City of Albany
Planning and Zoning Commission
Staff Report

Meeting Date: **October 16, 2007** **Prepared by:** GP

Agenda Item: **Reviewed by:** JB

Subject: **1600 Posen Avenue, Albany*. Planning Application 06-091. Design Review.** Request for Design Review of structural and landscape elements of the Saint Mary's College High School Athletic Field Renovation Project. Mitigated Negative Declaration adopted September 25, 2007.
Public hearing continued from September 25 and October 9, 2007.
(*The site is also known by the mailing address of 1294 Albina Avenue, Berkeley)

Applicant/Owner: **Dahanukar Brandes Architects/Saint Mary's College High School**

Recommendation

Staff recommends that the Planning and Zoning Commission and approve design review subject to findings and applicable mitigation measures and additional design conditions recommended by staff (Attachment A, Findings and Attachment B, Conditions of Approval.)

Previous Actions

The history of previous use permit and design review actions for Saint Mary's College High School (SMCHS) has been reviewed in the staff report for the September 25, 2007 Commission meeting. (See Attachment K.)

On July 14, 2006 SMCHS submitted an application for approval of an updated master plan for future campus development, including the near-term renovation of the athletic field facilities. Subsequently, the following public meetings were held regarding the application:

- A public meeting was held on December 6, 2006 to help determine the scope of the environmental review of the application;
- The Planning and Zoning Commission held a study session on the proposed master plan and the field renovation on February 13, 2007;
- The Commission made a public tour of the athletic field facilities on May 8, 2007;
- The Commission opened a public hearing on a proposed draft mitigated negative declaration on the field renovation project on May 22, 2007 and provided comments on plan submittals.
- The Commission opened a public hearing on design review of the field renovation project on September 25, adopted a negative declaration, and continued the hearing to October 9, 2007.

Following each hearing, the applicant has made revisions to plans for the field renovation, in response to input by the public and by the Commission. At the meeting of October 9 the Commission received new materials, including a set of athletic field use restrictions that had been agreed to by SMCHS and the Peralta Park Neighborhood Association (PPNA), a set of landscape guidelines developed by PPNA, and revised project drawings showing refinements to landscape plans and bleacher design. The application was continued to October 16, 2007 (a previously scheduled special meeting date) for the purpose of developing accurate documentation of the new inputs and allowing for the possibility of a final round of revisions to architectural and landscape plans.

An appeal of the negative declaration action was filed by PPNA on October 9, and will be scheduled for City Council consideration.

Project Description

The description of the project has not been changed substantively since the September 25, 2007 hearing. The Project consists of improvements to the outdoor athletic field areas of the SMCHS campus. The following is a summary of plan changes that were made prior to September 25: (Also see Attachment C, letter from Verde Design describing project changes.)

> Since the original application, the applicant has made the following changes in project plans: 1) installation of a sound system is no longer proposed as part of the current project; 2) the height extension of the baseball foul netting has been deleted; 3) the retaining wall along Posen Avenue has been deleted, in favor of a fence of ornamental iron, 6 ft. high on top of a concrete curb varying up to 2 ft. in height, to be erected along the property line; 4) the storage building is now proposed to match other campus buildings, with plaster walls and tile roof, and will be screened by a retaining wall of up to 6ft. above floor level of the building, with the top of the wall at approximately the existing grade.

Background on Application

City actions required for field renovation: Implementation of the SMCHS field renovation project does not require any amendment to City Council Resolution No. 94-37, as no changes of use are proposed, and no classroom space is involved. For purposes of gaining approvals for construction of the field renovations, an application for a grading permit was submitted on January 16, 2007 by Beals Alliance (now known as Verde Design), the designers of the field project. Proposed turf replacement, drainage improvements and underground installations will be subject to a City grading permit to be reviewed and approved by the City Engineer. Elements of the project that involve structures or landscaping - the bleacher replacement, the equipment storage building, a new fence along the Posen Avenue property line, and associated new landscaping - are subject to design review approval by the Planning and Zoning Commission. Action by the City Engineer on the grading plan will be taken subsequent to design review approval.

