

EMERYVILLE PLANNING COMMISSION

STAFF REPORT

Agenda Date: June 28, 2018

Report Date: June 21, 2018

TO: Planning Commission

FROM: Community Development Department
Miroo Desai, Senior Planner

SUBJECT: **Sherwin Williams Surface Parking Lot (UP18-005)**

PROJECT LOCATION: North of Sherwin Avenue, west of Horton Street, east of the Union Pacific Railroad right-of-way, and south of Temescal Creek
(APNs: 49-1041-26-15; -16)

APPLICANT: LMC Emeryville I Investor LLC
25 Enterprise #100
Aliso Viejo, CA 92656

OWNERS: SWACE, LLC, c/o The Sherwin-Williams Company
101 Prospect Avenue, N.W.
Cleveland, OH 44115
Attention: James C. Fallon, Timothy R. Muckley

City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

PROJECT DESCRIPTION: Consideration of a Conditional Use Permit to allow a temporary surface parking lot accommodating 140 spaces to support office use in the existing building at the Sherwin Williams Planned Unit Development (PUD) site until a new garage building (identified on Parcel B2 of the approved PUD) is constructed.

GENERAL PLAN DESIGNATION: Mixed Use with Residential
Park/Open Space

ZONING DISTRICT: Planned Unit Development (PUD-7)
Park Avenue District Overlay (P-A)

ENVIRONMENTAL STATUS: This project is exempt from environmental review under State CEQA Guidelines Section 15311(b), which applies to accessory structures including small parking lots, and the “general rule” at Section 15061(b)(3)

because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

RECOMMENDED

- COMMISSION ACTION:**
1. Open public hearing and take testimony regarding the project.
 2. Close public hearing and consider Staff Report and Resolution.
 3. Adopt Resolution CPC No. UP18-005 approving the project.

BACKGROUND

On November 1, 2016, the City Council unanimously approved the second reading of the ordinance for the Sherwin Williams Planned Unit Development, and the ordinance went into effect on December 1, 2016. The project will redevelop the former Sherwin Williams paint factory site and an adjacent City-owned parcel, including reuse of an existing 74,000 square foot significant structure (“Building 1-31”) for office use, construction of four new buildings that will accommodate approximately 500 dwelling units and a minimum of 2,000 square feet and a maximum of 8,000 square feet of ground floor commercial/retail space, and development of approximately three acres of public open space. Subsequently, the Planning Commission approved Final Development Plans (FDPs) for the four new buildings and for the Public Park and Open Space on February 22, 2018 and December 12, 2017 respectively.

The applicant, Lennar, is in the process of finding a developer/operator for the existing building that is approved for office use. There is no parking within the building and the parking needs for the office use will be accommodated in the new garage building (Building B2 on Lot 4). As the existing building will only require tenant improvements and construction of the “pass through”, it is anticipated that it most likely will be ready for occupancy before the garage building is completed. In order to mitigate this possibility, the applicant is requesting to build a temporary surface parking lot for the future tenants of the existing building. This possibility was anticipated at the time of consideration of the project’s Vesting Tentative Map and is memorialized in Condition Number III. B.3(i) of permit number SUBDIV16-002.

The time line for completion of construction of the garage building is approximately February 2021, with construction beginning in early 2019. The application submittal for the Final Development Plan for Building 1-31 is anticipated to come to the Commission for consideration in the Fall of 2018 with tenant improvement work taking about one year. Therefore, the surface parking lot will be needed for a little over a year (Fall of 2019 to February 2021). Staff suggests that this conditional use permit be valid for three years from approval, that is, until May 24, 2021. That will allow an additional three months beyond the estimated completion date of the parking structure in Building B2.

PROJECT DESCRIPTION

The applicant is proposing a 140-space surface parking lot of about one acre in size on the southwest part of the project site (future site of the public park) fronting Sherwin Avenue. Each parking stall will be 18 feet long and 8.5 feet wide with drive aisle widths of 24 feet, per City

standards. The attached plan also shows the path of travel from the existing building to the parking lot.

DISCUSSION

Section 9-4.403(f)(2) of the Planning Regulations allows new surface parking lots of greater than one-half acre and no more than two acres with a conditional use permit provided that the following findings are made in addition to the standard Conditional Use Permit findings. The project's compliance is outlined below:

a. That the applicant has convincingly demonstrated that it is infeasible to provide the parking within a building or parking structure, or to otherwise cover it.

