupancy vehicles such as parking cash out programs, free bus or BART passes, carpooling and bicycle use incentives. **[Planning]**

C. ONGOING

1. Transportation Information Display. Applicant, its successors and assigns shall maintain the Transportation Information Display described in Section IV.A.2 and update it annually.
2. Emery Go-Round. Applicant, its successors and assigns, shall remain a member of the TMA so long as the TMA or its successor or assignee is in fact operating the Emery-Go-Round. Applicant and future property owners shall make good faith efforts to provide a brief description or a tag line about the Emery-Go-Round and other forms of alternative transportation in its marketing and advertising efforts.
3. Employee Trip Reduction. Applicant and its successors and assigns shall implement the approved trip reduction program and report its activities and achievements to the Planning Director annually. **[Planning]**

VII. DESIGN CONDITIONS AND SITE STANDARDS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

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

2. Landscaping Plans.

- a. Prior to the issuance of a building permit, Applicant shall submit a detailed on-site landscaping and irrigation plan for the approval of the Planning Director. The plans shall conform to Article 54 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. **[Planning]**
- b. Prior to the issuance of a building permit, Applicant shall submit a detailed off-site landscaping and irrigation plan for the approval of the Public Works Director. The plans shall conform to Article 54 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. Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. As part of the encroachment permit fees, the applicant will pay to have the City Consulting Arborist perform soil and drainage tests in the public right of way areas that will have tree plantings. The City also requires the applicant to pay for the installation of structural soil or other engineered products, as per City standards and in consultation with the arborist, under sidewalk areas, to provide adequate rootable soil volume areas for healthy street trees. The amount of rootable soil volume to be provided per tree is based on the size of the tree at maturity: 600

cubic feet of rootable soil volume shall be installed per small tree, 900 cubic feet per medium-sized tree and 1200 cubic feet per large-sized tree. The plan shall also discuss proper drainage to be provided for all street trees based on the Consulting Arborist's soil and drainage findings which could entail extensive excavation for sumps or trenching with clean sand or rock backfill. All imported soils shall be tested and the results provided to the City for approval before import. Import soil shall be amended with compost per city standards in place of other soil amendments. Street trees may require tree grates and an automatic sprinkler system.

Removal of any existing street trees shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code, including, but not limited to, providing replacement trees of equal or cumulative diameter and/or payment of a replacement value fee as determined by a certified arborist, or combination thereof. The replacement trees shall be provided off-site but within the vicinity of the project site. **[Public Works]**

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

3. Recycled Water: Applicant shall submit a letter from the recycled water provider (East Bay Municipal Utility District) stating requirements for recycled water plumbing, prior to issuance of building permit. If Applicant is not complying with the requirements of the recycled water provider, Applicant shall provide a written explanation of its actions. **[Planning]**
4. Trash, Recycling and Composting Facilities. Prior to the issuance of a building permit, the Planning Director and Public Works Director shall review and approve a Trash, Recycling and Composting Plan from the applicant.

- **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.

- **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.

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

5. **Height.** A height of up to 58.5 feet shall be permitted on the building structure. **[Planning]**

6. Development Sign. The project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed twelve square feet. Other development/marketing signs may be approved administratively by the Planning Director provided that they are removed prior to issuance of a final certificate of occupancy. **[Planning]**
7. Exterior Lighting. Prior to issuance of a building permit, Applicant shall provide sufficient information for the Planning Director to confirm that exterior lighting for the project complies with the following standards and criteria: Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details. **[Planning]**
8. Noise. Prior to the issuance of a building permit, the Building Official shall confirm that the project is designed in order to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan. **[Building]**
9. Water Efficiency. Prior to issuance of a building permit, the Public Works Director shall confirm that the project complies with the attached East Bay Municipal Utility District requirements. **[Public Works]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Sign Permit. Applicant shall apply for a sign permit for any proposed signs not included in this approval, in accordance with the Sign Regulations at Article 61 of Chapter 4 of Title 9 of the Emeryville Municipal Code. **[Planning]**

2. Completion of Landscaping.

- a. Prior to issuance of a certificate of occupancy, the project landscape architect shall confirm to the Planning 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]**

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

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

C. ONGOING

1. Landscaping. All landscaping improvements shall be maintained in a healthy, growing condition at all times. The landscaped areas shall be irrigated by an automatic sprinkler system designed to reduce water usage. Applicant shall replace all landscaping that dies with the exact living species, or substitutes approved by the Planning 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, particularly along Greenway and Hollis Street. 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. LEED-CS Certification for Building and LABS21 Certification for Tenant Improvements: Green Features will be incorporated into the building at a level necessary to be LEED-CS (core and shell) Certified at Silver or better and with independent certification of LABS21 for each tenant space. Within one year after issuance of a Certificate of Occupancy,

applicant shall receive Certification for the project from the United States Green Building Council for the LEED-CS program. Within one year after issuance of a Certificate of Occupancy for tenant improvement of lab spaces, applicant shall receive certification from an independent third-party for the LABS21 program for each lab space.