Application submittal: See staff report of September 25, 2007 (Attachment K) for detailed review of application. Additional, updated, materials where submitted on August 24, 2007 for design review of the field renovation, and updates of landscaping and bleachers designs were submitted on October 9 and 11, 2007. Attachments to this report contain all project materials that are current as of Friday, October 12. See Attachment D for grading plans, Attachments E and E-1 for bleacher designs, Attachments F and F-1 for landscaping plans, and Attachments G, G-1 and H for architectural plans for the equipment storage building and fencing.

Other materials submitted: In addition to project materials submitted by the applicant, the following items have been submitted and have relevance to the project:

- Field Use Restrictions: The document titled "Saint Mary's College High School Panther Park Use for Interscholastic Teams and Programs Conceded Use Restrictions Conditioned on Final Approval on 10/9/2007 of Application before Albany Planning Commission on 10/9/2007" was submitted just prior to the Commission meeting on October 9. (See Attachment I for the document as submitted.) Staff has proposed that this document be referenced in Finding #3., with respect to health safety and welfare, and incorporated as a Special Condition of approval, #J.1.

  In proposing the set of restrictions as a condition, staff has made a few changes in the interest of clarity for the future:
  1. "Panther Park" does not otherwise appear in city records, and has been changed to "the Athletic Field" for general understanding.
  2. In the 3rd bullet under Interscholastic Athletic Contests, the word "generally" has been deleted to provide certainty, and "or similar athletic league governing body" is added in case of any long-term change.
  3. In the 6th bullet, "with every 4th year" has been changed to "is allowed once during a four-year period" in case the additional game does not occur at precise intervals.
  4. Also in the 6th bullet, on soccer, "including all teams" is added to assure inclusion of both men's and women's teams.
  5. In the1st bullet under Summertime, we have added "at least partially", on the assumption that it would be acceptable to include outside participants, so long as programs included Saint Mary's students.

- Landscape Design Guidelines: Following the September 25 hearing, members of the Peralta Park Neighborhood Association (PPNA) set forth their desires in a document titled "Conceptual Design guidelines for Posen Ave. Landscaping" , which was submitted on October 9. (See Attachment J.) Staff has proposed that this document be referenced in Finding #4.b., with reference to guidelines, and incorporated as Condition #C.2. The proposed condition language differs form the PPNA submittal, in that it reflects landscape plan changes that were made after the drafting of the guidelines.

Discussion

The following discussion reports on the current status of the individual project elements, supplementing the discussion in the September 25, 2007 staff report (Attachment K.)

Design Analysis

1. **Bleachers:**
   See staff report of September 25, 2007 and drawings in Attachment E for detailed description of bleachers.

   An unresolved issue has been the question of "transparency of the risers between the seats. Neighbors have been concerned about maintaining light through the structure, as opposed to a solid mass. In the existing bleachers, there is no closure between the ascending rows of seats. Current code allows no vertical opening of more than 4 inches. The bleachers manufacturer has not built bleachers with risers that have any openings, although the closure is not essential structurally. The project engineer, after much discussion, has persuaded the manufacturer to use horizontal tubing between the seating rows, which limits the opening to the code standard but allows an aggregate open area of 9 ¼ inches out of a total vertical rise of about 13 ½ inches.

2. **Storage building:**
   See staff report of September 25, 2007 and drawings in Attachment G for detailed description of the storage building. See also Attachment H. for photo references of existing campus buildings and overhead door details.

   In response to Commissioners' requests on September 25, additional details were submitted on 10-4-07 to show the treatment of the roof system and door surrounds. (Attachment G-1)

   At the October 9 meeting two Commissioners expressed interest in providing overhanging gables on the building. Staff feels that this would enlarge the expanse of the roof and thus the apparent size of the building, as well as prompting some increase in building height. The existing campus buildings do not have overhanging eaves. (See photo of gymnasium roof detail, Attachment H-1.) As for the adjacent neighborhood, many houses are without eaves, including the house immediately abutting the storage building site, and the row of houses directly across Posen from the site. If the Commission favors overhangs, staff recommends that a condition be added that would require such to be shown on the building permit plan submittal, subject to staff review and approval.

3. **Street frontage planting:**
   The latest landscape plan submittal (Attachment F) provides for street trees to be Washington thorn (Crataegus phaenopyrum), planted in 24-inch boxes at 20-foot centers, with tree grates.

