



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** January 17, 2017

**TO:** Carolyn Lehr, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** Resolution Of The City Council Of The City Of Emeryville Approving A Transportation Facility Impact Fee Credit Of \$728,633.13 To Wareham Property Group, On Behalf Of ES West Associates, LLC, For The EmeryStation West/Transit Center Project

## RECOMMENDATION

Staff recommends that the City Council consider whether to grant a Transportation Facility Impact Fee credit to Wareham Property Group, on Behalf of ES West Associates, LLC, for providing public facilities in the EmeryStation West/Transit Center project that would otherwise be eligible for funding by the impact fee.

## BACKGROUND

Wareham Property Group, on Behalf of ES West Associates, LLC, has submitted a letter, dated November 2, 2016, requesting that the City Council approve a credit and reimbursement of the \$728,633.13 Transportation Facility Impact Fee paid as part of the building permit fees for the EmeryStation West/ Transit Center project (see Attachment 1).

The EmeryStation West/Transit Center project was approved by the City Council by Resolution No. 10-33 on February 16, 2010 (see Attachment 2). The project, located immediately to the north of the Amtrak station, is a seven story, 165-foot tall office/lab building with about 248,300 gross square feet of floor area, 148 car parking spaces on two levels, four bus bays for Amtrak buses adjacent to the rail platform, and ground level retail and transit-oriented space. (See renderings in Attachment 3.) The project was approved under the Interim Zoning Regulations that were in effect from November 12, 2009 to March 7, 2013, and received a development bonus for height over 100 feet pursuant to those regulations. A building permit was issued on November 4, 2016 and the project is now under construction.

On July 15, 2014, the City Council adopted Ordinance No. 14-008 adding Article 19 of Chapter 5 of Title 9 to the Emeryville Municipal Code, titled "Development Impact Fees". This Article establishes the authority for the City to impose fees on development projects for the purpose of mitigating the impacts that the projects may have upon the City's ability to provide public facilities. Also on July 15, 2014, the City Council adopted Resolution No. 14-105, establishing an updated Transportation Facility Impact Fee. By this resolution, the City Council approved and adopted a "Transportation Impact Fee Update" study,

including a list of transportation improvement projects to be funded by the fee. Two projects related to the EmeryStation West/Transit Center project are included in this list.

Sections 9-5.1911 through 9-5.1913 of the Planning Regulations, as added by Ordinance No. 14-008, provide that the City Council may approve a development impact fee credit for a development project that includes the construction of public facilities that would otherwise be eligible for funding by the impact fee (see Attachment 4.) However, Section 9-5.1911(f) stipulates that “no credit shall be provided against impact fees otherwise owed if an applicant has received a development bonus in accordance with Section 9-4.204 of these Planning Regulations for providing the specified public facility”.

The building permit fees for the EmeryStation West/Transit Center project paid by Wareham on November 2, 2016, totaling approximately \$4.3 million, included a Transportation Facility Impact Fee of \$728,633.13 for which Wareham is requesting a credit and refund. (See fee chart and construction valuation estimate, Attachment 5.) This fee is based on 255,661 square feet of private Research and Development space at \$2.85 per square foot, the rate adopted by the City Council as part of the fiscal year 2016-2017 Development Impact Fee chart. Note that there is no Transportation Facility Impact Fee for the public “Transit Center” portion of the project, which includes the public parking, bus bays, and accessory retail space. Also note that the fees paid by Wareham included an Affordable Housing Impact Fee of \$1,086,558.18 and a Parks and Recreation Facility Impact Fee of \$682,614.20. Wareham is not requesting a credit for those impact fees.

## **DISCUSSION**

Section 9-5.1911(a) and (b) stipulate that a development impact fee credit must be based on the specified public facilities proposed to be provided by the applicant, with a cross-reference to the description of the specified public facilities in the relevant implementing resolution, and the estimated cost of providing the specified public facilities (including construction, design, and/or land acquisition) for which the applicant is requesting credit (see Attachment 4). As noted above, Section 9-5.1911(f) stipulates that an applicant is not entitled to a fee credit if a development bonus was received for providing the same public facilities for which a fee credit is claimed.

Thus, there are two relevant questions for the Council to consider in deciding whether to approve the requested fee credit: (1) What public facilities are included in the project that would otherwise be eligible for funding by the Transportation Facilities Impact Fee, and what was the cost to the applicant of providing those facilities? and (2) Did the applicant receive a development bonus for providing those same public facilities? These two questions are discussed below.

### **Public Facilities Included in the Project**

The two public facilities provided by the EmeryStation West/Transit Center project that are included in the Transportation Facilities Impact Fee are: (1) Transit Center Plaza and Platform Extension, and (2) Public Parking and Bus Bays at Transit Center (see

Attachment 6). Both projects are also included in the 2016-17 through 2020-21 Capital Improvement Program (CIP) adopted by the City Council on June 21, 2016, although at slightly different costs than shown in the Transportation Facilities Impact Fee study (see Attachment 7). Each project is discussed below.

#### *Transit Center Plaza and Platform Extension*

This project consists of a pedestrian plaza located between the Emeryville Amtrak Station and the proposed EmeryStation West office building, and an extension of the loading platform abutting the new bus bays in the Transit Center parking podium. The total cost as estimated in the Transportation Facilities Impact Fee is \$1,042,100, of which \$208,420 is included in the fee (see Attachment 6). The CIP cost estimate for this project is slightly more, at \$1,043,000 (see Attachment 7). Of this, \$834,077 is funded by a grant from the Federal Transportation Administration (FTA), and \$208,923 is the required 20% match, which is funded by the developer of the EmeryStation West/Transit Center project (i.e. Wareham). The CIP does not include any Transportation Facilities Impact Fee funding for this project. Since Wareham is covering the required match for the FTA grant, and since approximately the same amount is identified in the Transportation Facilities Impact Fee for this project although it is not being allocated to the project in the CIP, the Council may consider reimbursing Wareham the \$208,420 identified in the Transportation Facilities Impact Fee for this project.

#### *Public Parking and Bus Bays at Transit Center*

This project will provide 125 public parking spaces and bus bays serving Amtrak abutting the rail loading platform in the podium level of the EmeryStation West/Transit Center project. It also includes remediation of the highly contaminated site. The total cost as estimated in the Transportation Facilities Impact Fee is \$8,431,000, of which \$4,200,048 is included in the fee (see Attachment 6). The CIP cost estimate for this project is slightly less, at \$8,430,952 (see Attachment 7). Of this, \$4,230,952 is from the former Redevelopment Agency and is allocated to site remediation, and \$4,200,000 is a grant from the State Transportation Improvement Program (STIP) for construction of the project. Again, the CIP does not include any Transportation Facilities Impact Fee funding for this project, although the amount identified in the impact fee for the project is approximately the same as the estimated construction cost in the CIP.

According to the estimates prepared by the Building Division for the EmeryStation West/Transit Center project (see Attachment 5), the construction valuation of the parking podium and bus bays is \$5,943,915 (not including the retail space). This is \$1,743,915 more than the CIP allocates for construction of the public parking and bus bays, and is being funded by the developer (Wareham). Given that the Transportation Facility Impact Fee includes \$4,200,048 for this project, which has not been allocated to the project in the CIP, and Wareham is funding about \$1,743,915 of the project, the Council may consider reimbursing Wareham the \$728,633.13 in Transportation Facility Impact Fees that they have paid as a partial credit towards their contribution to the construction costs of the Public Parking and Bus Bays facility. (This would preclude any credit and refund

for the Transit Center Plaza and Platform Extension project, since together they would exceed the total amount of Transportation Facility Impact Fees paid by the applicant.)

