

**CITY OF ALBANY
PLANNING AND ZONING AGENDA
STAFF REPORT**

Agenda date: July 13, 2010
Prepared by: JB

ITEM/ **6b**

SUBJECT: **Planning Application 09-037. Design Review.**

Request for design review approval to allow a 1,427 sq. ft. two-story addition to an existing single-family home and expansion of an existing accessory structure to create a 420 sq. ft two-car garage.

SITE: **713 Ramona**

APPLICANT/

OWNER: **Tom Zhanh for Ming Hua Zhu**

ZONING: **R-1 (Single-Family Residential)**

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission approve the application for design review, subject to the attached findings and conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The subject property is a 5,000 sq. ft. lot with a 1,190 sq. ft. one-story, single-family home, and a 370 sq. ft. accessory structure that serves as a single-car garage and storage space. The applicant is proposing to add 265 sq. ft. on the first floor of the home to expand the living space, and construct a 1,024 square foot second story, which will include 3 bedrooms and 2 bathrooms. The applicant is also proposing to expand the existing accessory structure to create a 420 sq. ft. two-car garage. Design review approval by the Commission is needed.

Over the course of the processing of this application, both Commission and neighborhood concern has been expressed over the oversize of the project and the change in the architectural style of the residence. In addition, the initial proposals included a front balcony, complex roof lines, high plate heights, and the large unbroken side and rear elevation walls.

The Commission reviewed this application on September 9, 2009, December 8, 2009 and March 23, 2010, and May 11, 2010. At the March 23, 2010 meeting, the Commission voted 4-0 to deny the application without prejudice. Following the Commission action, the applicant elected not to appeal the Commission decision, and instead substantially revised the design.

ENVIRONMENTAL ANALYSIS

Staff has determined that the proposed project is categorically exempt from the requirements of California Environmental Quality Act per Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines, which exempts small additions.

DISCUSSION OF KEY ISSUES

Design Review

The existing stucco home is attractive, with Spanish-style front gabled roof with clay tiles. The front façade has a large single-paneled square window with an arched recess in the stucco above. Also surrounding this front window are two narrow, vertically elongated recesses in the stucco. The entryway has a small covered front porch with arched openings on the front and northern side. The home has a mix of double-hung, horizontal slider, and single-paneled rectangular windows, mostly aluminum.

The revised design more closely matches the existing style of the home, compared with earlier more eclectic forms. The proposal features a low-slope cross gable tile roof. The revised roof form allows for lower ridge height. As described in the City's design guidelines, this approach has helped reduce the massing of the structure while maintaining the livability of the home.

The proposed design features a front porch entry with trim and detail to add character to the front elevation of the home. Staff suggests that the Commission may wish to explore whether the porch elaborations are consistent with some of the other stylistic elements of the project.

In general, the window style and placement is more consistent. Staff notes, however, that the Commission consider whether the front elevation second story master bath windows should be brought closer together to match the pattern of the other front elevation windows. In addition, on the north elevation, the windows in the stairwell could be resized to match the window size and style used elsewhere

Accessory Structure

The proposed accessory structure will be of a matching architectural style, with a low-slope gabled roof in the front. It will have a horizontal sliding window and a door on the northern side. The existing dimensions of the garage are 10'X18', and provide space for one car. The applicant is proposing to expand the garage to 19'X20', creating a two-car garage, which will be accessed by the driveway on the southern side of the lot. The maximum height of the structure will be 11', and it will sit 13' from the rear wall of the main home. The Commission may wish to consider a condition of approval requiring a garage door style that matches the architectural style of the home. In addition, the use of decorative pavers on the driveway could be considered.

Conclusion

Overall, staff appreciates the continuing efforts made to revise the design in response to direction provided. If the Commission is comfortable with the overall scale of the proposed addition, staff believes that with minor modifications to the design, the Commission could

make the findings to approve the design. If overall scale and massing remain an issue of concern to the Commission, then it is recommended that the Commission give direction to staff and the applicant on particular elements of concern.

Appeals:

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council, if such appeal is filed within 14 days of the date of the action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

Attachments:

1. Analysis of Zoning Requirements
2. Findings
3. Conditions of Approval
4. Project application, plans
5. Green points checklist
6. Minutes from September 9, 2009 Commission Meeting
7. Minutes from December 8, 2009 Commission Meeting
8. Minutes from March 9, 2010 Commission Meeting
9. Minutes from May 11, 2010 Commission Meeting

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts and Permitted Uses

General Plan: Low Density Residential
 Zoning: R-1 – Single-Family Residential

20.16 Land Use Classifications

Single family residential

Surrounding North - SFR East - SFR
 Property Use South - SFR West - SFR

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table of Site Regulations by District.