Between the street trees, 24-inch wide concrete strips would connect the curb and sidewalk, to aid exiting from vehicles. The remaining ground between the curb and sidewalk would be covered with Winter blooming Bergenia. The same ground cover would be used from the inside edge of the sidewalk to the base of the property line fence, alternating with cotoneaster (cotoneaster dammeri 'Lowfast') in 20-foot sections. One-gallon plants would be used.

The guidelines submitted by PPNA propose a non-deciduous street tree, instead of the deciduous Washington thorn. In response, the project landscape architect has included, in the plant list (Attachment F-1) a recommended alternative of Swamp Myrtle (Tristania laurina). This tree is on the City's tree planting list as acceptable for Posen. However, it should be noted that the tree is not included among the are "bay friendly", summer drought tolerant plants endorsed by East Bay Municipal Utilities District. (EBMUD). The landscape architect reports that the tree is a close relative of another Tristania that is on the EBMUD list, and that the choices for a non-deciduous tree that meet other criteria for height cleanliness are very limited. Staff has asked for an opinion from the City's consulting arborist, which we hope to report at the Commission meeting.

4. **Landscaping of the edge of the site**

In response to PPHNA-recommended guidelines, the applicant has specified sizeable shrubs for additional screening of the storage building and handicap ramp to the bleachers. This would be Mexican Orange (Chosiya) in both cases, with 5-gallon plants. For the shrub screening on the slope behind the bleachers, Glossy Abelia has been specified, a change in order to meet EBMUD standards.

With the new, open riser, design of the bleachers, it is assumed that no additional tree screening is needed. However, the landscape architect has provided several choices, should the Commission decide to ask more screening. If vertical accent planting is desired at the bleachers, Italian Cypress could be added. Several option s for taller trees that might be added to the project, at the request of PPNA, are suggested by the landscape architect.

SMCHS has agreed to continue landscaping westward to and beyond the gym , outside of the original bounds of the field renovation project. (See discussion of Zone 5 in Attachment F-1.)

Some uncertainties remain about certain species choices and locations of additional plants not currently shown on submitted plans. Proposed Conditions of Approval provide for compliance with guidelines based on those submitted by PPNA (Condition C-2.); staff approval of final landscape plans (Condition C-6); and a process for staff approval of minor modifications of conditions, in consultation with neighborhood representative (Condition J-4.) Staff believes that most of the landscape issues have been resolved at this point, and that the recommended conditions provide the tools necessary to resolve the remaining uncertainties about landscaping.

5. **Fencing along Posen property line**

The application has been amended to eliminate a proposed retaining wall along Posen Avenue, in favor of a fence of ornamental iron, 6 ft. high on top of a concrete curb varying up to 2 ft. in

height, is to be erected along the property line. The design and material of the fence are proposed to match the existing fence along the street side of the gymnasium parking lot. Drawings and two photos of the fence at the parking lot are included in the architectural details in Attachment H. There appear to be no neighborhood issues with the selection and design of the fence.

6. **Other - Fencing adjacent to Monterey properties**
The September 25 staff report (Attachment K) discusses the background on the fence that SMCHS now proposes to erect along the edge of the track on the Monterey side. Staff has proposed inclusion of a statement regarding the fence in Finding 4.l, with respect to privacy. Special Condition J.3. requires staff design review approval of the fence location and design, prior issuance of building and grading permits for the field project. Drawing #8 in Attachment F is a section showing the location of the fence relative to the property line. This would apply to most of the length of the fence, except for a few northernmost properties, where the fence would be on the property line. The fence would be modeled on the existing fence to the west of the Posen parking. See Attachment H. for drawings and photos illustrating that fence.

Conclusions of Design Analysis
Staff is of the opinion that the applicant has shown sensitivity to the existing design characteristics of the campus, and as well, has been responsive to the concerns of neighbors in matters of the appearance of the bleachers, the location and materials of the storage building, the quality of landscaping proposed, and general concerns for privacy. Changes introduced by the applicant during the course of project review have made the project more acceptable. Therefore staff has recommended findings for design review approval, based on Municipal Code Section 20.100.050.E. (Attachment A.) Recommended conditions of design review approval (Attachment B) generally address compliance with EBMUD plant recommendations, a process for final review of landscaping, ongoing maintenance, the addition of privacy fencing along Monterey properties, and a process of information and review of field activities. In addition landscape guidelines recommended by neighbors, and use restrictions developed by the neighbors and SMCHS have been included in the findings and Conditions.