## **Development Bonus**

As noted above, the EmeryStation West/Transit Center project was approved under the Interim Zoning Regulations that were in effect from 2009 to 2013, and received a development bonus for height over 100 feet. The Interim Zoning Regulations had a different development bonus system than the one that is in effect today, and that is referenced in the regulations pertaining to development impact fee credits.

Under today's regulations, building height over 100 feet requires 100 bonus points, of which half must come from paying an increased Affordable Housing Impact Fee, and half must come from providing community benefits in one or more of seven categories: (1) Public Open Space, (2) Zero Net Energy, (3) Public Improvements, (4) Utility Undergrounding, (5) Additional Family Friendly Units [not applicable in this case], (6) Small Businesses, and/or (7) Flexible Community Benefit. Generally, community benefit points are awarded on the basis of 10 points per 1% of construction valuation. In this case, 50 points would be needed for community benefits, equal to 5% of construction valuation. The construction valuation of the project is approximately \$50.9 million, so a little over \$2.5 million in community benefits would be required under the current code.

The Interim Zoning Regulations, under which the project was approved, had a qualitative, rather than a point-based, bonus system. In order to be eligible for bonus height over 100 feet, a project had to provide "significant public benefits substantially beyond normal requirements" in three or more of the following fourteen areas that were listed in Section 9-4.407(b): (1) Public Open Space, (2) Family Friendly Development [not applicable], (3) Sustainable Design, (4) Transportation Demand Management, (5) Public Right-of-Way Improvements, (6) Undergrounding of Utility Wires, (7) Public Parking, (8) Neighborhood Centers [not applicable], (9) Recycled Water, (10) Small Businesses, (11) Water Reuse, (12) Alternative Energy, (13) Public Art, and (14) Alternative Public Benefit.

As noted above, the project was approved by the City Council by Resolution No. 10-33 on February 16, 2010. That resolution including the following finding for granting the height bonus (see Attachment 2):

"... the proposed project will provide significant public benefits substantially beyond normal requirements in three or more of the areas listed in Section 9-4.407(b):

**"The project provides public benefits in the categories of 'public open space', 'public parking', 'public-right-of-way improvements', 'alternative energy' and 'transportation demand management' as described below. The open space/terrace on the third level is approximately 15,600 square feet and the public plaza between Emery Station West and the Amtrak Station is approximately 20,600 square**

**feet. The proposed public open space constitutes about 31 per cent of total site area (36,200 divided by 116,741) which is above the 10 per cent threshold needed to qualify for bonus in this category. In addition, the project will provide a minimum of 125 public parking spaces and will include widening of the railroad platform as well as sidewalks along Horton Street. The project will provide on-site generation of one of the following: wind power, solar power or cogeneration facilities (See Condition of Approval Number VII.A.11). In the 'transportation demand management' category, the project will provide electric vehicle charging stations, car pod and campus wide showers and locker facilities."**

Although the listed public benefits for which the development bonus was granted include the plaza, platform extension, and public parking, this does not necessarily disqualify the project from receiving a Transportation Facility Impact Fee credit, because additional public benefits were also included. The project included public benefits in five of the fourteen categories, including Public Open Space, Transportation Demand Management, Public Right-of-Way Improvements, Public Parking, and Alternative Energy. In addition to the plaza, platform extension, and public parking that are eligible for Transportation Facility Impact Fee funding, the public benefits provided by the project also included Public Open Space in the form of a 15,600 square foot landscaped terrace that will be open to the public; Public Right-of-Way Improvements in the form of widened sidewalks along Horton Street; Alternative Energy in the form of on-site generation of wind, solar, and/or cogeneration power; and Transportation Demand Management in the form of electric vehicle charging stations, a car-share pod, and shower and locker facilities.

Thus, even without the features that are eligible for Transportation Facility Impact Fee funding, the project would still provide at least three public benefits and would therefore still be eligible for the bonus height over 100 feet. Therefore, it could be argued that the project is eligible for an impact fee credit because it did not depend solely on the public benefits to be funded by the impact fee to earn the development bonus.

## **FISCAL IMPACT**

Granting a Transportation Facility Impact Fee credit to this project will result in a refund of fees already paid, and will reduce the balance in the Transportation Impact Fee Fund (Fund 250) by the refunded amount. It should be noted that, although the Transit Center Plaza and Platform Extension, and the Public Parking and Bus Bays at Transit Center projects are not funded by the Transportation Facility Impact Fee in the CIP, there are 12 other CIP projects that are funded by the Transportation Facility Impact Fee, totaling \$4,567,000 (see Attachment 8). However, the CIP anticipates that there will be a balance of a little over \$1 million remaining in the Transportation Facility Impact Fee fund after these projects are completed, so granting a refund of up to \$728,633.13 to Wareham will not reduce the funding for these 12 projects, but will reduce the remaining balance in the fund to about \$290,000.

## LEGAL CONSIDERATIONS

The City Attorney has reviewed this report and accompanying resolution.

## CONCLUSION

Staff recommends that, based on the discussion above, attached documents, evidence submitted at or prior to the January 17, 2017 City Council meeting, and public testimony at the meeting, the City Council should determine whether Wareham Property Group, on Behalf of ES West Associates, LLC, should be granted a credit for all, or a portion of, the \$728,633.13 Transportation Facility Impact Fee already paid for the EmeryStation West/Transit Center project. A resolution approving such a credit is attached for the Council's consideration.

## APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:



Carolyn Lehr, City Manager

### Attachments:

1. Letter from Wareham Property Group, on Behalf of ES West Associates, LLC, dated November 2, 2016, requesting credit of Transportation Facility Impact Fee
2. Resolution No. 10-33, dated February 16, 2010, approving the EmeryStation West/Transit Center project
3. Renderings of EmeryStation West/Transit Center Project
4. Planning Regulations Section 9-5.1911 – 9-5.1913, Development Impact Fee Credits
5. Building Division fee chart and construction valuation estimate, EmeryStation West/Transit Center project
6. Projects Eligible for funding from Transportation Facility Impact Fee
7. Capital Improvement Program sheets for “Transit Center Plaza and Platform Extension” and “Transit Center – Public Parking and Bus Bays” projects
8. Capital Improvement Program fund balance projections – Transportation Facility Impact Fee

## **RESOLUTION NO. 17-\_\_\_\_**

### **Resolution Of The City Council Of The City Of Emeryville Approving A Transportation Facility Impact Fee Credit Of \$728,633.13 To Wareham Property Group, On Behalf Of ES West Associates, LLC, For The EmeryStation West/Transit Center Project**

**WHEREAS**, the EmeryStation West/Transit Center project was approved by the City Council of the City of Emeryville by Resolution No. 10-33 on February 16, 2010, which included a development bonus for building height over 100 feet; and

**WHEREAS**, a building permit was issued for the project on November 4, 2016 upon the payment of \$4,338,014.29 in fees by Wareham Property Group, on behalf of ES West Associates, LLC, which included a Transportation Facility Impact Fee of \$728,633.13; and

**WHEREAS**, concurrently, Wareham Property Group, on behalf of ES West Associates, LLC, submitted a letter requesting a credit and refund of the Transportation Facility Impact Fee of \$728,633.13; and