The existing building is a significant structure that is being repurposed for office use. The design of the building does not accommodate parking. The approved Sherwin Williams Planned Unit Development (PUD) provides parking for office use in the existing building in a new parking structure that will accommodate parking for residential uses in addition to office uses. The proposed surface parking lot will be a temporary facility for office use in the existing building while the new parking structure is constructed.

b. That the applicant has convincingly demonstrated that every reasonable effort has been made to minimize the size of the parking lot.

The existing building is 74,000 square feet. Allowing for the standard deduction of 1,500 square feet permitted by Section 9-4.404(c), the estimated demand for office use for 72,500 square feet of space at the rate of 2.4 spaces per 1,000 square feet calculates to 174 spaces. The minimum parking is 33 per cent less than the estimated demand and the maximum is 10 per cent more than the estimated demand. Therefore, the parking requirement for the existing building is between 117 and 191 parking spaces. The proposal creates a 140-space parking lot, which is less than the estimated demand and within the range required.

c. That the parking spaces comply with the requirements of this Article including the design standards of Section 9-4.406.

The parking spaces comply with standards of Section 9-4.406 for stall length (18 feet), stall width (8.5 feet), and aisle width (24 feet). The total number of parking spaces provided also comply with requirements outlined in Section 9-4.404 and further explained above.

d. That the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Parking and Access, have been met.

The Emeryville Design Guidelines are for permanent structures and facilities, and most of the Parking and Access design guidelines pertain to structured parking. This parking facility is a temporary surface lot that will be used while the new parking structure is constructed. However, it does comply with Parking and Access Guideline B-2 by limiting the number of curb cuts and driveways to reduce conflicts with pedestrians.

In addition to the findings above, the standard Conditional Use Permit findings required by Section 9-7.505 also need to be made. Staff believes that these can be made for the following reasons:

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

The proposed temporary parking lot meets the parking needs of the existing building that will be used for office while the permanent parking structure is under construction. This is part of the approved Sherwin Williams Planned Unit Development that is in compliance with the General Plan as outlined in Ordinance No. 16-006. Furthermore, the proposed temporary parking lot is consistent with the following General Plan policy:

T-P-49 Quality of life and business viability will be promoted by maintaining an adequate supply of parking to serve growing needs, while avoiding excessive supplies that discourage transit ridership and disrupt the urban fabric.

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

The location of the parking lot is at a convenient walking distance from the existing building and the path of travel is straightforward as shown in the attached plan. No lights are proposed as it is a temporary parking lot for office workers who would not be using the facility during night time hours.

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

The proposed temporary surface parking lot will have no effect on the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.

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

The temporary surface parking lot will meet the parking needs of office use while a permanent parking structure is under construction. This will be beneficial to the surrounding neighborhood as street parking in the neighborhood is limited, and it will avoid the need for office workers to park in the neighborhood.

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

The proposed use complies with all applicable parking standards as outlined above.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached resolution, approving the Major Conditional Use Permit for a temporary surface parking lot (UP18-005), subject to the attached Conditions of Approval.

Attachments:

Resolution
Conditions of Approval
Project Plans

PLANNING COMMISSION RESOLUTION NO. UP18-005

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A MAJOR CONDITIONAL USE PERMIT TO ALLOW A TEMPORARY SURFACE PARKING LOT ACCOMMODATING 140 SPACES TO SUPPORT OFFICE USE IN THE EXISTING BUILDING ON PORTIONS OF APNS 49-1041-26-15 AND-16.

WHEREAS, on November 1, 2016 City Council approved a Planned Unit Development (PUD)/Preliminary Development Plan (PDP) for LMC Emeryville I Investor LLC (“Applicant”) to construct a mixed use project comprised of up to 500 multi-family residential units, a minimum of 2,000 square feet and a maximum of 8,000 square feet of ground floor retail/restaurant/office space, 74,000 square feet of office space in an existing building, parking garages, open, space, infrastructure and landscaping on the former Sherwin Williams paint factory parcel and adjacent City-owned parcel bounded by Sherwin Avenue to the south, the Union Pacific Railroad tracks to the west, Horton Street to the east, and Temescal Creek to the north; and

WHEREAS, the Planning Commission approved a Tentative Map (SUBDIV17-001) on May 25, 2017; a Final Development Plan (FDP) for Public Park and Open Space (FDP17-002) on December 14, 2017; and a FDP for four new buildings (FDP17-001) on February 22, 2018; and