8. Tenant Leases: The applicant shall submit to the Planning Director copies of tenant leases that require tenant operations to limit noise to 50dBA at the property line from 6:00 p.m. to 7:00 a.m. on weekdays and on Saturdays and Sundays.

VIII. STORMWATER

A. GENERAL

1. Design, Construction, Operation, and Maintenance. The project shall be designed, constructed, operated, and maintained in conformance with the attached "Stormwater Pollution Prevention and Source Control Measures" ("Stormwater Measures") and the City's "Stormwater Guidelines for Green Dense Redevelopment" ("Stormwater Guidelines").
2. Cost Recovery. The applicant shall pay cost recovery fees related to the verification of permanent stormwater treatment drainage facilities planned and implemented on the site. Fees will be charged for plan check and engineering analysis of stormwater treatment system, inspection during construction of stormwater treatment facilities, and inspection before the issuance of the certificate of occupancy to verify that the stormwater treatment systems are properly functioning. Applicant shall also permit city representatives to perform inspection of said treatment facilities to enter the property during and after construction to perform said duties **[Public Works]**

B. PRIOR TO ISSUANCE OF A BUILDING PERMIT

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

calculations showing the percentage of on-site stormwater treatment through mechanical means and percentage of on-site treatment through vegetative means. If a portion of on-site stormwater treatment is through mechanical means, then the applicant shall provide justification as to why all on-site treatment by vegetative means is not feasible. **[Public Works]**

2. Site Grading and Storm Drainage. Prior to the issuance of a building permit, the Public Works Director shall confirm that the building permit plans, specifications and information include detailed site drainage, grading plans and hydraulic calculations in conformance with the City's stormwater runoff requirements and specifications. All runoff from the site shall be intercepted at the project boundary, and shall be collected, treated and conducted via an approved drainage system through the project site to an approved public storm drain facility. Roof drainage from the structure shall be collected, treated and conducted to an approved drainage facility. No concentrated drainage of surface flow across sidewalks shall be permitted. Grading and drainage plans shall conform to Section A of the attached Stormwater Measures. **[Public Works]**
3. Site Plan. The site plan shall conform to Section B of the attached Stormwater Measures. **[Public Works]**
4. Operations and Maintenance Agreement. Prior to the issuance of a building permit, Applicant shall enter into a Stormwater Treatment Measures Operation and Maintenance Agreement with the City of Emeryville to ensure the faithful performance of the design, construction, operation, and maintenance of the stormwater treatment systems. **[City Attorney/Public Works]**

C. DURING CONSTRUCTION. Applicant and contractor shall comply with Section C of the attached Stormwater Measures. **[Public Works]**

D. PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

1. Commitment to the Stormwater Pollution Prevention Practices. Prior to the issuance of a certificate of occupancy, Applicant shall submit evidence of commitment to the stormwater pollution prevention practices, as detailed in Section D of the attached Stormwater Measures. **[Public Works]**

2. Completion of Construction of Stormwater Treatment Systems. Prior to issuance of a certificate of occupancy, the Public Works Director shall confirm that the stormwater treatment systems are properly installed and functioning. **[Public Works]**
- E. ONGOING. The owner/operator of the facility shall permit, in perpetuity, allow city representatives to enter the property during and after construction in order to perform periodic inspection of stormwater treatment facilities.

IX. FUTURE LAND USE APPROVAL PROCEDURES

- A. BUSINESS LICENSE REQUIREMENT. Land use approvals do not abrogate the City's requirement for any business operating within the City to have a business tax certificate ("business license"), nor for a specific operator to obtain a cabaret or dance hall license issued through the Police and Finance Departments and approved by the City Council.
- B. ACTIVITIES OUTSIDE OF BUILDING. No sales of merchandise or services, nor any business activity related to any retail or commercial space, shall take place outside of the building or in any retail kiosk without prior approval of the Director of Planning and Building.
- C. MULTI-TENANT STANDARDS.
 1. Permitted Uses. The following uses are permitted in the project on the ground floor as part of the business license review:
 - a. Animal Sales and Services: Grooming and Pet Stores
 - b. Business and Professional Support
 - c. Financial Services
 - d. Personal Services
 - e. Professional Services
 - f. Retail Sales and Services (excluding food related uses and alcoholic beverage sales)
 2. Uses Subject to Performance Standards. The following uses are permitted in the project on the ground floor subject to a zoning compliance review by the Planning Director or designee upon determination that they meet the performance standards and review criteria set forth below in subsection VIII.C.4:

- a. Food and Beverage Retail Sales - Including Alcoholic Beverages
 - b. Eating and Drinking Establishments: Convenience - Full Service and excluding drive-thru windows
 - c. On-Premise Liquor Sales
 - d. Convenience Sales and Services
 - e. Any noise generating commercial use with hours of operation earlier than 7:00 a.m. and later than 10:00 p.m.
 - f. Commercial Recreation: Amusement Center, Indoor Entertainment, Indoor Sports and Recreation
3. Uses Requiring Approval of the Planning Commission. For those uses where all the performance standards cannot be met or the results of the review criteria indicate the use may result in a potential adverse impact, the Planning Director shall forward the application on to the Planning Commission for review and consideration pursuant to the conditional use permit procedure in Article 82 of Chapter 4 of Title 9 of the Emeryville Municipal Code.
4. Performance Standards and Review Criteria. The following performance standards and review criteria shall be used to evaluate uses for the project listed in Condition IX.C.2 above:
- a. Review and written verification shall be provided to confirm that parking and loading areas have been designed and designated to account for the needs of the proposed use without interfering with the parking, access or loading areas of other uses in the project.
 - b. Review and written verification shall be provided to confirm that the total number of required parking spaces meets the requirements of these conditions of approval and Article 55 of Chapter 4 of Title 9 of the Emeryville Municipal Code.
 - c. For commercial entertainment or uses involving cabarets or public dances as defined in Chapter 4 of Title 5 of the Emeryville Municipal Code or any other public events or use of amplified sound, a site security and management plan shall be submitted with the use request, documenting compliance with the overall Site Security and Management Plan of the Project, compliance with the other provisions of Chapter 4 of Title 5 of the Emeryville Municipal Code, including obtainment of a cabaret or dance hall license as applicable, and special acoustical requirements if warranted.

- d. For food related uses such as cafes, delicatessens, restaurants and similar activities, the following standards and conditions shall apply:
 - i. Appropriate provisions shall be made for trash disposal and recycling, following the provisions of the California Uniform Retail Food Facilities Law (Health and Safety Code Sections 37500 et. seq.) as reviewed by the Planning Department or other designated City staff.
 - ii. Adequate ventilation, filtration and odor control systems shall be installed for any commercial hoods, along with submittal of provisions for maintenance and inspection of such a system should odor complaints be received.
- e. Compatibility of proposed use with current uses with respect to noise, odor, vibrations, glare, number of other similar uses, hours, location to residential uses, security or policing concerns or other potential nuisance conditions.

Attachments: Mitigation Monitoring and Reporting Program
Fee Chart
Construction Sign Prototype
Fire Department Conditions of Approval Checklist
Stormwater Pollution Prevention and Source Control Measures

MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Emery Station Greenway Project in the City of Emeryville. This MMRP is in compliance with Section 15097 of the *CEQA Guidelines*, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the IS/MND and identifies mitigation monitoring requirements.

Table 1 presents the mitigation measures identified for project. Each mitigation measure is numbered according to the topical section to which it pertains in the IS/MND. As an example, Mitigation Measure AES-1 is the first mitigation measure identified in the IS/MND for the project.

The first column of Table 1 identifies the mitigation measure from the IS/MND. The second column, entitled “Action and Implementation Timing,” describes each mitigation measure. The third column, “Party Responsible for Monitoring,” names the party ultimately responsible for ensuring that the mitigation measure is implemented. The fourth column, “Action by Monitor” outlines the steps for monitoring the action identified in the mitigation measure. The fifth column entitled “Monitoring Timing,” states the time the monitor must ensure that the mitigation measure has been implemented. The last column will be used by the City to ensure that individual mitigation measures have been monitored.

Table 1: Mitigation Monitoring and Reporting Program

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
I. AESTHETICS						
AES-1: The project applicant shall prepare project lighting plans and submit them to the City of Emeryville for review. City staff shall review these plans to ensure that proposed lighting would be low-intensity, downward-directed, and located only in places where it is necessary.	Prepare project lighting plans during final design process that incorporate design measures described in Mitigation Measure AES-1	Project applicant	City of Emeryville, Planning and Building Department	Review final lighting plans and verify that design elements have been incorporated	Prior to issuance of building permit	<i>Name:</i> <i>Date:</i>
II. AIR QUALITY						
AIR-1: Consistent with the guidance from the BAAQMD, the project applicant shall include dust control measures in construction specifications for the project. The City shall review the final construction specifications to verify that the requirements have been included prior to issuing a grading permit for the project. The City shall verify via field inspection at least twice during construction that the measures are being implemented. The following measures are required: <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. 	Implement the dust control measures listed in Mitigation Measure AIR-1 during construction	Project applicant and construction contractor	City of Emeryville, Public Works Department	1. Review final construction specifications to ensure requirements listed in Mitigation Measure AIR-1 are included 2. Visit project site at least twice to verify that dust control measures are being implemented	1. Prior to issuance of a grading permit 2. During project construction	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p>AIR-1 <i>Continued</i></p> <ul style="list-style-type: none"> Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets. 						<p>Name:</p> <p>Date:</p>
AIR-2a: Implement Mitigation Measure AIR-1.	See Mitigation Measure AIR-1					
<p>AIR-2b: Consistent with guidance from the BAAQMD, the project applicant shall require contractors to include emissions control measures in construction specifications for the project. The City shall review the final construction specifications to verify that the requirements have been included prior to issuing a grading permit for the project. The City shall verify via field inspection at least twice during construction that the measures are being implemented. The following actions are required:</p> <ul style="list-style-type: none"> Idling time of diesel powered construction equipment shall be limited to 2 minutes; Alternative powered construction equipment (i.e., CNG, biodiesel, electric) shall be utilized when feasible; Add-on control devices shall be used such as diesel oxidation catalysts or particulate filters; Project construction (demolition, site preparation, and building erection) shall be phased (not occur simultaneously); and operating hours of heavy duty equipment shall be minimized. 	Implement the emission control measures listed in Mitigation Measure AIR-2b during construction	Project applicant and construction contractor	City of Emeryville, Public Works Department	<p>1. Review final construction specifications to ensure requirements listed in Mitigation Measure AIR-1 are included</p> <p>2. Visit project site at least twice to verify that emission control measures are being implemented</p>	<p>1. Prior to issuance of a grading permit</p> <p>2. During project construction</p>	<p>Name:</p> <p>Date:</p>
III. BIOLOGICAL RESOURCES						
BIO-1: Implement Mitigation Measures HYD-1a and HYD-1b.	See Mitigation Measures HYD-1a and HYD-1b					