**WHEREAS**, the EmeryStation West/Transit Center project provides two public facilities that are eligible for funding by the Transportation Facility Impact Fee, namely (1) Transit Center Plaza and Platform Extension, for which \$208,420 is included in the Transportation Facility Impact Fee, and (2) Public Parking and Bus Bays at Transit Center for which \$4,200,048 is included in the Transportation Facility Impact Fee; and

**WHEREAS**, these public facilities are not being funded by the Transportation Facility Impact Fee, but are being partially funded by Wareham Property Group, on Behalf of ES West Associates, LLC, in the amount of approximately \$208,923 for the Transit Center Plaza and Platform Extension, and approximately \$1,743,915 for the Public Parking and Bus Bays; and

**WHEREAS**, Section 9-5.1911 of the Emeryville Municipal Code, entitled "Application for Potential Credit" provides that an applicant may request that the City Council approve a development impact fee credit for a development project that includes the construction of public facilities that would otherwise be eligible for funding by the impact fee, but that an applicant is not entitled to a fee credit if a development bonus was received for providing the same public facilities for which a fee credit is claimed; and

**WHEREAS**, although the development bonus awarded to the project was partly based on the plaza, platform extension, and public parking that are eligible for funding by the Transportation Facility Impact Fee, it was also based on other public benefits in the areas of Public Open Space, Public Right-of-Way Improvements, Alternative Energy, and Transportation Demand Management, which are not eligible for funding by the Transportation Facility Impact Fee, and which alone would have been sufficient to make

the project eligible for a development bonus for building height over 100 feet, and the project is therefore not precluded from receiving a development impact fee credit pursuant to Emeryville Municipal Code Section 9-5.1911; now, therefore be it

**RESOLVED**, that the City Council of the City of Emeryville hereby finds that it is in the City's best interest to allow the applicant to provide the proposed specified public facilities, and that the applicant is therefore entitled to credit against fees otherwise owed; and be it further

**RESOLVED**, that the City Council of the City of Emeryville hereby approves a credit against the Transportation Facility Impact Fee in the amount of \$728,633.13 for the EmeryStation West/Transit Center project and directs that a refund in that amount be provided to Wareham Property Group on behalf of ES West Associates, LLC.

**ADOPTED** by the City Council of the City of Emeryville at a special meeting held Tuesday, January 17, 2017, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY





BY GOLDEN STATE OVERNIGHT

November 2, 2016

Mr. Charles Bryant  
Planning Director  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

Re: EmeryStation West Permit Fees

Dear Charlie:

Enclosed please find a check in the amount of \$4,338,014.30 (equal to "Fees to be Paid at Permit Issuance" less the existing credit from "Fees to be Paid at Plan Check Submittal") from the Fee summary you sent to us by e-mail November 1 which we had seen from Giyan the previous week. This check includes a \$728,633.13 portion attributable to "Transportation Facility" which we are paying in protest for convenience. As you and Carolyn Lehr offered, we wish you to pursue reimbursement of this amount, which you indicate requires City Council action, such reimbursement justified by the various public benefits provided by our project which were not already applied to the single height bonus we received.

As we have shared earlier with Giyan, our contractor, DPR, expects to call Thursday for a first inspection they desire Friday. We understand from you that payment of this fee was all that was required to issue the permit. If there are any questions or concerns, please let us know right away.

Sincerely,

A large, stylized handwritten signature in black ink, reading "Geoffrey B. Sears".

Geoffrey B. Sears  
WAREHAM PROPERTY GROUP  
On behalf of ES West Associates, LLC

Enclosure

cc: Rich Robbins  
Carolyn Lehr

**RESOLUTION NO. 10- 33**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE  
GRANTING THE APPEAL OF THE PLANNING COMMISSION DECISION  
AND APPROVING A CONDITIONAL USE PERMIT AND DESIGN  
REVIEW FOR AN OFFICE/LABORATORY BUILDING, EMERY STATION  
WEST AND A PARKING GARAGE, HERITAGE SQUARE GARAGE  
LOCATED IN THE 5900 AND 6100 BLOCKS OF HORTON STREET (APN:  
49-1489-15; -13-3; 49-1325-1-2; -2; -4).**

**WHEREAS**, on June 6, 2009 Wareham Development submitted an application for a Conditional Use Permit and Design Review for a proposal to remove two surface parking lots in the 5900 and 6100 blocks of Horton Street and construct two separate buildings: an office/laboratory building and a parking garage. The Emery Station West building, adjacent to the Amtrak Station, is a seven story, 165 foot tall office building accommodating approximately 248,300 gross square feet of office/lab space, 148 car parking spaces (two levels), 4 bus bays and ground level active space accommodating retail and transit (Amtrak) oriented functions and the Heritage Square Garage on the east side of Horton Street, is a seven story, 73 foot tall building accommodating 675 parking stalls; and

**WHEREAS**, the Emeryville Planning Commission reviewed the proposal at study session August 27, 2009; and

**WHEREAS**, on January 28, 2010, the Planning Commission held a duly and properly noticed public hearing to solicit public comments and consider the proposal, and then failed to pass a motion approving the Project; and

**WHEREAS**, on February 2, 2010, the City Council passed a motion ordering that the Planning Commission's action on the Project stand appealed; and

**WHEREAS**, on February 16, 2010, the City Council held a duly and properly noticed public hearing on the proposed Project approvals; and

**WHEREAS**, the City of Emeryville City Council has reviewed the following environmental documentation for the Project: Mitigated Negative Declaration; Response to Comments (RTC), Draft Initial Study and the staff report prepared for the proposed Project (collectively, the "CEQA Documentation"); and

**WHEREAS**, the Emeryville City Council has reviewed and considered the staff report and attachments thereto, the plans, all public comments, the CEQA documentation and the proposal to construct two buildings on lots in the 5900 and 6100 blocks of Horton Street as described above and subject to the conditions and requirements set forth in Exhibit A attached to this Resolution and the applicable standards of the Emeryville Zoning Ordinance ("the Record"); now, therefore, be it

**RESOLVED**, that the City Council finds that, based on the Record, no further environmental review under CEQA is required, and the Council hereby directs the Planning Director to file a Notice of Determination with the Alameda County Clerk accordingly; and be it further

**RESOLVED**, that the City Council approves removal of approximately thirteen street trees along 59<sup>th</sup> and 62<sup>nd</sup> and Horton Streets as part of the project and subject to the conditions of approval attached hereto; and be it further

**RESOLVED**, that in granting the appeal of the Planning Commission decision and approving **UP09-03/DR09-18**, the City Council makes the following findings required by Emeryville Municipal Code Sections 9-4.82.13, 9-4.84.4(b), 9-6.503(a) and 9-6.509(c):

Section 1.      Use Permit Findings Pursuant to Section 9-4.82.13:

- a)      That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to: neighborhood character with consideration given to harmony in scale, bulk, coverage, and density of nearby uses, buildings and structures; the availability of civic facilities and utilities; the capacity and physical character of surrounding streets; the physical safety of the immediate area; and the amount of light falling on adjacent buildings and open spaces;

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

**In addition, the proposed project can adequately be served by the capacity and physical character of surrounding streets. The proposed heights and design features break up the massing and are compatible with varied heights of buildings along Hollis and Horton Streets. The project as designed will not adversely affect safety in the immediate area; light which falls on adjacent buildings and open spaces will also not be impacted. The project can be served by existing public services and utilities.**

- b)      That the proposed use is consistent with the capability of the circulation, water supply, wastewater disposal, fire, police and school systems to operate adequately and cost effectively;

