

## **CONDITIONS OF APPROVAL**

Ocean Lofts  
1258 Ocean Avenue  
UP07-01; DR07-02; VAR07-01: Exhibit A. Conditions of Approval  
April 17, 2007  
Resolution No. 07-69  
*Amended February 15, 2011*  
*Resolution No. 11-22*  
**Amended by City Council Resolution No. 18-**  
**March 6, 2018**

The changes are denoted by ~~strikethrough~~ for language that is deleted and new language is denoted by double underline.

### **I. COMPLIANCE WITH APPROVALS**

- A. **PROJECT APPROVALS**. The project shall be constructed and operated in accordance with the following actions by the ~~Planning Commission~~ City Council:
1. A Conditional Use Permit to construct 2 residential units and allow a Floor Area Ratio (FAR) of ~~0.64~~ 0.62 in accordance with the staff reports dated April 17, 2007 and March 6, 2018, as modified by these Conditions of Approval.
  2. Design review approval for two, detached residential units accommodated with heights of 23' 8" for "Ocean Unit" and 24' 6" feet for "Peabody Unit" with both units having 2 foot high parapet walls, 5 foot 6 inch high living walls, and 30 foot high enclosed stairwells in accordance with the approved plans described below, as modified by these Conditions of Approval.
  3. A Variance to allow a 4-foot rear yard setback where 15 is the required minimum.

Any additional uses or design modifications, including signs, will require a separate application and approval.

In addition, the following condition shall apply to this project:

4. Prior to the issuance of a building permit the applicant shall obtain access easement rights for use of Peabody Lane and submit requisite documentation to this effect to the Planning Director.
  5. The applicant shall immediately secure the existing building until it is demolished such that it does not create a nuisance or a public hazard.
- 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 and renderings entitled, ~~4258 Ocean Avenue, submitted by Ali Eslami, sheets 1 to 2, and L1 and colored rendering sheets 1 and 2~~Ocean Avenue Lofts, submitted by Ali Eslami, sheets A 0.0 through A 4.5 dated January 17, 2018.
- 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. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. 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]**

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. 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]**
2. Condominium Plan. Any subdivision or condominium map review for purposes of dividing the residential portion of the property for sales as individual units shall include, as required, legal documentation pertaining to dedication or reservation of group or common open spaces, for the creation of a non-profit homeowners= association, for the long-term maintenance of the landscaped and common areas of the project and for performance bonds, pursuant to Emeryville Municipal Code Section 9-4.85.11 (c)(7). The map or condominium plan shall be filed prior to the issuance of a certificate of occupancy for the residential component. The map/plan and the CC&Rs for the homeowners= association shall include a condition that residential parking shall not be used for storage in lieu of needed parking. **[City Attorney's Office]**

### 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. Number and type of residential units (e.g. live/work, apartment, condo).
  - h. Detailed breakdown of floor areas.
  - i. Number of floors.
  - 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 Multi-Family Green Building measures, developed by StopWaste.org, that are to be incorporated into the residential sections of the project and the total score for the project (with electronic version to be submitted to the Emeryville Public Works Department with notes on claimed points).
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. 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 2 feet by 3 feet with a minimum letter size of 2 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 construction 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. Street Debris. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant=s cost.

#### 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. Ocean Avenue), 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 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.).  
**[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 and existing on-site electrical and communication lines shall be placed underground.
5. 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 beginning 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]**

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.

### **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, which shall address the attached Police Department standard specifications **[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. 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 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. 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 resulting report may require the applicant to pay for the installation of structural soil, 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 report shall also discuss proper drainage that shall be provided for all street trees 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. 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 tree 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. Development Sign. The project is allowed one development sign indicating developer, architect, contractor, etc. during construction that shall not exceed four square feet. Other development/marketing signs may be approved administratively by the Planning Director provided that they are removed prior to issuance of a final certificate of occupancy. **[Planning]**
4. 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: **[Planning]**
  - a. Light fixtures attached to buildings shall be designed as an integral part of the building facades to highlight building forms and architectural details.
5. 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]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. 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]**

2. 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.
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. Real Estate Signs in Public Right-of-Way. Pursuant to Section 9-4.61.3(f) of the Emeryville Municipal Code, temporary directional real-estate signs indicating that a residential dwelling is open for public inspection, containing primarily the words "open house," the address of the property and the name of the firm to contact, on an "A" frame sign with no more than four square feet of sign area on each of two sides, may be placed off-site on public property on Saturdays and Sundays between the hours of 12:00 noon and 6:00 p.m., and are exempt from design review permits. Such signs are not allowed on public property, on-site, or elsewhere at any other time.
6. Garages. The garage shall be used for the purposes of parking vehicles only.