Attachments:
A. Findings for Design Review approval.
B. Conditions of Design Review approval.
C. Letter from Verde Design, August 3, 2007, re: design changes.
*D. Grading plans (Cover and Sheets L-1 through L-7).
*E. Bleacher plans (Sheets 1 of 2 and 2 of 2).
E-1. Revised Sheet 2 of 2 of bleacher plans , with transparency diagram, 10-12-07.
F. Landscaping plans (Drawings 1 through 11) dated 10-9-07.
F-1. Plant List submitted by Verde Design, 10-10-07.
*G. Architectural Plans for Storage Building (Sheets 1 and 2).
G-1. Storage Building conceptual details, Sheet 3, dated 10-4-07.
*H. Additional architectural materials on storage building and fencing.
H-1. Photo of gymnasium roof detail, for reference.

I. Field Use Agreement SMCHS/PPNA, dated 10-9-07.
J. Conceptual Design Guidelines for Posen Ave. Landscaping, PPNA 10-9-07.
K. Staff Report 9-25-07 (body text only, no attachments).
L. Responses to comments by Michael Tompkins, 10-11-07.

*Materials previously distributed with 9-25-07 staff report.

Saint Mary's College High School Athletic Field Renovation Project

ATTACHMENT A - FINDINGS

Findings for Design Review approval (Per section 20.100.050.E of the AMC)

Required Finding	Explanation
1. The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.	The use of the property for school purposes conforms to the General Plan designation of Public/Quasi Public. The proposed design is consistent with the designated use. No other plans or guidelines apply. The project is consistent with the approved use permit for the site.
2. Approval of project design is consistent with the purpose and intent of this section.	Project designs are visually and functionally appropriate to site conditions, and are consistent with existing campus buildings and landscaping. Efforts have been incorporated to assure harmony with residential surroundings.
3. Approval of the project is in the interest of the pubic health, safety and general welfare.	General: Effects upon public health, safety and general welfare have been considered, and environmental mitigation measures have been adopted as appropriate. Replacement of the old bleachers with a new, handicap-accessible structure, and the addition of streetscape landscaping are public benefits. Specific: Saint Mary's College High School and the Peralta Park Neighborhood Association (PPNA) have agreed on a set of "conceded use restrictions" for the use and operation of the athletic field facilities, in order to assure that the health, safety and welfare of the neighborhood will be considered. For purpose of memorializing the conceded use restrictions for the public record, the restrictions are incorporated as a special condition of design review approval of the athletic field renovation project.

4. The project is in substantial compliance with the applicable general and specific Standards for Review stated in Subsection 20.100.050.D.	The project complies with the general standards for design review, as described below. (Specific standards do not apply, as the project is not a single-family residential addition.)
a. General Plan- consistency with goals, policies, programs.	See Finding 1, above.
b. Design Guidelines – residential and San Pablo Avenue.	City-adopted design guidelines do not apply to this project. The Posen Avenue landscape plan is consistent with the Albany Street tree Program guidelines. Conceptual Design Guidelines for Posen Avenue landscaping have been submitted by the Peralta Park neighborhood Association and have been accepted by the project design team. The guidelines are incorporated in the conditions of approval of the project.
c. Site Planning – planning of the site creates an internal sense of order, is visually and functionally harmonious with surroundings, desirable environment for occupants and visitors, deals appropriately with development constraints.	The project is a renovation of an existing facility that has been in operation for many years, and little change in site planning is proposed. The new storage building has been sited to minimize interference with views form neighboring properties. The bleacher replacement has been provided a lower profile than the existing structure. New fencing and landscaping improve the neighborhood environment.
d. Access- convenience, parking, access for persons with disabilities.	No changes of use are proposed that require additional vehicle circulation or parking. The bleachers, and the approach form the existing parking, are designed to meet standards for disabled access.
e. Architecture – high quality, appropriate to function, considerate of surroundings, harmonious colors, harmonious transitions between uses.	The storage building is designed to be consistent with other campus buildings in materials and colors; the presence of the building has been minimized relative to neighboring residences; the profile of the bleachers has been lowered to minimize impact on neighbors' views and light.
f. Landscape Design – coordinated with architectural design; plant materials are selected with respect to maintenance and water conservation.	Selection and placement of plant materials has been made with respect to screening of facilities and activities and creating enhanced boundaries with the neighborhood. Plant materials are required by condition of