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

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

- c) That the proposed use with its impacts and at its proposed location is consistent with the General Plan;

**The General Plan Land Use Classification for the property is Mixed Use with Non Residential (MUN) and Office/Technology (O/T). The proposal is consistent with the General Plan's goals and policies in the following way:**

**The project fulfills goals LUG-2 and LU-G-11 by adding laboratory, research space and ground level commercial, and transit related uses help to create a mix of uses and a wide range of economic activity that will strengthen the city's economic base. Additionally, the project meets policy LU-P-15 by widening the rail platform, providing bus bays next to the platform, creating a protected pedestrian waiting area as well as providing public parking. This assists in developing the Amtrak Station area with pedestrian amenities and transit-supporting uses as outlined in policy LU-P-15.**

- d) That the proposed use at its proposed location will provide a facility which will contribute to the general well-being of the surrounding neighborhood or community;

**The proposed project will enhance the surrounding area by replacing surface parking lots with buildings that will accommodate public parking and transit related commercial uses, a laboratory space and covered parking. In addition, the project includes a public plaza between the Amtrak Station and the proposed building that will improve the circulation of all modes of traffic. The project also includes a podium level landscaped area that will be open to the public and that will connect with the pedestrian bridge over the railroad tracks. These project components will add to the general well-being of the surrounding neighborhood.**

- e) That the proposed use complies with all applicable standards and requirements of the Zoning Ordinance;

**The project as proposed meets the standards and requirements of the Mixed Use with Non Residential and Office/Technology Zones.**

- f) That an environmental determination has been prepared in accordance with CEQA.

**An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project under the requirements of the California Environmental Quality Act (CEQA), and a Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review between November 7, 2009 and December 9, 2009.**

Section 2.     Design Review Findings Pursuant to Section 9-4.84.4(b):

- 1) The site subject to design review shall be graded and developed with due regard for the natural terrain, aesthetic quality and landscaping so as not to impair the environmental quality, value or stability of the site or the environmental quality or value of improved or unimproved property in the area;

**The project site is a flat urban infill site. The proposed building will require minimal grading which will consider site terrain, aesthetic quality, and landscaping in such a manner so as not to impair environmental quality, value of adjacent property or site stability.**

- 2) A building, structure, or sign shall (a) Relate congruously to its site and property in the immediate and adjacent areas; and (b) Not be of such poor quality of design as to adversely affect the environmental quality or desirability of the immediate areas or neighboring areas; and (c) Not impede the benefits or occupancy of existing property or environmental quality thereof in such areas or the stability or value of improved or unimproved real property in such areas, or produce degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, and general welfare of the community;

**The project site is located in an area with a mix of building types, uses, and architectural styles. The surrounding buildings include Emery Station offices and other commercial buildings such the Post Office. The proposed project will visually upgrade the site by removing two surface parking lots and constructing buildings whose design, intensity and scale are appropriate to the site as well as compatible with the surrounding development.**

- 3) A site shall be developed to achieve a harmonious relationship with the area in which it is located and adjacent areas, allowing originality which does not impair the environmental quality or value of the improved or unimproved property or prevent appropriate development and use of such areas or produce degeneration of such Area with attendant deterioration of conditions affecting the health, safety, and general welfare of the City;

**This project will result in visually attractive buildings and will provide an active presence along Horton 59<sup>th</sup> and 62<sup>nd</sup> Streets.**

- 4) Open space, parking areas, pedestrian walks, signs, illumination, and landscaping (including irrigation) shall be designed and developed to enhance the environmental quality of the site and achieve a safe, efficient and harmonious development, and accomplish the objectives set forth in the precise plan of design and design criteria;

**The design provides for a publicly accessible landscaped terrace on the podium level of the Emery Station West (ESW) building, a landscaped public plaza between the Amtrak Station and the ESW building and new street trees and landscaping along Horton Street.**

- 5) Electrical and mechanical equipment or works and fixtures and trash storage areas shall be designed and constructed so as not to detract from the environmental quality of the site. Electrical and mechanical equipment or works shall be concealed by an appropriate architectural structure which uses colors and materials harmonious with the principal structure, placed underground if appropriate, or some other reasonable alternative;

**All mechanical equipment are screened by their location in the penthouse level of the ESW building. Trash collection and storage is sited on the northern side of the ESW building such that it faces the storage area of the post office. In addition, conditions of approval ensure that all electrical and mechanical equipment or works and fixtures and trash storage areas are designed and constructed such that they are well screened and functional.**

- 6) For the purpose of determining a reasonable implementation of said design and the effect on environmental quality of the area, the components considered in design review shall include but not be limited to exterior design, materials, textures, colors, means of illumination, landscaping, irrigation, height, shadow patterns, parking, access, security, safety, and other usual on-site development elements. Recommendations as to site coverage, and the intensity of proposed development may also be made;

**Design review consideration of this project has included the overall massing, bulk, building form, height, exterior materials, colors, and landscaping. These elements, taken together, have been reviewed and have been found to be well-designed and compatible with the surrounding development in the area.**

Section 3.     Findings for Retail Uses in Office/Technology Zone Pursuant to Section 9-6.503(a)

1.     That the use is secondary to other uses that are permitted or conditionally permitted in the OT Office/Technology zone.

**The ground level commercial space in the Heritage Square Garage building constitutes only about 3,620 square feet of a 211,000 square foot structure. Any retail use in this space would be intended to serve, and would clearly be secondary to, other surrounding uses that are permitted or conditionally permitted in the OT zone.**

Section 4.     Findings for Bonus Height over 100 feet Pursuant to Section 9-6.509 (c)

1.     That the proposed project is of excellent design quality;

**The Emery Station West building with its metal and glass skin provides a podium level roof terrace with upper floors that are set back and provide visually interesting lines. Overall, the building removes a surface parking lot to provide a well-designed project.**

2.     That the proposed project will provide significant public benefits substantially beyond normal requirements in three or more of the areas listed in Section 9-4.407(b);

**The project provides public benefits in the categories of “public open space”, “public parking”, “public-right-of-way improvements”, “alternative energy” and “transportation demand management” as described below. The open space/terrace on the third level is approximately 15,600 square feet and the public plaza between Emery Station West and the Amtrak Station is approximately 20,600 square feet. The proposed public open space constitutes about 31 per cent of total site area (36,200 divided by 116,741) which is above the 10 per cent threshold needed to qualify for bonus in this category. In addition, the project will provide a minimum of 125 public parking spaces and will include widening of the railroad platform as well as sidewalks along Horton Street. The project will provide on-site generation of one of the following: wind power, solar power or cogeneration facilities (See Condition of Approval Number VII.A.11). In the “transportation demand management” category, the project will provide electric vehicle charging stations, car pod and campus wide showers and locker facilities. (See Condition of Approval Numbers VI.A.1(g), VI.B.4, VIB.6 respectively).**



3. That the proposed project will minimize impacts on public views, wind and shadows at the street level.

**The building has minimal impacts on public views, wind and shadow as analyzed in the Aesthetics section of the Mitigated Negative Declaration.**

4. That the proposed project will be separated by an adequate distance from any other building with a height greater than 100 feet.