## **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. 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 and conducted via an approved drainage system through the project site to an approved public storm drain 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.

Attachments:

Fee Chart  
Construction Sign Prototype  
Stormwater Pollution Prevention and Source Control Measures

## PROJECT

1258 Ocean Ave Unit A (Ocean) - roof deck additio

## PRELIMINARY FEE CALCULATIONS

Valuation

\$ 48,150.00

Print Date: January 25, 2018

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 385.20		\$ -	\$ 385.20	Estimated Permit Fee Calcs as adjusted increase based on additional Valuation
Plan Review Fee	\$ 250.38		\$ -	\$ 250.38	
Energy Review Fee	\$ 48.15		\$ -	\$ 48.15	
Electrical Permit Fee	\$ 77.04		\$ -	\$ 77.04	
Plumbing Permit Fee	\$ 69.34		\$ -	\$ 69.34	
Mechanical Permit Fee	\$ 65.49		\$ -	\$ 65.49	
S.M.I.P.	\$ 6.26		\$ -	\$ 6.26	
Microfiche	\$ 3.85		\$ -	\$ 3.85	
Fire Department Fees	\$ -		\$ -	\$ -	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ -		\$ -	\$ -	No additional assessable F.A.
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fees	\$ -		\$ -	\$ -	
School Fees	\$ -		\$ -	\$ -	
Art In Public Places	\$ -		\$ -	\$ -	
Technology Fee	\$ 48.15		\$ -	\$ 48.15	
Building Standards Commission Fee	\$ 2.00		\$ -	\$ 2.00	
General Plan Maintenance Fee	\$ 240.75		\$ -	\$ 240.75	
Affordable Housing	\$ -		\$ -	\$ -	
Park and Recreation	\$ -		\$ -	\$ -	
<b>TOTAL:</b>	<b>\$ 1,196.61</b>		<b>\$ -</b>	<b>\$ 1,196.61</b>	<b>1,196.61</b>

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## FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 250.38		\$ -	\$ 250.38	
Energy Review Fee	\$ 48.15		\$ -	\$ 48.15	
Other Fees	**				
<b>Sub Total:</b>	<b>\$ 298.53</b>		<b>\$ -</b>	<b>\$ 298.53</b>	

## FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 385.20		\$ -	\$ 385.20	
Electrical Permit Fee	\$ 77.04		\$ -	\$ 77.04	
Plumbing Permit Fee	\$ 69.34		\$ -	\$ 69.34	
Mechanical Permit Fee	\$ 65.49		\$ -	\$ 65.49	
S.M.I.P.	\$ 6.26		\$ -	\$ 6.26	
Microfiche	\$ 3.85		\$ -	\$ 3.85	
Fire Department Fees	\$ -		\$ -	\$ -	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ -		\$ -	\$ -	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fees	\$ -		\$ -	\$ -	
School Fees	\$ -		\$ -	\$ -	
Art In Public Places	\$ -		\$ -	\$ -	
Technology Fee	\$ 48.15		\$ -	\$ 48.15	
Building Standards Commission Fee	\$ 2.00		\$ -	\$ 2.00	
General Plan Maintenance Fee	\$ 240.75		\$ -	\$ 240.75	
Affordable Housing	\$ -		\$ -	\$ -	
Park and Recreation	\$ -		\$ -	\$ -	
<b>Sub Total:</b>	<b>\$ 898.08</b>		<b>\$ -</b>	<b>\$ 898.08</b>	

Business License Fees	\$ 50.00				{Fees Calculated By Finance}
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## CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

**PROJECT:** 1258 Ocean Ave Unit A (Ocean) - roof deck addition **PRELIMINARY FEE CALCULATIONS**  
**DATE:** January 25, 2018  
**PREPARED BY:** Courtney Barrett

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

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

FEES BASED ON VALUATION OF:			\$	48,150.00
TYPE OF PERMIT OR FEE			AMOUNT	
BUILDING PERMIT FEE (See calculation below)			\$	385.20
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential < )			\$	250.38
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$	48.15
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$	77.04
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$	69.34
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$	65.49
S.M.I.P. ( Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$	6.26
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages		
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$	3.85
FIRE DEPARTMENT FEES ( New Construction, T.I's - 35% of Building Permit Fee)			\$	-
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			\$	-
SEWER CONNECTION FEE * \$265.00 per Trap or \$1326.00 per Dwelling Unit	New traps - traps removed		\$	-
	Number of Dwelling Units			
BAY SHELLMOUND FEES			\$	-
TRANSPORTATION FACILITY FEE (effective July 1, 2017 - June 30, 2018)			\$	-
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$	-
ART IN PUBLIC PLACES (Residential Projects > 19 units Artwork or in-lieu fee -0.5% of valu.)			\$	-
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$	48.15
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$	2.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$	240.75
AFFORDABLE HOUSING (effective July 1, 2016 - June 30, 2017)			\$	-
PARKS AND RECREATION (effective July 1, 2016 - June 30, 2017)			\$	-
TOTAL			\$	1,196.61