	approval to comply with EBMUD standards.
g. Natural Features – preserves trees and natural features to greatest extent possible, avoiding indiscriminate clearing and grading.	Mature eucalyptus are proposed to be removed to eliminate hazards associated with falling branches and accumulation of debris. Less prominent trees are to be reviewed to create an orderly, enhanced streetscape and screening.
h. Signs	Not applicable. No signs are proposed.
i. Coordination of Design Details – site plan, architectural, landscape, illumination coordinated; mechanical screened from view.	The Posen Avenue landscape plan screens The storage building and the view of the bleachers to the extent feasible. The storage building makes possible the enclosure of maintenance equipment that is currently kept in storage containers located in the field area.
j. Retention and Maintenance of buildings	Replacement of the aging, non-accessible bleachers, and replacement of shipping containers with a storage building are desirable improvements to the site
k. Solid Waste – consistency with County program	The project does not include any changes in activities that would require changes in established waste procedures on the site.
l. Privacy – avoid significant interference with privacy enjoyed by residential occupants of adjacent properties; balance respective benefits and burdens of the project	The storage building has been designed and sited to avoid interference with privacy. A condition of approval would require opaque fencing along the eastern edge of the site to enhance the privacy of Monterey Avenue residents.

Saint Mary's College High School Athletic Field Renovation Project

ATTACHMENT B - CONDITIONS OF APPROVAL

A. GENERAL

A-1. This Design Review approval is to permit construction of a new storage building and replacement bleachers, a new ornamental iron fence, and new landscaping near the property line along Posen Avenue and in the Posen Avenue right-of-way according to the following plans that were presented to the Planning and Zoning Commission on, October 16, 2007:

- Storage Building Site Plan and Elevations, sheets 1 and 2 by Dahanukar Brandes Architects, dated 8-24-07; and Conceptual Details, sheet 3 dated 10-4-07.
- Bleachers Site Plan and Side View, sheets 1 and 2 dated 8-24-07 by Southern Bleacher Company, except that the inset on sheet 2, titled "Plank Arrangement," is replaced by a separate sheet titled "Plank Arrangement", received 10-9-07, which depicts open risers screened by two 1 - 5/8 inch diameter rails, running continuously except where interrupted by aisle steps.
- Proposed Planting and Streetscape Improvements, drawings 1 through 7 by Verde Designs, with revisions, dated 10-9-07.

A-2. Consistent with use permit limitations on classroom space stated in City council resolution No. 94-37, the storage building shall be used for purposes of athletic field equipment storage only, and shall not be permitted to be used or adapted for general campus maintenance or educational use.

A-3. Construction , installation and use of features approved by this action shall observe all relevant mitigation measures included in the mitigated negative declaration on the field renovation project , and the approved mitigation monitoring program for the project.

A-4. The applicant shall pay any and all City and other related fees applicable to the property. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid prior to issuance of said permit or prior to any City Council final action approval. Notice shall be taken specifically of Plan Check and Inspection Fees

A-5. Before the issuance of grading or building permits, the applicants shall submit written documentation that all requirements of the Albany Fire Department have or will be met to the satisfaction of the AFD.

A-6. Before the issuance of grading or building permits, the applicants shall submit written documentation that all requirements of the Public Works Department have or will be met to the satisfaction of the City Engineer.

A-7. Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity.

A-8. Staff is permitted to investigate any violations of these conditions. Review and possible revocation of this approval shall be permitted at anytime conditions and regulations are have not compiled with.

A-10. These conditions of approval may be amended or superceded by future conditional use permits associated with operation of the school.