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
V. CULTURAL RESOURCES						
<p>CULT-1: The project applicant shall inform its contractor(s) of the sensitivity of the project area for archaeological deposits by including the following directive in contract documents:</p> <p><i>If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.</i></p>	<p>1. Include the directive described in Mitigation Measure CULT-1 in contract documents</p> <p>2. Evaluate any archaeological deposits discovered during project construction, as described in Mitigation Measure CULT-1</p>	<p>1. Project applicant</p> <p>2. Construction contractor</p>	<p>1. City of Emeryville, Public Works Department</p> <p>2. City of Emeryville, Planning and Building Department</p>	<p>1. Verify that the directive has been included in contract documents</p> <p>2. Visit project site and verify that measures are being implemented and that any reports are submitted to NWIC</p>	<p>1. Prior to issuance of grading permit</p> <p>2. During project construction</p>	<p>Name:</p> <p>Date:</p>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p><i>CULT-1 Continued</i></p> <p>The City shall verify that the language has been included in the contract documents before issuing the grading permit.</p> <p>Adverse effects to archaeological deposits should be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their California Register of Historical Resources eligibility to determine if such deposits qualify as “historical resources” under CEQA (CCR Section 15064.5(c)(1)). If the deposit is not eligible, a determination should be made as to whether it qualifies as a “unique archaeological resource” under CEQA. If the deposit is neither a historical nor unique archaeological resource, avoidance is not necessary. If the deposit is eligible to the California Register adverse effects on the deposits shall be avoided or mitigated.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the assessment methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to the applicant, the City of Emeryville, and the Northwest Information Center.</p>						

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p>CULT-2: The project applicant shall inform its contractor(s) of the sensitivity of the project area for paleontological resources by including the following directive in contract documents:</p> <p><i>The subsurface of the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.</i></p> <p>The City shall verify that the language has been included in the contract documents before issuing the grading permit.</p>	<p>1. Include the directive described in Mitigation Measure CULT-2 in contract documents</p> <p>2. Evaluate any paleontological resources discovered during project construction as described in CULT-2</p>	<p>1. Project applicant</p> <p>2. Construction contractor</p>	<p>1. City of Emeryville, Public Works Department</p> <p>2. City of Emeryville, Planning and Building Department</p>	<p>1. Verify that the appropriate language has been incorporated in contract documents</p> <p>2. Visit project site and verify that measures are being implemented and that any reports are submitted to an appropriate paleontological repository</p>	<p>1. Prior to the issuance of a grading permit</p> <p>2. During project construction</p>	<p>Name:</p> <p>Date:</p>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p>CULT-2 <i>Continued</i></p> <p>Adverse effects to such deposits should be avoided by project activities. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, project activities shall avoid disturbing the deposits, or the adverse effects of disturbance shall be mitigated. Upon completion of the paleontological assessment, a report shall be prepared documenting the methods, results, and recommendations of the assessment. The report shall be submitted to the applicant, the City of Emeryville and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.</p>						
<p>CULT-3: If human remains are encountered, these remains shall be treated in accordance with HSC Section 7050.5. The project applicant shall inform its contractor(s) of the cultural sensitivity of the project area for human remains by including the following directive in contract documents:</p>	1. Include the directive described in Mitigation Measure CULT-3 in contract documents	1. Project applicant	1. City of Emeryville, Public Works Department	1. Verify that the appropriate language has been incorporated in contract documents	1. Prior to the issuance of a grading permit	<p><i>Name:</i></p> <p><i>Date:</i></p>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p><i>CULT-3 Continued</i></p> <p><i>If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.</i></p> <p>The City shall verify that the language has been included in the contract documents before issuing the grading permit.</p> <p>Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the applicant, the City of Emeryville, and the Northwest Information Center.</p>	<p>2. Stop work within 25 feet of human remains discovered during project construction; prepare and submit report of findings to City, Project Applicant, and NWIC</p>	<p>2. Construction contractor</p>	<p>2. City of Emeryville, Planning and Building Department</p>	<p>2. Visit project site and verify that measures are being implemented and that any reports are submitted to NWIC</p>	<p>2. During project construction</p>	