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

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

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

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

**AT ISSUANCE OF FIRST BUILDING PERMIT**

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

- 1 Building Permit Fee. ( Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment
- 5 School District Facilities Impact Fee
- 6 General Contractor's Business License
- 7 Art in Public Places: For non-residential projects exceeding \$300,000 valuation 1% of the project valuation is required for Art in Public Places.
- 8 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

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

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

**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 1.16	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.02	\$6.76	1.16	(\$)	(\$)
VB	Roof deck	3	1,070	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 48,150.00
					\$ 5.02	\$ 5.02	\$ 5.02	\$ 5.02	\$ -
					\$ 5.02	\$ 11.78	\$13.66	\$ 13.66	\$ -
<b>Totals</b>		3	1,070						\$ 48,150.00
<b>Exist. Bldg. Adjustment - 80% ( No credit for existing sprinklers or HVAC)</b>									
					\$ 5.02	\$ 13.13	\$14.84		\$ -
<b>T.I. ONLY Adjustment * 20%</b>									
				\$ -	\$ 1.00	\$ 2.36	\$ 2.66		\$ -
<b>DECLARED VALUATION</b>									\$ 15,000.00
								<b>TOTAL</b>	\$ 48,150.00

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

<b>TOTAL VALUATION</b>		\$ 48,150.00		
<b>VALUATION BASIS</b>	<b>AMOUNT</b>	<b>CENTAGE</b>		<b>TOTAL</b>
\$ 1.00 - \$ 50,000.00	\$ 48,150.00	0.80%	\$	385.20
\$ 50,000.00 - \$ 250,000.00	\$ -	0.80%	\$	-
Over \$ 250,000.00	\$ -	0.80%	\$	-
<b>BUILDING PERMIT FEE:</b>			\$	385.20

**EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION:** (D78)

TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial		\$ 0.47	\$ -
Live/work		\$ 1.72	\$ -
Residential		\$ 2.97	\$ -
Existing Building Credit		\$ 0.47	\$ -
Low Income Housing Credit			\$ -
<b>SCHOOL DISTRICT FEE:</b>			\$ -

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

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

## PROJECT

1258 Ocean Ave Unit B (Peabody) - roof deck addi

## PRELIMINARY FEE CALCULATIONS

Valuation

\$ 40,275.00

Print Date: January 25, 2018

SUMMARY OF ALL FEES	FEES	PAYMENT DATE	AMOUNT PAID	AMOUNT DUE	NOTES
Building Permit Fee	\$ 322.20		\$ -	\$ 322.20	Estimated Permit Fee Calcs as adjusted increase based on additional Valuation
Plan Review Fee	\$ 209.43		\$ -	\$ 209.43	
Energy Review Fee	\$ 40.28		\$ -	\$ 40.28	
Electrical Permit Fee	\$ 64.44		\$ -	\$ 64.44	
Plumbing Permit Fee	\$ 57.99		\$ -	\$ 57.99	
Mechanical Permit Fee	\$ 54.77		\$ -	\$ 54.77	
S.M.I.P.	\$ 5.24		\$ -	\$ 5.24	
Microfiche	\$ 3.22		\$ -	\$ 3.22	
Fire Department Fees	\$ -		\$ -	\$ -	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ -		\$ -	\$ -	No additional assessable F.A.
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fees	\$ -		\$ -	\$ -	
School Fees	\$ -		\$ -	\$ -	
Art In Public Places	\$ -		\$ -	\$ -	
Technology Fee	\$ 40.28		\$ -	\$ 40.28	
Building Standards Commission Fee	\$ 2.00		\$ -	\$ 2.00	
General Plan Maintenance Fee	\$ 201.38		\$ -	\$ 201.38	
Affordable Housing	\$ -		\$ -	\$ -	
Park and Recreation	\$ -		\$ -	\$ -	
<b>TOTAL:</b>	<b>\$ 1,001.21</b>		<b>\$ -</b>	<b>\$ 1,001.21</b>	<b>1,001.21</b>

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## FEES TO BE PAID AT PLAN CHECK SUBMITTAL:

Plan Review Fee	\$ 209.43		\$ -	\$ 209.43	
Energy Review Fee	\$ 40.28		\$ -	\$ 40.28	
Other Fees	**				
<b>Sub Total:</b>	<b>\$ 249.71</b>		<b>\$ -</b>	<b>\$ 249.71</b>	

## FEES TO BE PAID AT PERMIT ISSUANCE:

Building Permit Fee	\$ 322.20		\$ -	\$ 322.20	
Electrical Permit Fee	\$ 64.44		\$ -	\$ 64.44	
Plumbing Permit Fee	\$ 57.99		\$ -	\$ 57.99	
Mechanical Permit Fee	\$ 54.77		\$ -	\$ 54.77	
S.M.I.P.	\$ 5.24		\$ -	\$ 5.24	
Microfiche	\$ 3.22		\$ -	\$ 3.22	
Fire Department Fees	\$ -		\$ -	\$ -	
Fire Suppression Fees	\$ -		\$ -	\$ -	
Sewer Connection Fees	\$ -		\$ -	\$ -	
Bay-Shell-Mound Contingent Fees	\$ -		\$ -	\$ -	
Transportation Facility Fees	\$ -		\$ -	\$ -	
School Fees	\$ -		\$ -	\$ -	
Art In Public Places	\$ -		\$ -	\$ -	
Technology Fee	\$ 40.28		\$ -	\$ 40.28	
Building Standards Commission Fee	\$ 2.00		\$ -	\$ 2.00	
General Plan Maintenance Fee	\$ 201.38		\$ -	\$ 201.38	
Affordable Housing	\$ -		\$ -	\$ -	
Park and Recreation	\$ -		\$ -	\$ -	
<b>Sub Total:</b>	<b>\$ 751.51</b>		<b>\$ -</b>	<b>\$ 751.51</b>	

Business License Fees	\$ 50.00				{Fees Calculated By Finance}
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## CITY OF EMERYVILLE CALCULATION OF BUILDING FEES:

**PROJECT:** 1258 Ocean Ave Unit B (Peabody) - roof deck addition **PRELIMINARY FEE CALCULATIONS**  
**DATE:** January 25, 2018  
**PREPARED BY:** Courtney Barrett

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

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

FEES BASED ON VALUATION OF:			\$	40,275.00
TYPE OF PERMIT OR FEE			AMOUNT	
BUILDING PERMIT FEE (See calculation below)			\$	322.20
PLAN REVIEW FEE (65% of Building Permit Fee / 50% for Residential < )			\$	209.43
ENERGY CONSERVATION REVIEW FEE (12.5% of Building Permit Fee)			\$	40.28
ELECTRICAL PERMIT FEE (20% of Building Permit Fee)			\$	64.44
PLUMBING PERMIT FEE (18% of Building Permit Fee)			\$	57.99
MECHANICAL PERMIT FEE (17% of Building Permit Fee)			\$	54.77
S.M.I.P. ( Res. <= 3 story = 0.00013 or 0.00028 of the Valu.)			\$	5.24
MICROFICHE	Valuation < \$ 100,000 = \$ 1.00/ Page.	# of Pages		
	Valuation > \$ 100,000 = 1% of Bldg. Permit Fee	Bldg.. Permit Fee * 1%	\$	3.22
FIRE DEPARTMENT FEES ( New Construction, T.I's - 35% of Building Permit Fee)			\$	-
FIRE SUPPRESSION FEES - Separate Submittal - (See calculation below)			\$	-
SEWER CONNECTION FEE * \$265.00 per Trap or \$1326.00 per Dwelling Unit	New traps - traps removed		\$	-
	Number of Dwelling Units			
BAY SHELLMOUND FEES			\$	-
TRANSPORTATION FACILITY FEE (effective July 1, 2017 - June 30, 2018)			\$	-
EMERY UNIFIED SCHOOL DISTRICT FACILITIES DEVELOPMENT FEE (See calculation below)			\$	-
ART IN PUBLIC PLACES (Residential Projects > 19 units Artwork or in-lieu fee -0.5% of valu.)			\$	-
TECHNOLOGY FEE (Effective February 3, 2010 - 0.1% of Valuation)			\$	40.28
BUILDING STANDARDS COMMISSION FEE (\$ 1.00 per \$ 25k Valuation)			\$	2.00
GENERAL PLAN MAINTENANCE FEE (Effective May 20, 2004 - 0.5% of Valuation)			\$	201.38
AFFORDABLE HOUSING (effective July 1, 2016 - June 30, 2017)			\$	-
PARKS AND RECREATION (effective July 1, 2016 - June 30, 2017)			\$	-
TOTAL			\$	1,001.21