A-11. This Design Review approval shall expire at the close of business on October 10, 2008, (one year from the date on which this approval becomes effective) unless, before expiration of one year, a Building Permit is issued and construction commenced or complete The design review approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days prior to October 10, 2008, an application for renewal of the approval is filed with the Community Development Department.

B. SITE PLANNING

B-1. All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way.

B-2. Details of exterior security lighting of the storage building shall be submitted for planning staff approval prior to issuance of a building permit for the building. Exterior security lighting shall be limited to the immediate area of the building entry, and shall be operated only between dusk and 11:00 P.M., controlled by a timer with no motion detector.

B-3. Shipping containers used for storage shall be removed from the campus upon completion of the storage building.

C. LANDSCAPING

C-1. All plant materials shall be consistent with specifications of Plants and Landscapes for Summer-Dry Climates of the San Francisco Bay Region, East Bay Municipal Utility District, 2004, except where specific materials have been approved by the City's consulting arborist.

C-2. Final landscape plans and selections of plant materials and locations shall be consistent with the following guidelines:

Zone 1) (behind storage building site, from easterly Posen gate to eastern boundary of campus): As specified on landscape plans dated 10-9-07.

Zone 2 (easterly Posen gate to east end of bleachers): As specified on landscape plans dated 10-9-07.

Zone 3 (behind bleachers):

- Shrubs on hillside should be tall enough to screen bleacher support structure.
- Planting should be layered to enhance screening.
- Add vertical plantings to break up horizontal mass of bleachers.

Zone 4 (from the west end of the bleachers to the westerly Posen gate at the parking lot):

- Westmost two Pittosperum trees should be changed to a taller species, to help screen gym.
- Also need some shrubs (6-8′ tall at maturity) to help screen view into parking lot (vans and vending machines).

Zone 5 (from westerly Posen gate to west boundary of campus):

- Need to continue landscaping plan westward through this zone.
- Eucalyptus stump next to main pedestrian gate should be replaced with tall (50′+at maturity) tree.

General:

- Street trees should be non-deciduous and staked strongly enough to protect form car doors.
- Posen landscaping along the track should have 2-3 taller trees (50′ at maturity) along its length to help break up view into playing field for neighbors uphill (e.g., Beverly Place.)

C-4. All proposed trees shall be planted in approximately 1000 cubic feet of rootable soil, compacted to less than 85% ASTM and good gas exchange (O2 between 6% and 12%).

C-5. An area of structural soil, a mix of rock and soil approved by a certified arborist, shall be provided under the sidewalk adjacent to tress planted next to the curb on Posen, to allow root growth without sidewalk uplift.

C-6. Final landscape plans shall be submitted for planning staff approval prior to installation of landscaping. Final plans shall include details of tree planning in the public-right-of-way, including specifications of tree grates and concrete strips connecting to the curb.

C-7 Pursuant to condition CR-4 of City Council Resolution No. 94-37, approving the applicable use permit, a landscape maintenance agreement shall be completed between the City and SMCHS prior to installation of landscaping, to guarantee the establishment of new trees and landscaping as approved by design review. Cash, a letter of credit or a certificate of deposit shall be posted in the amount of 25 percent of the costs of installation and plant materials, to secure the agreement for a one year period

D. <u>ARCHITECTURE</u>

D-1. Details of ventilation ducts in the storage building shall be submitted for planning staff approval prior to issuance of a building permit.

D-2. No openings, including ventilation screens, that would emit interior light to the exterior, shall be permitted in side or rear walls of the storage building.

G. STREETS

G-1. The applicant shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.

G-2. All mud, dirt or construction debris carried off the construction site onto adjacent streets shall be removed each day. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.

G-3. Any damage to street improvements now existing or done during construction on or adjacent to the subject property shall be repaired to the satisfaction of the City Engineer at the full expense of the applicants. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.

G-4. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be reconstructed in accordance with approved standards and/or plans and shall comply with the standard plans and specification of the Community Development Department and Chapter 14 of the City Code.

H. INFRASTRUCTURE

H-1. The applicant shall verify that any proposed sewer connection for the storage building is in compliance with Chapter 15 of the Albany City Code to the satisfaction of the Maintenance and Engineering Division.