WHEREAS, Condition of Approval Number III.B.3 (i) of the Vesting Tentative Map (SUBDIV16-001) allows a temporary parking lot to accommodate parking for office uses till a permanent parking is accommodated in the new garage building B-2 of the Sherwin Williams Planned Unit Development;

WHEREAS, on March 6, 2018 the applicant submitted an application for a Major Conditional Use Permit to allow a temporary surface parking lot accommodating 140 spaces to support office use in the existing building at the Sherwin Williams PUD site until a new garage building (identified as Parcel B2 of the approved PUD) is constructed; and

WHEREAS, the Emeryville Planning Commission held a duly and properly noticed public hearing on the proposed Major Conditional Use Permit on May 24, 2018 to solicit public comments and review and consider the application; and

WHEREAS, the Planning Commission has reviewed and considered the staff report and attachments thereto, the plans, all public comments, and the proposed Major Conditional Use Permit, subject to the conditions and requirements set forth in Exhibit A attached to this Resolution and the applicable standards of the Emeryville Planning Regulations (“the Record”); now, therefore, be it

RESOLVED, that the Planning Commission of the City of Emeryville hereby finds that the project is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15311(b), which applies to accessory structures including small parking lots, and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is

no possibility that the proposal may have a significant effect on the environment; and be it further

RESOLVED, that in approving **UP18-005** the Planning Commission makes the following findings as required by the Emeryville Planning Regulations:

Section 1: Conditional Use Permit Findings for Surface Parking Lots of One-Half to Two Acres Pursuant to Section 9-4.403(f)(2):

a. That the applicant has convincingly demonstrated that it is infeasible to provide the parking within a building or parking structure, or to otherwise cover it.

The existing building is a significant structure that is being repurposed for office use. The design of the building does not accommodate parking. The approved Sherwin Williams Planned Unit Development (PUD) provides parking for office uses in the existing building in a new parking structure that will accommodate parking for residential uses in addition to office uses. The proposed surface parking lot will be a temporary facility for office use in the existing building while the new parking structure is constructed.

b. That the applicant has convincingly demonstrated that every reasonable effort has been made to minimize the size of the parking lot.

The existing building is 74,000 square feet. Allowing for the standard deduction of 1,500 square feet permitted by Section 9-4.404(c), the estimated demand for office use for 72,500 square feet of space at the rate of 2.4 spaces per 1,000 square feet calculates to 174 spaces. The minimum parking is 33 per cent less than the estimated demand and the maximum is 10 per cent more than the estimated demand. Therefore, the parking requirement for the existing building is between 117 and 191 parking spaces. The proposal creates a 140-space parking lot which is less than the estimated demand and within the range required.

c. That the parking spaces comply with the requirements of this Article including the design standards of Section 9-4.406.

The parking spaces comply with standards of Section 9-4.406 for stall length (18 feet), stall width (8.5 feet) and aisle width (24 feet). The total number of parking spaces provided also comply with requirements outlined in Section 9-4.404 and further explained above.

d. That the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Parking and Access, have been met.

The Emeryville Design Guidelines are for permanent structures and facilities, and most of the Parking and Access design guidelines pertain to structured parking. This parking facility is a temporary surface lot that will be used while the new parking structure is constructed. However,

it does comply with Parking and Access Guideline B-2 by limiting the number of curb cuts and driveways to reduce conflicts with pedestrians.

Section 2: General Conditional Use Permit Findings Pursuant to Section 9-7.505:

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

The proposed temporary parking lot meets the parking needs of the existing building that will be used for office while the permanent parking structure is under construction. This is part of the approved Sherwin Williams Planned Unit Development that is in compliance with the General Plan as outlined in Ordinance No. 16-006. Furthermore, the proposed temporary parking lot is consistent with the following General Plan policy:

T-P-49: Quality of life and business viability will be promoted by maintaining an adequate supply of parking to serve growing needs, while avoiding excessive supplies that discourage transit ridership and disrupt the urban fabric.

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

The location of the parking lot is at a convenient walking distance from the existing building and the path of travel is straightforward as shown in the attached plan. No lights are proposed as it is a temporary parking lot for office workers who would not be using the facility during night time hours.

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

The proposed temporary surface parking lot will have no effect on the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.

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

The temporary surface parking lot will meet the parking needs of office use while a permanent parking structure is under construction. This will be beneficial to the surrounding neighborhood as street parking in the neighborhood is limited and it will avoid the need for office workers to park in the neighborhood.