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

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

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

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

**AT ISSUANCE OF FIRST BUILDING PERMIT**

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

- 1 Building Permit Fee. ( Plumbing, Electrical & Mechanical permits may be taken out by the General Contractor or by the subs. These permits may not be divided into phases. The entire sewer connection fee shall be paid with the plumbing permit.)
- 2 S.M.I.P
- 3 Microfiche Fee
- 4 Bay/Shellmound Contingent Assessment
- 5 School District Facilities Impact Fee
- 6 General Contractor's Business License
- 7 Art in Public Places: For non-residential projects exceeding \$300,000 valuation 1% of the project valuation is required for Art in Public Places.
- 8 Business Licenses: City of Emeryville Business Licenses are required from the contractor.

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

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

**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 1.16	Story > 3, +5% ea.	Total Valuation
			(sq.ft.)	(\$)	\$5.02	\$6.76	1.16	(\$)	(\$)
VB	Roof deck	3	895	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00	\$ 40,275.00
					\$ 5.02	\$ 5.02	\$ 5.02	\$ 5.02	\$ -
					\$ 5.02	\$ 11.78	\$13.66	\$ 13.66	\$ -
<b>Totals</b>		3	895						\$ 40,275.00
<b>Exist. Bldg. Adjustment - 80% ( No credit for existing sprinklers or HVAC)</b>									
					\$ 5.02	\$ 13.13	\$14.84		\$ -
<b>T.I. ONLY Adjustment * 20%</b>									
				\$ -	\$ 1.00	\$ 2.36	\$ 2.66		\$ -
<b>DECLARED VALUATION</b>									\$ 15,000.00
								<b>TOTAL</b>	\$ 40,275.00

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

<b>TOTAL VALUATION</b>		\$ 40,275.00		
<b>VALUATION BASIS</b>	<b>AMOUNT</b>	<b>CENTAGE</b>		<b>TOTAL</b>
\$ 1.00 - \$ 50,000.00	\$ 40,275.00	0.80%	\$	322.20
\$ 50,000.00 - \$ 250,000.00	-	0.80%	\$	-
Over \$ 250,000.00	-	0.80%	\$	-
<b>BUILDING PERMIT FEE:</b>			\$	322.20

**EMERY UNIFIED SCHOOL FACILITIES DEVELOPMENT FEE CALCULATION:** (D78)

TYPE OF PROJECT	AREA	FEE/SQ.FT.	TOTAL FEE
Commercial		\$ 0.47	\$ -
Live/work		\$ 1.72	\$ -
Residential		\$ 2.97	\$ -
Existing Building Credit		\$ 0.47	\$ -
Low Income Housing Credit			\$ -
<b>SCHOOL DISTRICT FEE:</b>			\$ -

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

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

Construction Sign - Minimum 2" letters

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

2 feet

3 feet



**ATTACHMENT TO CONDITIONS OF APPROVAL  
STORMWATER POLLUTION PREVENTION AND SOURCE CONTROL MEASURES  
City of Emeryville  
Revised 2/2016**

**A. Grading and Drainage**

1. Plans shall incorporate appropriate site design measures to minimize impacts to water quality. These may include, but are not limited to, the following: (a) minimizing impervious surfaces, especially directly-connected impervious surfaces, (b) clustering buildings, (c) preserving quality open space, (3) maintaining and/or restoring riparian areas and wetlands and establishing vegetated buffer areas to minimize the volume of stormwater runoff and the pollutants in the stormwater. The City has adopted an Ordinance that addresses approved treatment measures and sizing criteria, available on the City's website. A permit application and design worksheets are also on the City's website, at <http://www.ci.emeryville.ca.us/335/Stormwater>. Plans shall include stormwater pollution prevention and control features as required by the City's current NPDES permit.
2. The City of Emeryville requires that treatment measures be constructed for applicable projects, as defined in section C.3.c. of the City's NPDES permit. These measures must incorporate, at a minimum, the hydraulic sizing criteria outlined in the Alameda County Clean Water Program's Technical Guidance Manual, available at <http://www.cleanwaterprogram.org/c3-guidance-table/item/c3-guidance-table.html>.
3. The design of any stormwater treatment measures must incorporate the treatment control design guidance for vector control included in Appendix G of the Technical Guidance Manual.
4. Access to treatment devices must be maintained. Design stormwater treatment devices to be easily and safely accessible without the need for special requirements (e.g., OSHA requirements for "confined spaces.") If utilizing covers, include in the design spring-loaded or light-weight access hatches that can be opened easily for inspection.
5. All on-site storm drain inlets shall be stenciled or labeled "No Dumping! Flows to Bay" or equivalent, using methods approved by the City.
6. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
7. Prior to the commencement of any clearing, grading, and/or excavation resulting in a land disturbance of one acre or more, the applicant shall submit the following documents to the City, both of which should be checked daily, especially around storm events, and updated as necessary. A daily log should be kept stating that BMPs have been checked and are effective. The necessary documents are:
  - a. A copy of the project's Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall contain the erosion, sediment and pollution control BMPs (some of which are described in

Section C of this document), and the BMPs shall be in place before any work begins, as appropriate for that phase of construction.