**There are no other buildings with a height greater than 100 feet in the immediate vicinity of the project site.**

and be it further

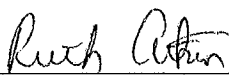
**RESOLVED**, that the City Council hereby approves **UP09-03/DR09-18** for the Emery Station West @ Emeryville Transit Center project on the 5900 and 6100 blocks of Horton Street subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

**ADOPTED** by the City Council of the City of Emeryville at a regular meeting held on Tuesday, February 16, 2010 by the following votes:

**AYES: (4) Mayor Atkin, Vice Mayor Brinkman and Councilmembers Bukowski and Davis**

**NOES: (1) Councilmember West**      **ABSENT: (0) None**

**EXCUSED: (0) None**      **ABSTAINED: None**

  
\_\_\_\_\_  
**MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**CITY ATTORNEY**











#### **9-5.1911      Application For Potential Credit.**

An applicant may be eligible for a credit against impact fees otherwise owed, in return for providing a specified public facility to the City, only if the applicant submits a written application to the Director which establishes compliance with all of the following requirements to the satisfaction of the City Council:

- (a) Describe the specified public facilities (or portion thereof) proposed to be provided by the applicant, with a cross-reference to the description of the specified public facilities in the relevant implementing resolution.
- (b) Identify the estimated cost of providing the specified public facilities (including construction, design, and/or land acquisition) for which the applicant is requesting credit.
- (c) Describe the project or projects to which the fee credit is requested to apply. The description shall be limited to all or a portion of the project for which specified public facilities are a condition of approval.
- (d) Document that either: (1) the applicant is required, as a condition of approval for the project, to construct the specified public facilities; or (2) the applicant requests to build one or more specified public facilities which benefit the project, and the City Council determines by resolution prior to the commencement of construction that it is in the City's best interests for the specified public facilities to be built by the applicant.

- (e) To the extent that credit for land acquisition costs are requested, document that: (1) the location of the land is advantageous to the public facility needs of the City; and (2) the amount of credit for the land acquisition is equal to a reasonable estimate of the fair market value of the land based upon either: (A) documentation provided by the applicant to the City, or (B) in the event that the City determines that the documentation provided by the applicant does not provide a reasonable basis for determining the fair market value of the land, the applicant shall pay for the costs of a property appraisal by an expert selected by the City which is qualified to express an opinion as to the value of the property (pursuant to [Cal. Civ. Proc. Code § 1255.010](#)).
- (f) Notwithstanding the foregoing, no credit shall be provided against impact fees otherwise owed if an applicant has received a development bonus in accordance with [Section 9-4.204](#) of these Planning Regulations for providing the specified public facility.

#### **9-5.1912 Timing of Application For Potential Credit.**

The application for credit shall be submitted by the applicant to the Director in accordance with the following timing requirements: (a) to the extent that the applicant requests credit for design or construction, the application shall be submitted concurrently with the submittal of improvement plans; (b) to the extent that the applicant requests credit for land dedication, the application shall be submitted prior to the recordation of a final map or parcel map for the project. The applicant may submit a late application only if the applicant establishes, to the satisfaction of the City, that, in light of new or changed circumstances, it is in the City's best interests to allow the late application.

#### **9-5.1913 Amount of Potential Credit.**

In the event that the City determines that the applicant has submitted a timely application in compliance with [Section 9-5.1912](#), and it is in the City's best interest to allow the applicant to provide the proposed specified public facility, the applicant shall be entitled to credit against fees otherwise owed in accordance with this Article; provided, that the applicant enters into a public improvement agreement with the City approved by resolution of the City Council which includes the following essential terms:

- (a) The design of the specified public facility is approved by the City.
- (b) The applicant agrees to provide the specified public facilities in return for the credit to be allocated in accordance with the terms of the public improvement agreement and this Article.
- (c) The amount of credit available to the applicant shall not exceed the lesser of: (1) the applicant's actual cost of providing the specified public facility, to be evidenced by the submittal of written documentation to the satisfaction of the City, and (2) the estimated cost of providing the specified public facility, as identified in the implementing resolution.
- (d) The amount of credit available to the applicant for land dedication shall be equal to the amount identified in [Section 9-5.1911\(e\)](#).
- (e) The land to be dedicated to the City shall not contain hazardous substances, waste or materials, as defined by state or federal law, including petroleum, crude oil or any

fraction thereof, or shall otherwise be remediated in accordance with a cleanup plan approved by the City and applicable state or federal regulatory agencies to a level suitable for the intended use. Further, the applicant shall agree to thereafter defend, indemnify, and hold the City harmless from all demands, claims, orders, costs, expenses, fees, penalties, and causes of action related to hazardous substances, waste or materials, as defined by state or federal law, including petroleum, crude oil or any fraction thereof, located on or emanating from the property.

- (f) The applicant provides improvement security in a form and amount acceptable to the City.
- (g) The applicant agrees to pay prevailing wages for all public works as defined in the California Labor Code related to the specified public facility. The requirement for payment of prevailing wages shall be limited to the construction of the specified public facility for which a fee credit is granted, unless an exception to prevailing wage requirements applies under the California Labor Code, in which case the requirement for prevailing wages shall not apply.
- (h) The applicant identifies the project to which the credit will be applied.
- (i) The credit may only be applied to fees which would otherwise be owed for the public facility category relevant to the specified public facility.

## PROJECT

EmeryStation West / Transit Center - 5959 Horton

## FEE CALCULATIONS AT ISSUANCE

## Valuation

\$ 50,906,177.85

Print Date: November 3, 2016

| SUMMARY OF ALL FEES               | FEES                   | PAYMENT DATE | AMOUNT PAID          | AMOUNT DUE             | NOTES                          |
|-----------------------------------|------------------------|--------------|----------------------|------------------------|--------------------------------|
| Building Permit Fee               | \$ 407,249.42          |              |                      | \$ 407,249.42          |                                |
| Plan Review Fee                   | \$ 264,712.12          | 19-Nov-15    | \$ 333,589.71        | \$ (68,877.59)         |                                |
| Energy Review Fee                 | \$ 50,906.18           | 19-Nov-15    | \$ 64,151.87         | \$ (13,245.69)         |                                |
| Electrical Permit Fee             | \$ 81,449.88           |              |                      | \$ 81,449.88           |                                |
| Plumbing Permit Fee               | \$ 73,304.90           |              |                      | \$ 73,304.90           |                                |
| Mechanical Permit Fee             | \$ 69,232.40           |              |                      | \$ 69,232.40           |                                |
| S.M.I.P.                          | \$ 14,253.73           |              |                      | \$ 14,253.73           |                                |
| Microfiche                        | \$ 4,072.49            |              |                      | \$ 4,072.49            |                                |
| Fire Department Fees              | \$ 142,537.30          |              |                      | \$ 142,537.30          |                                |
| Fire Suppression Fees             | \$ -                   |              |                      | \$ -                   | Under separate permit          |
| Sewer Connection Fees             | \$ 49,104.00           |              |                      | \$ 49,104.00           | 186 traps @ \$264/trap 7/19/16 |
| Bay-Shell-Mound Contingent Fees   | \$ 1,134.14            |              |                      | \$ 1,134.14            | Cat II to VI                   |
| Transportation Facility           | \$ 728,633.13          |              |                      | \$ 728,633.13          | FY 16-17 R&D @ \$2.85/sq ft    |
| School Fees                       | \$ 120,160.55          |              |                      | \$ 120,160.55          |                                |
| Art In Public Places              | \$ 509,061.78          |              |                      | \$ 509,061.78          | 1% of \$50,906,178             |
| Technology Fee                    | \$ 50,906.18           |              |                      | \$ 50,906.18           |                                |
| Building Standards Commission Fee | \$ 2,037.00            |              |                      | \$ 2,037.00            |                                |
| General Plan Maintenance Fee      | \$ 254,530.89          |              |                      | \$ 254,530.89          |                                |
| Affordable Housing Fee            | \$ 1,086,558.18        |              |                      | \$ 1,086,558.18        | FY 16-17 R&D @ \$4.25/sq ft    |
| Parks and Recreation Fee          | \$ 682,614.20          |              |                      | \$ 682,614.20          | FY 16-17 R&D @ \$2.67/sq ft    |
| <b>TOTAL:</b>                     | <b>\$ 4,592,458.48</b> |              | <b>\$ 397,741.58</b> | <b>\$ 4,194,716.90</b> | <b>4,194,716.90</b>            |