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

The proposed use complies with all applicable parking standards as outlined above.

and be it further

RESOLVED that the Planning Commission hereby approves Major Conditional Use Permit **UP18-005** for a temporary surface parking lot on the Sherwin Williams PUD site subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

ADOPTED by the Planning Commission of the City of Emeryville at a regular meeting held on Thursday, June 28, 2018 by the following votes:

AYES: _____

NOES: _____ **ABSTAINED:** _____

EXCUSED: _____ **ABSENT:** _____

CHAIRPERSON

APPROVED AS TO FORM:

RECORDING SECRETARY

ASSISTANT CITY ATTORNEY

CONDITIONS OF APPROVAL

**Sherwin Williams Temporary Surface Parking Lot
North of Sherwin Avenue, west of Horton Street, east of the Union Pacific
Railroad right-of-way, and south of Temescal Creek
(APNs: 49-1041-26-15; -16)
File Number: UP18-005
Exhibit A. Conditions of Approval
June 28, 2018**

I. COMPLIANCE WITH APPROVALS

- A. **PROJECT APPROVALS.** The project shall be constructed and operated in accordance with the following action by the Planning Commission:

A three-year Conditional Use Permit to allow a temporary 140-space surface parking lot in accordance with the application received on March 6, 2018 and as modified by these Conditions of Approval.

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

- B. **APPROVED PLANS.** Final plans submitted for a building permit shall be reviewed by the Community Development Director to confirm that the plans substantially conform to the following except as modified by these Conditions of Approval: [Planning]

The drawing entitled “Sherwin Williams – Temporary Parking Plan” sheet A1 dated January 12, 2018.

- C. **APPROVAL EFFECTIVENESS AND DURATION.** This approval shall expire on May 24, 2021 unless extended by the Planning Commission.
- D. **INSTALLATION AND MAINTENANCE OF IMPROVEMENTS.** All improvements shall be installed in accordance with these approvals. Once

constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the Community Development Director.

- E. COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN. No part of this approval shall be construed to be a violation of the Emeryville Municipal Code or the General Plan. Operations on 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 revocation or modification of this approval 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 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 DEMOLITION AND/OR BUILDING PERMIT

1. Fees. Conditions of Approval set forth herein include certain fees, 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. Applicant is hereby further notified that the 90-day approval period in which these fees may be protested, pursuant to Government Code Section 66020(a), will begin upon approval of the Conditional Use Permit 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 fees.

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]

2. Construction of Building B-2. Prior to the issuance of a grading/building permit for the surface parking lot, the applicant shall obtain a building permit for Building B-2 (garage structure) on Lot 4 of Sherwin Williams Vesting Tentative Map approved by Planning Commission Resolution No. SUBDIV16-002. This condition is consistent with Condition of Approval Number III.B.3(i) of SUBDIV16-002.
3. Parking License. Prior to the issuance of a grading/building permit for the surface parking lot, applicant shall enter into a license agreement for the use of City property (APN49-1041-26-16) approved by the City Council.

C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Fees. 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]**

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 building permit drawings contain the following:
[Building]
 - a. Planning permit number.
 - b. Parking area in square feet.

- c. Total number of parking spaces, with parking spaces numbered on plans in a consecutive manner.
 - d. Full text of these conditions of approval.
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 Title 24 disabled access requirements. **[Building]**
 3. Traffic and Parking Management Plan during Construction. Prior to issuance of a building permit for any portion of the project, Applicant shall submit a traffic and parking management plan for review and approval by the Public Works Director. The plan shall include any City restrictions and limitations on using certain local streets for construction traffic, proposed truck delivery and haul routes, parking arrangements for construction personnel, ingress and egress, noise, efforts to address street debris and dust control and proposed on-site staging and equipment/material storage areas. **[Public Works]**
 4. Construction Sign. Prior to the issuance of a building permit, Applicant shall submit a construction sign for approval by the Community Development Director in accordance with the prototype provided. The sign shall be made of a permanent material with professional lettering. The sign shall be at least 3 feet by 4 feet with a minimum letter size of 3 inches. The sign shall include this information: the project name; name of the owner/developer; the name and phone number of a contact person, available at all times to address complaints and with the authority to control construction activity on the site; name and phone number of the contractor; and the approved hours of construction. The contact person should be the Noise Disturbance Coordinator listed below in Condition III.B.1.c.