- b. Evidence to the City that a Notice of Intent (NOI) has been submitted to the State Water Resources Control board.
- 8. For projects involving clearing, grading or excavation resulting in disturbance of less than one acre of land, the applicant shall have in place erosion, sediment and pollution controls (described in Section C of this document) to the maximum extent practicable using the current standard BMPs as required by the City.

**B. Site Plan and Source Control Measures**

The site plan shall include the following items:

- 1. Stormwater Measures and Calculations as Defined in the Technical Guidance Manual
- 2. Refuse and Recycling Areas
  - a. New or redevelopment projects such as food service facilities, recycling facilities, multi-family residential complexes or similar facilities shall provide a roofed and enclosed area for waste, recycling, and compostables containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.
  - b. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to a grease removal device and/or treatment devices prior to discharging to the sanitary sewer. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
  - c. Runoff from food service areas, recycling areas, and/or food compactor enclosures or similar facilities shall not discharge to the storm drain system.
- 3. Vehicle/Equipment and Commercial/Industrial Cleaning
  - a. Wastewater from vehicle and equipment washing operations shall not be discharged to the storm drain system.
  - b. Commercial/industrial facilities having vehicle/equipment cleaning needs and new residential complexes of 25 units or greater shall either provide a roofed, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs (faucets) and installing signs prohibiting such uses. Vehicle/equipment washing areas shall be paved, designed to prevent run-on to or runoff from the area, and plumbed to drain to the sanitary sewer. A sign shall be posted indicating the location and allowed uses in the designated wash area. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

- c. Commercial car wash facilities shall be designed and operated such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer. The applicant shall contact EBMUD for specific connection and discharge requirements.

4. Loading Docks

- a. Loading docks shall be graded to minimize run-on to and runoff from the loading area [and/or be covered]. Roof downspouts shall be positioned to direct stormwater away from the loading area. Stormwater runoff from loading dock areas shall be connected to a post-construction stormwater treatment measure prior to discharge to the storm drain system. The applicant shall contact the local permitting authority for specific connection and discharge requirements.
- b. Door skirts between the trailers and the building shall be installed to prevent exposure of loading activities to rain, unless one of the following conditions apply:: the loading dock is covered, or the applicant demonstrates that rainfall will not result in an untreated discharge to the storm drain system.

5. Food Service Equipment Cleaning

- a. Food service facilities (including restaurants and grocery stores) shall have a cleaning area for floor mats, containers, and equipment which is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; in either case it must be plumbed to the sanitary sewer. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the storm drain. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in this area. The applicant shall contact EBMUD for specific connection and discharge requirements.

6. Outdoor Process Activities/Equipment

(Examples of businesses that may have outdoor process activities and equipment include machine shops and auto repair shops, and industries that have pretreatment facilities.)

- a. Process activities shall be performed either indoors or in roofed outdoor areas. If performed outdoors, the area shall be designed to prevent run-on to and runoff from the area with process activities.
- b. Process equipment areas shall drain to the sanitary sewer system. The applicant shall contact EBMUD for specific connection and discharge requirements.

7. Fuel Dispensing Areas

- a. Fueling areas shall have impermeable surfaces (i.e., Portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent

ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.

- b. Fueling areas shall be covered by a canopy that extends a minimum of ten feet in each direction from each pump. Alternative: The fueling area must be roofed and the roof's minimum dimensions must be equal to or greater than the area within the grade break or fuel dispensing area which is defined as the area extending a minimum of 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus a minimum of one foot, whichever is greater. The canopy or roof shall not drain onto the fueling area.

8. Pesticide/Fertilizer Application

- a. Landscapes and gardens should incorporate Bay-Friendly practices, as described at: <https://www.bayfriendlycoalition.org/BFRated-why.shtml>.
- b. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- c. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
- d. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:
  - i. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. Plants suitable for treatment areas are specified in Appendix B of the Technical Guidance document referenced above.
  - ii. Landscapes over 500 square feet in size must comply with the City's Water Efficient Landscape Ordinance (WELO) requirements, available at: <http://www.ci.emeryville.ca.us/documentcenter/view/1754>.
  - iii. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
  - iv. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
  - v. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.