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| FEES TO BE PAID AT PLAN CHECK SUBMITTAL: |                      |           |                      |                       |  |
|--|----------------------|-----------|----------------------|-----------------------|--|
| Plan Review Fee                          | \$ 264,712.12        | 19-Nov-15 | \$ 333,589.71        | \$ (68,877.59)        |  |
| Energy Review Fee                        | \$ 50,906.18         | 19-Nov-15 | \$ 64,151.87         | \$ (13,245.69)        |  |
| Other Fees                               | **                   |           |                      |                       |  |
| <b>Sub Total:</b>                        | <b>\$ 315,618.30</b> |           | <b>\$ 397,741.58</b> | <b>\$ (82,123.28)</b> |  |

| FEES TO BE PAID AT PERMIT ISSUANCE: |                        |  |             |                        |                   |
|-------------------------------------|------------------------|--|-------------|------------------------|-------------------|
| Building Permit Fee                 | \$ 407,249.42          |  | \$ -        | \$ 407,249.42          |                   |
| Electrical Permit Fee               | \$ 81,449.88           |  | \$ -        | \$ 81,449.88           |                   |
| Plumbing Permit Fee                 | \$ 73,304.90           |  | \$ -        | \$ 73,304.90           |                   |
| Mechanical Permit Fee               | \$ 69,232.40           |  | \$ -        | \$ 69,232.40           |                   |
| S.M.I.P.                            | \$ 14,253.73           |  | \$ -        | \$ 14,253.73           |                   |
| Microfiche                          | \$ 4,072.49            |  | \$ -        | \$ 4,072.49            |                   |
| Fire Department Fees                | \$ 142,537.30          |  | \$ -        | \$ 142,537.30          |                   |
| Fire Suppression Fees               | \$ -                   |  | \$ -        | \$ -                   |                   |
| Sewer Connection Fees               | \$ 49,104.00           |  | \$ -        | \$ 49,104.00           |                   |
| Bay-Shell-Mound Contingent Fees     | \$ 1,134.14            |  | \$ -        | \$ 1,134.14            |                   |
| Transportation Facility             | \$ 728,633.13          |  | \$ -        | \$ 728,633.13          |                   |
| School Fees                         | \$ 120,160.55          |  | \$ -        | \$ 120,160.55          |                   |
| Art In Public Places                | \$ 509,061.78          |  | \$ -        | \$ 509,061.78          | See note(s) below |
| Technology Fee                      | \$ 50,906.18           |  | \$ -        | \$ 50,906.18           |                   |
| Building Standards Commission Fee   | \$ 2,037.00            |  | \$ -        | \$ 2,037.00            |                   |
| General Plan Maintenance Fee        | \$ 254,530.89          |  | \$ -        | \$ 254,530.89          |                   |
| Affordable Housing Fee              | \$ 1,086,558.18        |  | \$ -        | \$ 1,086,558.18        |                   |
| Parks and Recreation Fee            | \$ 682,614.20          |  | \$ -        | \$ 682,614.20          |                   |
| <b>Sub Total:</b>                   | <b>\$ 4,276,840.18</b> |  | <b>\$ -</b> | <b>\$ 4,276,840.18</b> |                   |

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

Notes: This is a PRELIMINARY fee calculation for estimating purposes only. Fees will be recalculated at the time of submittal, prior to permit

issuance and at any time when the scope of work is revised (including: type of construction, # of stories, floor area, declared valuation, and use).

Art Fee is not required if Public Art is installed.

| VALUATION CALCULATIONS:   |                                     |                  |                  |                  |                     |                       |                 |                    |                    |
|---|-------------------------------------|------------------|------------------|------------------|---------------------|-----------------------|-----------------|--------------------|--------------------|
| Type of Const.  | Use                                 | Number of Floors | Gross Floor Area | Square Foot Cost | Sprinklers + \$5.02 | Air Cond. + 8.11/6.76 | Modifier x 1.00 | Story > 3, +5% ea. | Total Valuation    |
|   |                                     |                  | (sq.ft.)         | (\$)             | \$5.02              | \$8.11                | 1               | (\$)               | (\$)               |
| I   | R&D                                 | 9                | 255,661          | \$ 206.21        | \$ 211.23           | \$ 211.23             | \$211.23        | \$ 217.57          | \$ 55,623,316.48   |
| I   | Garage 2nd (open) + Bus (1st Open). | 9                | 54,321           | \$ 70.86         | \$ 75.88            | \$ 75.88              | \$75.88         | \$ 78.16           | \$ 4,245,533.80    |
| I   | Garage                              | 9                | 16,582           | \$ 94.42         | \$ 99.44            | \$ 99.44              | \$99.44         | \$ 102.42          | \$ 1,698,381.50    |
| I   | Retail                              | 9                | 2,320            | \$ 159.10        | \$ 164.12           | \$ 164.12             | \$164.12        | \$ 169.04          | \$ 237,585.98      |
|   |                                     |                  |                  |                  | \$ 5.02             | \$ 13.13              | \$13.13         | \$ 13.52           | \$ -               |
|   |                                     |                  |                  |                  | \$ 5.02             | \$ 13.13              | \$13.13         | \$ 13.52           | \$ -               |
| <b>Totals</b>   |                                     | 9                | 335,269          |                  |                     |                       |                 |                    | \$ 61,804,817.76   |
| <b>Exist. Bldg. Adjustment - 80% ( No credit for existing sprinklers or HVAC)</b> |                                     |                  |                  |                  |                     |                       |                 |                    |                    |
|   | W'House                             |                  |                  |                  | \$ 2.40             | \$ 2.40               | \$ 2.40         |                    | \$ -               |
| <b>T.I. ONLY Adjustment * 20%</b>   |                                     |                  |                  |                  |                     |                       |                 |                    |                    |
| I   | R&D + Retail                        | 9                | 257,980          | \$ 41.24         | \$ 42.25            | \$ 42.25              | \$ 42.25        | \$ 43.51           | \$ (10,898,639.91) |
| <b>DECLARED VALUATION</b>   |                                     |                  |                  |                  |                     |                       |                 |                    | \$ 49,350,000.00   |
| <b>TOTAL</b>  |                                     |                  |                  |                  |                     |                       |                 |                    | \$ 50,906,177.85   |