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
VI. GEOLOGY AND SOILS						
<u>GEO-1</u> : The applicant shall implement all mitigation measures, design criteria, and specifications recommended in the geotechnical investigation report prepared for the project. The applicant shall submit to the City the final plans and specifications for conformance with the recommendations in the geotechnical report. The City shall review and approve the plans and specifications prior to issuing a building permit for the project.	Submit final plans and specifications for conformance with the recommendations in the geotechnical report before construction begins and implement recommendations during construction	Project applicant	City of Emeryville, Planning and Building Department, Public Work Department	1. Review final project plans for conformance with the recommendations in the geotechnical report 2. Inspect the site to verify measures have been implemented	1. Prior to issuance of a building permit 2. Prior to issuance of occupancy permit	Name: Date:
<u>GEO-2</u> : The project applicant shall prepare an Erosion Control Plan in accordance with the Regional Water Quality Control Board's requirements. The City shall verify that the Erosion Control Plan has been prepared before issuing the grading and/or building permit for the project.	Prepare an Erosion Control Plan in accordance with the RWQCB's requirements before grading begins	Project applicant	City of Emeryville, Planning and Building Department, Public Work Department	Verify that the Erosion Control Plan has been prepared	Prior to issuance of the grading permit	Name: Date:
<u>GEO-3</u> : Implement Mitigation Measure HYD-1a and HYD-1b (Preparation of a SWPPP and a Storm Water Control Plan).	See Mitigation Measures HYD-1a and HYD-1b					
<u>GEO-4</u> : Implement Mitigation Measure GEO-1.	See Mitigation Measure GEO-1					