The sign shall be posted at the time of placing temporary fencing and start of construction activity. At least one sign shall be placed along each public street frontage of the 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]**

5. Temporary Fencing. The applicant shall install a temporary fencing to secure the proposed parking lot. The parking lot shall be locked during non-business hours. The fencing plan shall be approved by the Public Works Director and shall be configured such that it allows the City to

access the remainder of the City parcel and use the remainder for potential staging and/or other uses. This fencing shall also ensure that it provides for continued pedestrian traffic meeting the standards of the Americans with Disabilities Act as approved by the Public Works Director. **[Public Works]**

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

2. Traffic Measures. Applicant, through its contractor, shall implement comprehensive traffic control measures as set forth in the approved Traffic and Parking Management Plan, including scheduling of major truck trips and deliveries to avoid peak hours (normally 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.).
3. Street Debris. All mud, dirt and construction debris carried off the construction site onto adjacent streets shall be removed and cleaned daily. Failure to adequately sweep the streets may result in the City undertaking the effort at Applicant's cost.
4. Dust Control Measures. Dust control measures to minimize air quality impacts shall be implemented including:
 - a. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - b. Cover all trucks hauling soil, sand, and other loose materials.
 - c. Pave, apply non-potable water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site.
 - d. Limit traffic speeds on unpaved roads to 5 mph.
 - e. Install, maintain and replace sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Minimize removal and replant vegetation in disturbed areas as quickly as possible.
 - g. No grading between October 1st and April 15th unless the Public Works Director has approved an erosion and sedimentation control plan.
5. Archeological Resources. If archeological resources are encountered during construction, then Applicant shall: cease all construction activity in the vicinity; notify the Community Development Director; have the significance of the items determined by a qualified archeologist or cultural consultant; and take any further appropriate measures under the California Environmental Quality Act and other applicable laws with the Community Development Director's approval. If human remains are encountered, state law requires that the County Coroner be called immediately. All work must be halted in the vicinity of the discovery until the Coroner's approval to continue has been received.

IV. PUBLIC IMPROVEMENTS

A. 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.
2. Maintenance of Street Trees and other vegetation in the Public Right of Way. Applicant, its successors and assigns, shall maintain all landscaping improvements in the public areas fronting the property, in a healthy, growing condition at all times according to Bay Friendly Landscaping Practices as described by StopWaste.org's Bay Friendly Landscaping program. Applicant shall replace all landscaping that dies with the same living species, or substitutes approved by the Public Works Director after obtaining an encroachment permit from the City. Landscaping work shall comply with the provisions of Chapter 10 of Title 7 of the Emeryville Municipal Code.

V. PUBLIC SAFETY REQUIREMENTS

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. Address and Identification Signs. Prior to the issuance of a building permit, Applicant shall submit a design for an address sign using six-inch-high letters on a contrasting background, up to 2 square feet in area, and an identification sign up to 6 square feet in area. **[Planning]**
2. Fire Department Standards. Prior to the issuance of a building permit, the Fire Department shall confirm that the final 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. **[Fire]**

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Address and Identification Signs. Prior to the issuance of a certificate of occupancy, Applicant shall install the address sign and the identification sign described in Condition V.A.1. on the fence near the entrance to the site. **[Planning]**

2. 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 Police Department standard specifications. **[Police]**
3. 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 CERTIFICATE OF OCCUPANCY

1. Parking Plan. The applicant shall submit a plan for the surface parking lot that includes a temporary fence with a lockable gate and lights in accordance with Section 9-4.406(k) and Section 9-4.705 (c). The applicant shall be responsible for any clearing, grading and striping work that may be necessary on the City parcel in order to construct the surface parking lot.

B. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

1. Sign Permit. Applicant shall apply for a sign permit for any proposed signs not included in this approval, in accordance with the Sign Regulations at Article 16 of Chapter 5 of Title 9 of the Emeryville Municipal Code. **[Planning]**

C. ONGOING

1. 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.

2. 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.