**TABLE 6**  
**ALLOCATION OF PROJECT COSTS TO FEE PROGRAM**

| Map # | Project   | Type                        | Total Cost   | Percent of Cost to Include in Fee |                   | Portion of Cost to include in Fee |
|-------|---|-----------------------------|--------------|-----------------------------------|-------------------|-----------------------------------|
|       |   |                             |              | Existing/Other                    | Emeryville Growth |                                   |
| 1.    | Citywide Transit Improvements                                     | Transit                     | \$2,347,500  | 0%                                | 100%              | \$2,347,500                       |
| 2.    | Powell Street Multi-Modal Phase 1                                 | Multi-modal                 | \$3,350,000  | 0%                                | 100%              | \$3,350,000                       |
| 3.    | Christie Bay Trail  | Multi-modal (non-motorized) | \$480,000    | 0%                                | 100%              | \$480,000                         |
| 4.    | ECCL Path   | Multi-modal (non-motorized) | \$750,000    | 0%                                | 100%              | \$750,000                         |
| 5.    | South Bayfront Bridge   | Multi-modal (non-motorized) | \$14,549,000 | 0%                                | 100%              | \$14,549,000                      |
| 6.    | San Pablo Avenue Mid-block Crossing                               | Pedestrian                  | \$344,100    | 0%                                | 100%              | \$344,100                         |
| 7.    | Shorebird Park Connections  | Multi-modal (non-motorized) | \$220,000    | 0%                                | 100%              | \$220,000                         |
| 8.    | Spur Alley Bicycle Treatments                                     | Multi-modal (non-motorized) | \$900,300    | 0%                                | 100%              | \$900,300                         |
| 9.    | Railroad Quiet Zone   | Multi-modal                 | \$4,035,000  | 0%                                | 100%              | \$4,035,000                       |
| 10.   | I-80/Powell Off Ramp Improvements                                 | Automobile Capacity         | \$450,000    | 0%                                | 100%              | \$450,000                         |
| 11.   | Christie Avenue/ Powell Street                                    | Automobile Capacity         | \$4,600,000  | 85%                               | 15%               | \$690,000                         |
| 12.   | Bicycle and Pedestrian Plan Implementation                        | Multi-modal (non-motorized) | \$300,000    | 0%                                | 100%              | \$300,000                         |
| 13.   | 40th Street/Horton Street   | Multi-Modal                 | \$59,500     | 0%                                | 100%              | \$59,500                          |
| 14.   | 40th Street/Emery Street  | Automobile Capacity         | \$87,000     | 0%                                | 100%              | \$87,000                          |
| 15.   | Transit Center Plaza and Platform Extension                       | Pedestrian                  | \$1,042,100  | 80%                               | 20%               | \$208,420                         |
| 16.   | Public Parking and Bus Bays at Transit Center                     | Transit                     | \$8,431,000  | 50.2%                             | 49.8%             | \$4,200,048                       |
| 17.   | Doyle Street Bicycle Boulevard                                    | Bicycle                     | \$275,000    | 0%                                | 100%              | \$275,000                         |
| 18.   | Hollis Street Sidewalk  | Pedestrian                  | \$603,000    | 0%                                | 100%              | \$603,000                         |
| 19.   | Adeline/San Pablo/ Macarthur/Peralta "Star" Intersection          | Multi-modal (non-motorized) | \$456,000    | 0%                                | 100%              | \$456,000                         |
| 20.   | Ped-Bike Bridge over I-80: 65th St to Frontage Rd                 | Multi-modal (non-motorized) | \$18,500,000 | 0%                                | 100%              | \$18,500,000                      |
| 21.   | Horton Street and Overland Avenue from 40th Street to 62nd Street | Bicycle                     | \$2,015,000  | 0%                                | 100%              | \$2,015,000                       |



**TABLE 6**  
**ALLOCATION OF PROJECT COSTS TO FEE PROGRAM**

| Map #  | Project   | Type                        | Total Cost    | Percent of Cost to Include in Fee |                   | Portion of Cost to include in Fee |
|--|---|-----------------------------|---------------|-----------------------------------|-------------------|-----------------------------------|
|  |   |                             |               | Existing/Other                    | Emeryville Growth |                                   |
| 22.  | Emeryville Greenway extension from Powell St south to Stanford Ave at Horton St | Multi-modal (non-motorized) | \$1,350,000   | 0%                                | 100%              | \$1,350,000                       |
| 23.  | 40th Street/ Harlan Street Signalization  | Multi-Modal                 | \$290,000     | 0%                                | 100%              | \$290,000                         |
| 24.  | Sherwin Area Improvements   | Pedestrian                  | \$2,843,850   | 0%                                | 100%              | \$2,843,850                       |
| 25.  | Bike Sharing Program  | Bicycle                     | \$600,000     | 0%                                | 100%              | \$600,000                         |
| 26.  | Bicycle Parking   | Bicycle                     | \$200,000     | 0%                                | 100%              | \$200,000                         |
| 27.  | Traffic Signal Enhancements   | Bicycle                     | \$490,000     | 0%                                | 100%              | \$490,000                         |
| 28.  | Emery-go-Round Bus Yard Acquisition   | Transit                     | \$1,000,000   | 0%                                | 100%              | \$1,000,000                       |
| Total Project Costs                                      |   |                             | \$70,568,350  |                                   |                   | \$61,593,718                      |
| Contingency, Design Environmental Review and Other (40%) |   |                             | \$28,227,340  |                                   |                   | \$24,637,487                      |
| Preparation of Transportation Fee Study                  |   |                             | \$200,000     |                                   |                   | \$200,000                         |
| City Administrative Costs (2%)                           |   |                             | \$1,979,914   |                                   |                   | \$1,728,624                       |
| Total Cost   |   |                             | \$100,975,604 |                                   |                   | \$88,159,829                      |

Source: Fehr &amp; Peers, 2014



# CITY OF EMERYVILLE CAPITAL IMPROVEMENT PROGRAM

☐ New ☒ Existing Project

CIP#: CF-03

**Project Category:** Community Facilities

Project Number: 16254011

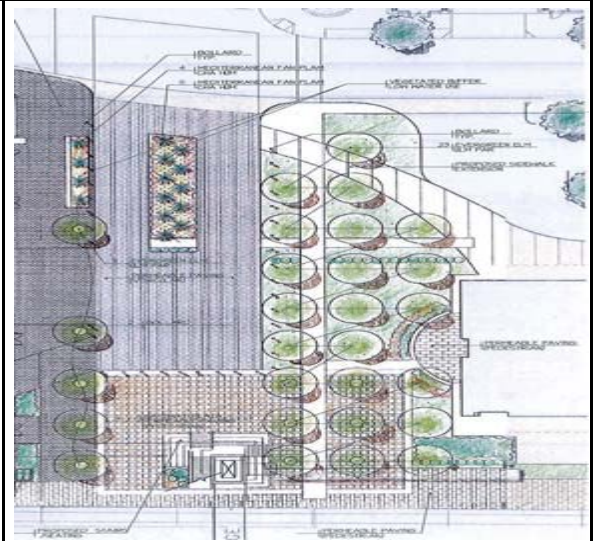
**Title:** **Transit Center Plaza and Platform Extension**

**Lead Department:** Economic Development and Housing

**Priority Level:** Restricted

**Description and**

This project consists of a pedestrian plaza located between the Emeryville Amtrak Station and the proposed Emery Station West office building and an extension of the loading platform abutting the new bus bays in the Transit Center parking podium. The plaza will include new landscaping, hardscape, lighting, and street furniture. It will also serve as a visual terminus of 59th Street. A Federal Transportation Authority earmark will provide \$883,407 in funding with a required 20% local match to be paid for by the developer of the Transit Center/Emery Station West project.



**Justification:**

The plaza will significantly improve the area between the Amtrak station and Emery Station West, creating an important public space and visual terminus of 59th Street focusing on the pedestrian bridge over the tracks. The plaza will enhance pedestrian connections by providing east/west pedestrian connections across the site from Horton Street Bicycle Boulevard (a Transit Priority Street) and 59th Street to the pedestrian/bicycle bridge.