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
VII. HAZARDS AND HAZARDOUS MATERIALS						
<u>HAZ-1a</u> : Existing soil and groundwater contamination shall be investigated and remediated by the project sponsor, or engineering controls (engineered caps, vapor barriers, or other appropriate technologies) and administrative controls (withholding of building permits) shall be implemented, to ensure that potential future occupants of the project site are not exposed to site-related contamination that exceeds acceptable health standards. Acceptable health standards and appropriate soil and groundwater remediation and/or engineering controls shall be in accordance with the City-approved Site Management Plan. The project sponsor shall include soil confirmation sampling as part of a Site Management Plan for the project to ensure that removal of contaminated soil is adequate. Groundwater samples shall be collected to determine whether groundwater has been affected by the overlying soil contamination. If groundwater is contaminated, a plan shall be developed for approval by the City and concurrence by the California Regional Water Quality Control Board, San Francisco Region, the Department of Toxic Substances Control, or Alameda County Department of Environmental Health, as appropriate. The applicant shall also document closure of the underground tank case by the County. The City shall verify that these requirements have been met before issuing a Certificate of Occupancy for the building.	Remediation of the existing contamination on the site following the requirements described in HAZ-1a	Project applicant	City of Emeryville, Public Works Department	Verify that requirements described in Mitigation Measure HAZ-1a have been met	Prior to issuance of Certificate of Occupancy	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<u>HAZ-1b</u> : Prior to beginning grading and excavating activities, the applicant shall prepare a Site Management Plan and a Health and Safety Plan. The Site Management Plan shall describe how contaminated materials would be excavated, handled, and segregated from the underlying clean soil, how it would be disposed, and the maintenance requirements necessary to ensure that long-term soil management measures, such as capping of the soils, will remain effective during the site's use and occupancy period. The project sponsor shall be responsible for ensuring that long-term soil management measures are implemented. The Site Management Plan shall describe soil confirmation sampling and groundwater sampling to ensure that soils and groundwater remaining on site do not present an environmental or human health hazard. The site-specific Health and Safety Plan shall be prepared in accordance with federal, State and local standards governing the remediation of soil and groundwater containing hazardous waste. The City shall verify that the Site Management Plan and Health and Safety Plan have been prepared and that the Site Management Plan has been conditionally approved by the City with concurrence from the California Regional Water Quality Control Board, San Francisco Region or the Department of Toxic Substances Control before issuing the grading and demolition permits.	Prepare a Site Management Plan and Health and Safety Plan that includes the requirements described in HAZ-1b before grading begins	Project applicant	City of Emeryville, Public Works Department	Review the Site Management Plan and Health and Safety Plan and verify that requirements listed in Mitigation Measure HAZ-1b have been met	Prior to issuance of grading and demolition permits	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<u>HAZ-2a</u> : Prior to demolition of structures on the site, a comprehensive lead based paint survey shall be conducted in accordance with federal and State regulations. If any lead based paint is identified, it shall be removed from the site in accordance with all applicable regulations, including Occupational Safety and Health Administration (OSHA) guidelines. The City shall verify that the survey has been conducted before issuing the demolition permit for the project.	Complete a lead-based paint survey as described in Mitigation Measure HAZ-2a before demolition begins	Project applicant	City of Emeryville, Public Works Department	Verify that the survey has been conducted	Prior to issuance of the demolition permit	<i>Name:</i> <i>Date:</i>
<u>HAZ-2b</u> : Prior to demolition of structures on the site, a complete Asbestos Hazard Emergency Response Act-Level Pre-Demolition Asbestos Survey shall be conducted. If asbestos is identified, a licensed asbestos abatement contractor shall be retained to abate identified asbestos-containing material in accordance with all applicable regulations. The City shall verify that the survey has been conducted before issuing the demolition permit for the project.	Complete an Asbestos Hazard Emergency Response Act-Level Pre-Demolition Asbestos Survey as described in Mitigation Measure HAZ-2b before demolition begins	Project applicant	City of Emeryville, Public Works Department	Verify that the survey has been conducted	Prior to issuance of the demolition permit	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
VIII. HYDROLOGY AND WATER QUALITY						
HYD-1a: The project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality during the construction period of the project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on site and made available to RWQCB staff upon request. The SWPPP shall include specific and detailed Best Management Practices (BMPs) designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. The City shall verify that the SWPPP has been prepared before issuing the grading permit for the project.	Prepare a SWPPP that includes requirements listed in Mitigation Measure HYD-1a before grading begins	Project applicant	City of Emeryville, Public Works Department	Verify that the SWPPP has been prepared	Prior to issuance of the grading permit	<i>Name:</i> <i>Date:</i>
HYD-1b: The project applicant shall prepare a Storm Water Control Plan that is consistent with the <i>Stormwater Guidelines for Green, Dense Redevelopment: Stormwater Quality Solutions for the City of Emeryville</i> . The City shall verify that the Storm Water Control Plan has been prepared before issuing the building permit for the project.	Prepare a Storm Water Control Plan that includes requirements listed in HYD-1b before construction begins	Project applicant	City of Emeryville, Public Works Department	Verify that the Storm Water Control Plan has been prepared	Prior to issuance of the building permit	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
HYD-2: Implement Mitigation Measure GEO-2.	See Mitigation Measure GEO-2					
HYD-3: Implement Mitigation Measures HYD-1a and HYD-1b.	See Mitigation Measures HYD-1a and HYD-1b					
XI. NOISE						
<p>NOISE-1: The project contractor shall comply with the following measures:</p> <p><i>Hours.</i> 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. 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.</p> <p><i>Equipment.</i> 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 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.</p>	Implement the noise-reducing measures described in Mitigation Measure NOISE-1 during construction	Project applicant and construction contractor	City of Emeryville, Public Works Department	1. Review plans and specification to ensure measures are included 2. Visit project site and verify that noise control measures are being implemented	1. Prior to issuance of building permit 2. During project construction	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p>NOISE-1 <i>Continued</i></p> <p><i>Noise Disturbance Coordinator.</i> The 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. The 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.</p>						
<p>NOISE-2: Mechanical ventilation, such as air conditioning systems, or noise-attenuated passive ventilation shall be included in the building design to ensure that windows can remain closed for prolonged periods of time to meet the interior noise standard of 60 dBA L_{dn} and Uniform Building Code Requirements.</p>	Incorporate mechanical ventilation into project building design, as described in NOISE-2, and install during construction	Project applicant	City of Emeryville, Public Works Department	<p>1. Verify that sound-rated assemblies are incorporated into the final building design</p> <p>2. Verify that sound-rated assemblies have been installed</p>	<p>1. Prior to issuance of building permit</p> <p>2. Prior to issuance of Certificate of Occupancy</p>	<p><i>Name:</i></p> <p><i>Date:</i></p>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
NOISE-3: The project shall be designed to limit noise at the property line to 60 dBA as required in the City's General Plan. In addition, because of the proximity of the site to residential development, the project shall be operated to limit noise at the property line of the Elevation 22 and other residential buildings east of the Greenway to 50 dBA from 6:00 p.m. to 7:00 a.m. on weekdays and on Saturdays and Sundays. The 50 dBA limit is the City's standard for residential areas. Prior to issuance of a building permit, the Building Official shall confirm that the project is designed to limit noise exposure to 60 dBA at the property line based on an analysis and recommendations from a qualified acoustical consultant approved by the City. Prior to issuance of a certificate of occupancy, the Planning Director shall confirm that the tenant lease requires the facility to be operated to limit noise to 50dBA at the property line from 6:00 p.m. to 7:00 a.m. on weekdays and on Saturdays and Sundays.	Design project to limit noise, as described in NOISE-2	Project applicant	City of Emeryville, Public Works Department	1. Verify that noise limiting features are incorporated into the final building design 2. Confirm that the tenant lease requires the facility to be operated to limit noise	1. Prior to issuance of building permit 2. Prior to issuance of Certificate of Occupancy	<i>Name:</i> <i>Date:</i>
NOISE-4: Implement Mitigation Measure NOISE-1.	See Mitigation Measure NOISE-1					
NOISE-5: Implement Mitigation Measure NOISE-1.	See Mitigation Measure NOISE-1					