H-2. All runoff from impervious surfaces 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 storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

H-3. Prior to the issuance of any Building Permits, the applicants shall provide a drainage plan showing existing and proposed drainage for the project, including areas drained and the flow patterns (e.g., sheet flow off roof, downspouts). Show the area draining to each downspout and details of both existing and proposed downspouts, including construction at and near grade (e.g., bends in downspouts, splash blocks). Demonstrate that drainage quantity, concentration, and direction will remain unchanged. If not unchanged, roof drainage from the structure shall be collected via a closed minimum 3 inch pipe and conveyed to an approved storm drain system off the street curb unless otherwise approved

by the City Engineer. No concentrated drainage of surface flow across sidewalks shall be permitted.

I. MISCELLANEOUS

I-1. The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the use. Any other change shall require further Planning and Zoning Commission approval through the Design Review process.

I-2. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

I-3. The applicant shall comply with all engineering requirements set forth by the Engineering Division during the building permit process.

J. SPECIAL CONDITIONS

J-1. Use Restrictions for Athletic Field Use: The following shall be observed in the operation of the athletic field facilities: (Times refer to when athletes arrive or depart the athletic field.)

Weekday Use of the Athletic Field for Practices

- Team practices will end by 6:30 p.m.
- Team practices will cease use of whistles at 6:00 p.m.
- Batting-cage practice will cease at 6:00 p.m.
- On seven (7) occasions in the Spring athletic season (February 1-May 31) team practices may last until 7:15 p.m. Batting practice and use of whistles will cease by 6:00 p.m. on those days.
- No whistles, batting practice, hitting of baseballs, or repetitive shouting will occur before school on the athletic field.

Weekend Use of the Athletic Field for Practice

- Organized team practices will begin Saturdays after 9:00 a.m. & end by 3:00 p.m.
  Panther Park will not be used on Sundays by Saint Mary's athletic teams or by outside organizations.

Use of the Athletic Field for Interscholastic Athletic Contests

(These conditions apply to games held on weekdays and Saturdays.)

- Saint Mary's will continue to follow the existing practices of using amplified sound for football games and, when appropriate, at NCS playoff games. Volume will be kept at a level so that neighborhood impacts are minimized. Amplified music will not be used on the

field, with the exception of half-time cheerleader routines at football games. Non-amplified live music (e.g., pep bands) is allowed.

- Litter produced by the crowd during games will be removed immediately following interscholastic athletic contests.
- Activities surrounding Saturday interscholastic athletic contests will begin after 9:00 a.m. and end by 5:30 p.m. unless extended by overtime or extra innings. Exceptions to the ending time may occur if the Bay Shore Athletic League (BSAL), North Coast Section (NCS), or California Interscholastic Federation (CIF), or similar athletic league governing body, determines the starting times for post-season contests (i.e., playoffs).
- The Athletic Field will not be used on Sundays by Saint Mary's athletic teams or by outside organizations.
- Saint Mary's may host one special athletic event per year sponsored by an outside organization (e.g., CYO, American Cancer Society, etc.).
- Number of CIF Regular-Season Athletic Contests on Saint Mary's Athletic Field:
    - 5 Football games per team (a 6th game is allowed once during a four-year period.)
    - 4 Track (a 5th meet is allowed once during a four-year period.)
    - 24 Baseball
    - 39 Soccer (including all teams.)
    - 3 Lacrosse (including all teams.)
- North Coast Section (NCS) playoff contests may be hosted by Saint Mary's in baseball, soccer, and lacrosse only in those years when Saint Mary's teams qualify for the post-season and the team is seeded high enough to host a contest.

Summertime (June 1-August 15) Use of the Athletic Field

- Summer Programs will begin after 9:00 a.m. and end by 5:00 p.m. Only activities involving, at least partially, Saint Mary's students and staff will use the field.
- Summer Sports Camps on the field will include the Sports & Fitness Camp (which runs concurrently with Saint Mary's Summer School program), a one-week football camp for elementary- and middle-school-aged students (1 p.m. to 5 p.m.), and a one-week baseball camp for elementary- and middle-school-aged students (9 a.m. to 4 p.m.).
- The Athletic Field will not be used on Saturdays by Saint Mary's teams or by outside organizations.
- The Athletic Field will not be used on Sundays by Saint Mary's teams or by outside organizations.