- vi. Integrated pest management (IPM) principles and techniques shall be encouraged as part of the landscaping design. Examples of IPM principles and techniques include:
  - a. Select plants that are well adapted to soil conditions at the site.
  - b. Select plants that are well adapted to sun and shade conditions at the site. Consider future conditions when plants reach maturity. Consider seasonal changes and time of day.
  - c. Provide irrigation appropriate to the water requirements of the selected plants.
  - d. Select pest- and disease-resistant plants.
  - e. Plant a diversity of species to prevent a potential pest infestation from affecting the entire landscaping plan.
  - f. Use “insectary” plants in the landscaping to attract and keep beneficial insects.

9. Interior Floor Drains

Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

10. Parking Garages

Interior level parking garage floor drains shall be connected to the sanitary sewer system. The applicant shall contact the City of Emeryville and EBMUD for specific connection and discharge requirements.

11. Pool, Spa, and Fountain Discharges

- a. Pool (including swimming pools, hot tubs, spas and fountains) discharge drains shall not be connected directly to the storm drain or sanitary sewer system, unless the connection is specifically approved by EBMUD.
- b. Subject to local requirements, when draining is necessary, a hose or other temporary system shall be directed into a sanitary sewer clean out. The clean out shall be installed in a readily accessible area, example: within 10 feet of the pool. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- c. Subject to local requirements, swimming pool, spa and fountain water may be allowed to discharge to the storm drains if the water has been dechlorinated, the water is within ambient temperature, and no copper-based algae control products have been added to the water.
- e. If commercial and public swimming pool discharges are discharged to land where the water would not flow to a storm drain or to a surface water, the discharge may be subject to the requirements of the State Water Resources Control Board’s (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.

12. Outdoor Equipment/Materials Storage

- a. All outdoor equipment and materials storage areas shall be covered and bermed, or shall be designed with BMPs to limit the potential for runoff to contact pollutants
- b. Storage areas containing non-hazardous liquids shall be covered by a roof and drain to the sanitary sewer system, and be contained by berms, dikes, liners, vaults or similar spill containment devices. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- c. All on-site hazardous materials and wastes, as defined and/or regulated by the California Public Health Code and the local Certified Unified Program Agency (CUPA), (for Emeryville this is the Alameda County Environmental Health Department), must be used and managed in compliance with the applicable CUPA program regulations and the facility hazardous materials management plan approved by the CUPA authority.

13. Vehicle/Equipment Repair and Maintenance

- a. Vehicle/equipment repair and maintenance shall be performed in a designated area indoors, or if such services must be performed outdoors, in an area designed to prevent the run-on and runoff of stormwater.
- b. Secondary containment shall be provided for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, acid-containing batteries or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas.
- c. Vehicle service facilities shall not contain floor drains [unless the floor drains are connected to wastewater pretreatment systems prior to discharge to the sanitary sewer, for which an industrial waste discharge permit has been obtained. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.]
- d. Tanks, containers or sinks used for parts cleaning or rinsing shall not be connected to the storm drain system. Tanks, containers or sinks used for such purposes may only be connected to the sanitary sewer system if allowed by an industrial waste discharge permit. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

14. Fire Sprinkler Test Water

Fire sprinkler test water shall be drained to the sanitary sewer system (with approval from the local permitting authority [and/or sanitary district with jurisdiction]) or drain to landscaped areas where feasible. [In the event that the sanitary district does not approve the connection and drainage to landscaped areas is infeasible, the applicant may propose an alternative method of providing for drainage of fire sprinkler test water, such as by filtering and dechlorinating the water prior to discharge to a storm drain, subject to approval by RWQCB staff.]

15. Miscellaneous Drain or Wash Water

- a. Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.
- b. For small air conditioning units, air conditioning condensate should be directed to landscaped areas as a minimum BMP. For large air conditioning units, in new developments or significant redevelopments, the preferred alternatives are for condensate lines to be directed to landscaped areas, or alternatively connected to the sanitary sewer system after obtaining permission from the sanitary sewer's owner. As with smaller units, any anti-algal or descaling agents must be properly disposed of. Air conditioning condensate lines may discharge to the storm drain system provided they are not a source of pollutants.
- c. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- d. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements. These conditions shall be required for automotive related businesses.