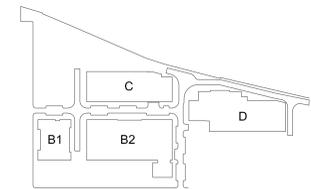
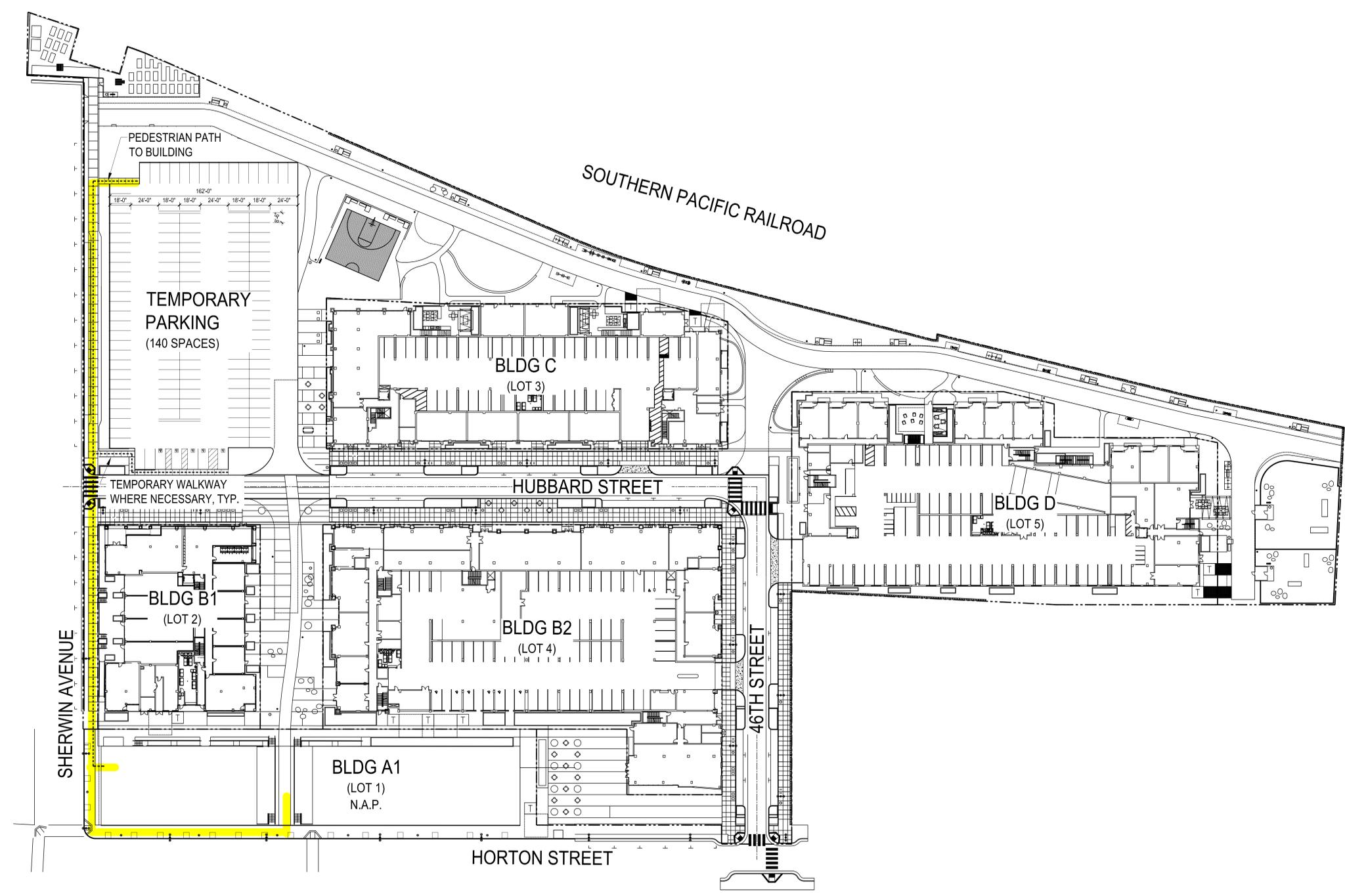
3. Noise. The project shall operate so as to limit noise exposure to those levels set forth in the Emeryville Municipal Code and General Plan. There shall be no idling or repair of buses, loud yelling, or amplified sound on the site before 7 am on weekdays, or before 8 am on weekends, or after 9 pm any day.

Attachment:

Construction Sign Prototype

SHERWIN WILLIAMS

EMERYVILLE, CA



ARCHITECT'S STAMP APPROVAL

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CONSULTANT

TEMPORARY PARKING PLAN

PROJECT NO: 1132-0007
DATE: 01.12.2018



TEMPORARY PARKING PLAN
1"=10'-0" K1

SHEET NO:

A1