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
XV. TRANSPORTATION/TRAFFIC						
<u>TRAFFIC-1:</u> The City shall optimize the signal timing of the intersection of Powell and Hollis Streets by increasing the cycle time to approximately 90 seconds during the AM peak period. The signal retiming is needed in the year 2030, under predicted cumulative volumes. The City shall monitor traffic conditions every five years until the year 2030, implementing signal re-timing when necessary. Although not required to address a “significant impact” it is also recommended that the City optimize the signal phasing during the PM peak period which would result in LOS E; it is recommended that the City use an increased cycle time of approximately 90 seconds.	Optimize the signal timing at the intersection of Powell and Hollis Streets in accordance with Mitigation Measure TRAFFIC-1	City of Emeryville Public Works Department	City of Emeryville, Planning and Building Department	Verify that signal timing is optimized by monitoring traffic conditions, implementing signal re-timing as necessary	Monitor traffic conditions at intersection every 5 years until the year 2030, updating the signal timing as needed	<i>Name:</i> <i>Date:</i>
<u>TRAFFIC-2:</u> The City shall signalize the intersection of Doyle and Powell Streets when traffic conditions warrant. Because this impact can be attributed to existing traffic in the area, as well as traffic from approved, planned, and potential development in and around Emeryville, the project sponsor shall pay a pro rata share of the cost of signalization. In the Cumulative Plus Project scenario, project traffic represents 7.4 percent and 6.9 percent of the total cumulative growth at this intersection in the AM and PM peak hours.	The applicant shall pay a fair share portion of the cost of signalization of the intersection at Doyle and Powell Streets prior to allowing tenants to occupy the building	Project applicant	City of Emeryville, Planning and Building Department	Verify that the project applicant has paid their portion of the cost of signalization	Prior to issuance of the Certificate of Occupancy	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p>TRAFFIC-3: The project shall develop and implement a transportation demand management (TDM) program in order to reduce the project's traffic-related impacts, consisting of the following elements:</p> <ul style="list-style-type: none"> • Safe and secure on-site bicycle parking shall be provided for employees; • Shower and locker facilities shall be provided to further encourage employee bicycling; • Short-term bicycle parking racks shall be installed for visitors in a location that is well lit and ideally provides passive security via high volumes of pedestrians; • Improve the amenity of transit services in the immediate vicinity of the site. This shall include the construction of a bus stop with shelter and real time travel information along the project's Hollis Street frontage (replacing the existing northbound stop located just north of 59th Street); • Parking fees shall be implemented for the on-site parking, at a rate higher than the equivalent cost of transit, to encourage the use of alternative travel modes; • Carpool parking spaces shall be given priority in terms of location. Two percent of the project's parking shall be designated for carpool use. Carpool parking spaces shall also be subject to a reduced monthly fee; and • A project travel website shall be created providing real-time transit information and carpool matching. 	Develop and implement a TDM program that includes the elements listed in Mitigation Measures TRAFFIC-3	Project applicant	City of Emeryville, Planning and Building Department	Review TDM program and verify that the elements listed in Mitigation Measures TRAFFIC-3 have been included	Prior to issuance of the Certificate of Occupancy	<i>Name:</i> <i>Date:</i>

Table 1 *Continued*

Recommended Mitigation Measures	Action and Implementation Timing	Party Responsible for Implementing Mitigation	Party Responsible for Monitoring	Action by Monitor	Monitoring Timing	Verification of Compliance Name/Date
<p>TRAFFIC-3 <i>Continued</i></p> <p>Furthermore, employers shall be required to offer programs to reduce auto use and support the increased use of alternative modes. Such programs and incentives would include:</p> <ul style="list-style-type: none"> • Alternative commute subsidies and/or parking cash-out, where employees are provided with a subsidy if they use transit or commute by alternative modes; • Opportunities to purchase commuter checks, which allow employees to purchase transit tickets at discounted rates and from their before-tax income; and • Compressed work weeks and flextime, where employees adjust their work schedule to reduce peak hour vehicle trips to/from the worksite. 						
<p>TRAFFIC-4: The City shall optimize the signal timing of the intersection at Frontage Road and the I-80 west-bound ramps. The signal retiming is needed in the year 2030, under predicted cumulative volumes. The City shall monitor traffic conditions every five years until the year 2030, implementing signal re-timing when necessary. Note that the proposed lengthening of the cycle time at this intersection may require the re-timing of other intersections that are coordinated with this intersection.</p>	Optimize the signal timing at the intersection of Frontage Road and I-80 WB Ramps in accordance with Mitigation Measure TRAFFIC-4	City of Emeryville Public Works Department	City of Emeryville, Planning and Building Department	Verify that signal timing is optimized by monitoring traffic conditions, implementing signal re-timing as necessary	Monitor traffic conditions at intersection every 5 years until the year 2030, updating the signal timing as needed	<p><i>Name:</i></p> <p><i>Date:</i></p>

Source: LSA Associates, 2009.