**C. Construction Practices**

Construction workers shall:

1. Maintain and replace filter materials as necessary to ensure effectiveness and prevent flooding. Dispose of filter particles in the trash.
2. Broom-sweep the sidewalk and street adjoining the site daily, scraping off caked-on mud and dirt.
3. Minimize removal of natural vegetation or ground cover, and replant as soon as possible.
4. Stabilize all cut and fill slopes as soon as possible after grading is completed.
5. Ensure that concrete, gunite and plaster supply trucks and operations do not discharge wash water into street gutters or drains.
6. Create and use a contained, covered area on the site for storing bags of cement, paints, flammables, oils, fertilizers, pesticides and any other materials used on the project site that could be discharged to the storm drain system by wind or a spill.

7. Place tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
8. Gather all construction debris daily and place it in a container which is emptied or removed weekly.
9. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
10. For projects with on-site storm drain inlets, clean all inlets immediately prior to the rainy season (October 1), and as required by the City Engineer.
11. Install straw wattles, berms, check dams as appropriate to contain and/or filter stormwater and the sediments from the site.
12. Hydroseed or cover exposed soil with compost, tarps, loose straw or mats to reduce erosion and sediment suspension in stormwater.
13. Check all on-site machinery and vehicles for oil, fuel and other machine fluid leaks on a daily basis, and fix machinery as necessary and/or capture all leaked fluids.

**D. Post-Occupancy Maintenance and Operational BMPs**

This section describes operational best management practices (BMPs) that rely on private property owners to implement following construction of projects.

1. Operation, Maintenance and Inspection of Stormwater Treatment Measures
  - a. For commercial and industrial projects and residential projects with stormwater treatment measures, before the City issues the Certificate of Occupancy, the applicant must submit an Operations and Maintenance Agreement. This Agreement shall be executed and recorded with the County Recorder's Office of the County of Alameda. The property owner must submit five required Exhibits to the Agreement:
    - i. A legal description of the property
    - ii. A legible, recordable, reduced-scale (8.5"x11") copy of the site plan indicating treatment measures' locations and site drainage patterns
    - iii. A maintenance plan, including specific long-term maintenance tasks and schedule
    - iv. A standard Treatment Measure Operation and Maintenance Inspection Report form (template to be provided by the City), and
    - v. Checklists appropriate to the type of treatment measure(s) that will be used on the property (to be provided by the City)
  - b. All commercial and industrial projects, and all projects with an Operations and Maintenance Agreement, must allow and facilitate inspections of the stormwater treatment measures by the City or its agent.



- c. In addition, all projects must adhere to the following practices.

## 2. Paved Sidewalks and Parking Lots

Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Washwater containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain and shall be collected and discharged to the sanitary sewer. The applicant shall contact the local permitting authority and EBMUD for specific connection and discharge requirements.

## 3. Private Streets, Utilities and Common Areas

- a. The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads, installation of full trash capture devices in and cleaning of all storm drain inlets.
- b. For residential developments, where other maintenance mechanisms are not applicable or otherwise in place, a property owners' association, architectural committee, maintenance assessment district, special assessment district, or similar arrangement shall be created and shall be responsible for maintaining all private streets and private utilities and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping and will include the maintenance responsibilities described in the maintenance plan, which is included as an attachment to the stormwater treatment measure O&M agreement for the subject property.

## 4. On-site Storm Drains

- a. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season and as required by the City Engineer.
- b. All on-site storm drains shall be equipped with City-approved full trash capture devices unless the City Engineer agrees that such controls are infeasible for one or more inlets. These must be maintained according to the requirements in the Municipal Regional NPDES Permit ([http://www.swrcb.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/Municipal/R2-2015-0049.pdf](http://www.swrcb.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf)), and records of their inspections and maintenance must be made available to the City upon request.

## 5. Vehicle/Equipment Repair and Maintenance

- a. No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinsewater from parts cleaning operations into storm drains.
- b. No vehicle fluid removal shall be performed outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any

spilled fluid will be in an area of secondary containment. Leaking vehicle fluids shall be contained or drained from the vehicle immediately.

- c. No person shall leave unattended drip pans or other open containers containing vehicle fluid, unless such containers are in use or in an area that cannot discharge to the storm drain, such as an area with secondary containment.

#### 6. Fueling Areas

The property owner shall dry-sweep the fueling area and spot clean leaks and drips routinely. Fueling areas shall not be washed down with water unless the wash water is collected and disposed of properly (i.e., not in the storm drain).

#### 7. Loading Docks

The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill clean-up.

#### 8. Outdoor Storage Areas

Manage outdoor storage to minimize stormwater contact with pollutants, covering stored materials as required by the City Engineer.