**Current Status:**

FTA funding was allocated in 2008. The plaza will be developed after the adjacent Emery Station West is completed and will be constructed by the Developer of the Emery Station West project.

**Endorsing Authority:**

The City, through the Alameda-Contra Costa Transit District has obtained grants from the Federal Transit Administration in the total amount of \$834,077, which have been earmarked to pay for the Plaza Improvements.

## Prioritization Factors:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Public Safety    | <input type="checkbox"/> Mandated Program                     | <input type="checkbox"/> Hazard Elimination              | <input checked="" type="checkbox"/> Affordable Housing  |
| <input type="checkbox"/> Parks/Open Space | <input type="checkbox"/> Preventive Maintenance               | <input checked="" type="checkbox"/> Connectivity         | <input type="checkbox"/> Family Friendly                |
| <input type="checkbox"/> Citywide Impact  | <input checked="" type="checkbox"/> Leverages Outside Funding | <input checked="" type="checkbox"/> Economic Development | <input checked="" type="checkbox"/> Climate Action Plan |

## Anticipated Costs:

|                     |                     |
|---------------------|---------------------|
| Acquisition         |                     |
| Design/Prof Svc     |                     |
| <b>Construction</b> | <b>\$ 1,043,000</b> |
| Construction Admin  | \$ -                |
| Other               |                     |
| <b>Total:</b>       | <b>\$ 1,043,000</b> |

## Operating Budget Impact

|          |     |
|----------|-----|
| FY 16-17 | TBD |
| FY 17-18 | TBD |
| FY 18-19 | TBD |

| Estimated Costs and<br>Funding Source: | Encumbrance and<br>Carryover thru |          |          |          |          |          |
|--|-----------------------------------|----------|----------|----------|----------|----------|
|  | June 2016                         | FY 16/17 | FY 17/18 | FY 18/19 | FY 19/20 | FY 20/21 |
| FTA Grant                              | \$                                | 834,077  |          |          |          |          |
| Developer                              | \$                                | 208,923  |          |          |          |          |

# CITY OF EMERYVILLE CAPITAL IMPROVEMENT PROGRAM

☐ New Project ☒ Existing Project

CIP#: CF-04

**Project Category:** Community Facilities

Project Number: 16254012

**Title:** **Transit Center - Public Parking and Bus Bays**

**Lead Department:** Economic Development and Housing

Priority Level: Restricted

**Description and**

The Transit Center project is a multi-modal, high density project directly adjacent to the Amtrak Station that includes both public and private components. The private use on the site will be office and laboratory space, expanding Emeryville's vital research and development cluster. The public uses promote mass transit and connect rail to bus travel modes and include 125 public parking spaces and up to six bus bays serving Amtrak. The project will also include significant improvements to public plazas and enhance the linkage across the railroad by improving the existing pedestrian/bicycle bridge. Construction of the project will require remediation of the existing parking lot site, which is highly contaminated.



**Justification:**

When completed, the project will remove contamination, enhance public space, improve Emeryville's mass transit, pedestrian, and bicycle connections, bring approximately 500 new high-quality jobs to Emeryville, and expand Emeryville's bio-technology presence in the region.

**Current Status:**

The City has secured a \$4.2 million State STIP grant and entered into an agreement with the Successor Agency. The City also entered into an agreement with the Successor Agency for another \$4.2 million in redevelopment funds to construct the public improvement, which was subject to a litigation challenge by the State and determined in the Agency's favor. The City has entered into a parking lease agreement with the developer to offset the cost of site remediation. The developer covers operating costs the first 12 years of operation.

**Endorsing Authority:**

This project was included in the Emeryville Redevelopment Agency Implementation Plan, the Alameda County Transportation Improvement Program, the U.S. Department of Transportation, the State of California State Transportation Improvement Program, and is end

## Prioritization Factors:

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Public Safety              | <input type="checkbox"/> Mandated Program                  | <input checked="" type="checkbox"/> Hazard Elimination   | <input type="checkbox"/> Affordable Housing             |
| <input checked="" type="checkbox"/> Parks/Open      | <input checked="" type="checkbox"/> Preventive Maintenance | <input checked="" type="checkbox"/> Connectivity         | <input type="checkbox"/> Family Friendly                |
| <input checked="" type="checkbox"/> Citywide Impact | <input checked="" type="checkbox"/> Leverages Outside      | <input checked="" type="checkbox"/> Economic Development | <input checked="" type="checkbox"/> Climate Action Plan |

## Anticipated Costs:

|                    |           |                  |
|--------------------|-----------|------------------|
| Remediation        | \$        | 4,230,952        |
| Design/Prof Svc    |           |                  |
| Construction       | \$        | 4,200,000        |
| Construction Admin |           |                  |
| Other              |           |                  |
| <b>Total:</b>      | <b>\$</b> | <b>8,430,952</b> |

## Operating Budget Impact

|          |     |
|----------|-----|
| FY 14-15 | \$0 |
| FY 15-16 | \$0 |
| FY 16-17 | \$0 |
| FY 17-18 | \$0 |
| FY 18-19 | \$0 |

| Estimated Costs and Funding Source: | Encumbrance and Carryover thru |           |          |          |          |          |
|-------------------------------------|--------------------------------|-----------|----------|----------|----------|----------|
|                                     | June 2016                      | FY 16/17  | FY 17/18 | FY 18/19 | FY 19/20 | FY 20/21 |
| Grant-STIP                          | \$                             | 4,200,000 |          |          |          |          |
| General Capital Fund-RDA            | \$                             | 4,230,952 |          |          |          |          |

**City of Emeryville**  
**2017-21 Capital Improvement Program**  
**Projects Funded By Transportation Facility Impact Fee (Fund 250)**  
**Fund Balance Projections**

**Beginning Fund Balance**

Projected Working Capital June 2016 **\$ 1,607,443**

**Revenues**

|                       |                     |
|-----------------------|---------------------|
| 2016-17               | 2,389,784           |
| 2017-18               | 1,289,270           |
| 2018-19               | 100,000             |
| 2019-20               | 100,000             |
| 2020-21               | 100,000             |
| <b>TOTAL REVENUES</b> | <b>\$ 3,979,054</b> |

**Capital Improvement Projects**

|       |  |           |
|-------|--|-----------|
| CF-02 | South Bayfront Bridge and Horton Landing Park              | 1,200,000 |
| CF-09 | Emery-Go-Round Shuttle Bus Yard                            | 1,000,000 |
| PB-02 | Emeryville Greenway - Stanford to Powell (Peladeau Park)   | 300,000   |
| PB-03 | Horton Street Experimental Traffic Calming                 | 50,000    |
| PB-06 | ECCL - North-South Pedestrian Path from 47th St to 53rd St | 750,000   |
| PB-07 | Frontage Road Bay Trail Upgrades                           | 300,000   |
| PB-08 | Transit Stop Improvements                                  | 100,000   |
| PB-11 | Bike Share Stations  | 240,000   |
| PB-12 | Greenway Crossings Safety Enhancement                      | 110,000   |
| ST-09 | Frontage Road Landscape Median Island                      | 200,000   |
| T-06  | Traffic Signal - Powell/Doyle                              | 292,000   |
| T-08  | Powell Street Bridge Widening                              | 25,000    |

**TOTAL EXPENDITURES** **\$ 4,567,000**

**Ending Fund Balance**

Projection at June 2021 **\$ 1,019,497**