**Emeryville Fire Department
Fire Prevention Bureau**

**Conditions of Approval
Page 1 of 2**

Project Name: Emery Station Greenway
Project Address: 5812 Hollis Street
Attention: Miroo Desai

Date: January 7, 2009
By: G. Warren

(Check all that apply)

Fire Department Access

- ✓ Provide minimum 20' wide fire lanes or access roadways.
- ✓ Provide minimum 15' vertical clearance for all fire lanes or access roadways.
- ❑ Provide rolled curbs, painted red, clearly marked Fire Lane.
- ❑ Minimum turning radius of 55' at all required vehicle turns (35' inside radius).
- ❑ Provide all weather surface roadways, capable of supporting 65,000 pounds GVW.
- ✓ Provide at least one (1) elevator, sized to accommodate standard ambulance gurney in the horizontal position and three (3) personnel, to serve all occupied floors.
- ✓ Provide a minimum of **two (2)** key boxes (Knox Box). Type, size and location dependent on final building plans. Mounting height (center of box) at 6'-0" above grade.
- ✓ Provide a detailed site plan for emergency fire / medical access during construction, including an all weather surface roadway. Plan shall be submitted for EFD approval prior to implementation.

Premises Identification

- ✓ Provide numbers in contrast with their background, minimum 6" height and 1" stroke. Numbers shall be clearly visible from the street.

Water Supply & Fire Hydrants

- ❑ Provide new fire hydrants: number and locations dependent on final site plans.
- ❑ All private hydrants shall be included in the regular Fire Department testing program.
- ❑ Fire hydrant(s) shall provide the required fire flow of 2,000 gpm flowing from 2 hydrants for a period of 2 hours.
- ❑ Fire hydrants shall comply with current EBMUD requirements.
- ❑ Fire hydrants shall not exceed 250' spacing.
- ❑ Fire hydrant(s) to be located not more than 45' from any fire department connection.

Fire Protection Systems & Equipment

- ✓ Provide fire extinguishers. Field verification required for proper placement, mounting, type and size of extinguishers.
- ✓ Provide an automatic fire sprinkler system; system design shall comply with EFD requirements for the particular project. Sprinkler system shall be monitored by a UL listed central station.

**Emeryville Fire Department
Fire Prevention Bureau**

**Conditions of Approval
Page 2 of 2**

Project Name: Emery Station Greenway
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Attention: Miroo Desai

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Fire Protection Systems & Equipment (cont.)

- ✓ Provide one or more fire department connection(s) as specified by EFD.
- ✓ Provide Class I manual wet standpipe system in all stairwells and throughout the building so that all portions of the building are within 120' of hose lines. At least one outlet shall be provided on the roof. Standpipe shall be combined with building fire sprinkler system, with a minimum of 65 psi at the top most outlet.
- ✓ Provide an approved fire alarm / smoke detection system with central station monitoring.
- ✓ Provide an approved automatic fire extinguishing system (Wet-chemical, UL 300, FM-200, etc) for specialized uses / equipment.
- ✓ Provide approved Excess Flow Valves (EFV) for any new or reconnected gas service.
- ❑ Provide a storage room for fire fighting equipment, with a minimum area of 64 square feet, (8' X 8'), keyed for fire department access only, location as per EFD. For high-rise buildings, the room shall comply with Section 403.6 of the California Building Code.
- ✓ Provide specialized fire fighting / medical equipment, as specified by EFD. (Separate document).
- ✓ Provide a mechanical smoke control / exhaust system with automatic control. Control panel shall be located as specified by EFD.

Exiting & Emergency Illumination

- ✓ Provide EXIT sign graphics and lettering with **Red** color. Exit signs shall be visible from all points in the building and from any direction of approach. Field verification required for final occupancy approval. Exit signs shall be internally illuminated, unless approved otherwise. Maximum spacing between Exit signs shall not exceed 100'.
- ✓ Approved exit plans shall be posted when required by the Fire Chief.
- ✓ Provide emergency lighting units for exit path illumination, as well as dispersal points and refuge areas.
 - Minimum of 1 foot-candle at the floor
 - 90-minute duration.
- ✓ Provide an on-site standby power system conforming to NEC Article 700 and EFD Standard No. 01-013.
- ✓ Provide approved stairway identification signs at each floor level in all stairwells.
- ✓ Provide a minimum of one stairwell serving all occupied floors, including the roof.

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