

BY GOLDEN STATE OVERNIGHT

October 10, 2016

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

Re: EmeryStation West Permit Fees

Dear Charlie:

I wrote you a letter on this subject dated September 26. In that letter we sought a credit for the Transportation Impact Fee based on the meeting Rich Robbins and I had with you back in August of 2015. You responded with an email dated September 29 that indicated you did not believe our project qualified because we had already secured a development "bonus". We do not see it that way.

Specifically, Section 4(2) of the City Counsel approval (Resolution 10-33) refers to the Bonus Height our project received. That section specifically says the bonus height is based on:

- a) The open space at grade and on top of the parking podium,
- b) The 105 public parking spaces being included,
- c) The widening of the train platform and the Horton Street sidewalks,
- d) On-site renewable electrical generation,
- e) Electric car charging stations and car pod, and
- f) Campus-wide showers and lockers

However, there are other very material public benefits the project is providing that were not part of the height justification, including:

- 1) Creation of bus bays for train users, and
- 2) A new bridge connecting the podium green space with the existing pedestrian bridge over the railroad.

These are very costly public benefits that are worth development bonuses not used for the project height.

***Exhibit B to  
Attachment 5***

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The bus bays are listed on Table 6 of the "Allocation of Project Costs to Fee Program" at a value of \$4,200,048. Therefore, we believe our project qualified for credit for the entirety of the otherwise due Transportation Facility Fee, as we recall you suggested in our April 2015 meeting. We are happy to discuss this further at your convenience.

Sincerely,

A handwritten signature in cursive script, reading "Geoffrey B. Sears". The signature is written in black ink and is positioned above the printed name.

Geoffrey B. Sears

WAREHAM PROPERTY GROUP

On behalf of ES West Associates, LLC

cc: Rich Robbins  
Giyen Senaratne