J-2. Annual Report Process: SMCHS shall prepare and submit an annual report on athletic field usage, no later than July 1st, beginning July 1, 2008. The annual report shall include:

a. A detailed listing of standard field usage patterns for the forthcoming academic year, including actual hours of operation for each individual team. Detailed listing of special events drawing more than 50 participants and spectators, or special events generating unusual level of noise or traffic shall also be included. Field use patterns shall conform to the limits and guidelines described in Condition J-1.

b. A report from an independent licensed arborist, or other appropriate professional, on the condition of approved landscaping and maintenance practices related to landscaping.

c. A detailed review of design review, use permit, and other conditions of approval associated with the athletic field, including Special Conditions J-1.

The Planning and Zoning Commission shall hold a public hearing on the annual report. Public notice shall be provided 10 days before the public hearing to all property owners and residents within 300 feet of the campus. The purpose of the public hearing is to receive public comment on the operation of the athletic fields during the prior school year and review operating parameters to ensure that the school is operating consistent with its conditional use permit and other conditions of approval related to the athletic field.

Practices and inter-school games/meets/matches shall be scheduled in substantial compliance with the standard field usage patterns established in the annual report. The Community Development Director may authorize exceptions to the standard field usage patterns for factors that cannot be reasonably determined at the time of the preparation of the annual report. The Community Development Director may refer requests to the Planning and Zoning Commission if the request involves significant changes in usage or issues of public controversy. The school shall make good faith efforts to notify neighbors of any exceptions as soon as possible.

In the event the school is planning a change in standard field usage patterns or in academic programs, athletic teams, or special events using the athletic fields to reflect changing school programmatic objectives, the anticipated change shall be incorporated in the annual report, and be available to the public ten days before the public hearing. Approval of a request for change in operation of the athletic fields will require the Planning and Zoning Commission make findings that:

a. The request is consistent with the requirements of any design review approval, use permit, or other condition of approval in effect at the time of the submission of the annual report; and

b. The athletic field has been operated in the prior year in substantial compliance with design review, use permit, and other conditions of approval associated with the athletic field.

The Planning and Zoning Commission may change the frequency of annual reports if it makes a finding that the school has operated the athletic fields in substantial compliance with previously approved operating parameters, conditional use permit, and any other conditions of approval associated with the athletic field.

J-3. Fence Behind Monterey Avenue Properties: Prior to the issuance of grading and building permit for the proposed project, SMCHS shall submit for staff review the design of a six to eight foot high fence to be located between the track and the back of homes facing

Monterey Avenue. Following staff design review, the grading and building permit applications shall be modified to incorporate the fence as approved by staff.

The fence shall be located as close as practical to the outside edge of the track, and shall be designed to address privacy concerns and diminish noise generated by use of the athletic facilities. Consideration shall be given to preservation of existing landscaping and to maintenance and security issues that may be created in the area between the fence and the property line. SMCHS shall not be required to build the fence behind a particular home of that particular property owner provides a written request that the fence not be constructed in that area.

J-4. Process for Minor Modifications: Planning and Zoning code Section 20.100.010.J authorizes the Community Development Director to approve minor changes in an approved project. Section 20.100.010.J provides that "in determining whether the changes are minor or substantial, the Community Development Director shall consider the characteristics of the proposed project, the site, the surrounding areas, and the potential impacts of the proposed modification." In addition to the requirements of Section 20.100.010.J, the Community Development Director shall consult with neighborhood representatives prior to any action. The Community Development Director may authorize minor exceptions to the guidelines for factors that cannot be reasonably determined at the time of approval of design review. The Community Development Director may refer requests to the Planning and Zoning Commission for Public Hearing if the request involves substantial changes in design or issues of public controversy.

J-5. Monitoring: The Community Development Department shall monitor compliance with conditions of approval by: (a) inspecting key phases of construction activities, including installation of landscaping; (b) periodic unannounced site visits; and (c) investigation of citizen reports of non-compliance. In addition to the Annual Report process described in J-2, the Community Development Director may refer repeated significant episodes of non-compliance to the Planning and Zoning Commission for Public Hearing.