	Existing (approx.)	Proposed (approx.)	Requirement
Setbacks			
Front (west)	18'	No change	15'
Side (north)	5'-6"	No change	5'-0"
Side (south)	15'	13'-0"	5'-0"
Rear (east)	35	35'-6"	20'
Area			
Lot Size	5,000	No change	--
Lot Coverage	31%	37%	50%
Maximum Height	19'	26' 3"	28' max.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	5,000	No change	--
Floor Area			
First-floor	1,192	1,313	--
Second-floor	0	1,230	
Accessory Structure	370	420	
Total	1,562	2,963	--
Total Counted	1,342*	2,683	--
Floor Area Ratio	27%	54%	55%

* 220 sq. ft. exempted from "total counted" as permitted by MC 20.24.050 for enclosed parking spaces.

** 60 sq. ft. exempted from "total counted" as permitted by MC 20.24.050 for enclosed staircases.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances between Structures.

See project description.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

See project description.

20.28 Off-Street Parking Requirement.

See project description.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

Not applicable.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on July 2, 2010 in the form of mailed notice to property owners and occupants within a 100-foot radius, and posted in three locations.

20.100.050 Design Review.

See Summary of Key Issues.

ATTACHMENT 2 - FINDINGS

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

Required Finding	Explanation
<p>1. <i>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.</i></p>	<p>The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.</p>
<p>2. <i>Approval of project design is consistent with the purpose and intent of this section, which states "designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient."</i></p>	<p>The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the City's Residential Design Guidelines. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will attempt to preserve existing trees, and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The addition is attractive in appearance. The applicant has made a conscious effort to create architectural continuity throughout the home. The proposal for the expanded accessory structure is also consistent with the design of the home, and provides both off-street parking spaces in the backyard of the home.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. The project meets all development requirements. The footprint of the home will increase minimally, and the larger windows are placed on the side of the home with a large setback, minimizing impact on adjacent neighbors.</p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</p>

ATTACHMENT 3
COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This Design Review approval is for Ming Hua Zhu as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include preliminary master site plan prepared by LZI International, date received June 30, 2010, architectural plans (project perspectives, building sections, and floor plans, all as presented to the Planning and Zoning Commission on July 13, 2010. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.
- GEN-2 **Project Approval Expiration.** This Design Review approval expire on July 27, 2011 (one year from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless [a building permit has been issued and construction diligently pursued; a certificate of occupancy has been issued; the use is established; the use permit, variance or design review approval is renewed]. The 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 before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval.
- Gen-3 **FEES.** The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.
- GEN-4 **Appeals.** The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.
- GEN-5 **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before

constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

- GEN-6 **Fire Department Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.
- GEN-7 **Engineering Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.
- GEN-8 **Construction Hours.** 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. Failure to comply with construction hours may result in stop work orders or other administrative actions.
- GEN-9 **Archeological Remains.** In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.
- GEN-10 **Modifications to Approved Plans.** The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per MC 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.
- GEN-11 **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, the applicant (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 applicant of any such claim action or proceeding and cooperate fully in the defense.
- GEN-12 **Public Improvements Standards.** Public improvements shall be designed and constructed in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.

- GEN-13 **Title 24 Standards.** All construction shall be designed and built in accordance with California Title 24 handicap accessibility standards. Appropriate details and specifications shall be incorporated into the plans and submitted at time of building permit application.
- GEN-14 **Energy Conservation Standards.** All buildings shall be designed in accordance with the State of California energy conservation standards for non-residential buildings. The necessary plans and documentation shall be submitted at time of building permit application.

ARCHITECTURE CONDITION

- ARCH-1 **Material Samples.** Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.
- ARCH-2 **Final Architectural Drawings.** The applicant shall submit final architectural elevations, details and revisions for the review and approval of the Community Development Department as part of building permit application.
- ARCH-3 **Window Recess.** All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief. Final window details shall be submitted for review and approval at the time of building permit application.
- ARCH-4 **Non-Reflective Glazing.** Any glazing material shall be non-reflective.

LIGHTING CONDITIONS

- LGHT-1 **Exterior Lighting.** All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way. If required, exterior light fixtures shall be equipped with "cut off" lenses to minimize light and glare spill over onto adjacent properties.
- LGHT-2 **Shielding of Lighting.** Prior to the certificate of occupancy, all accent lighting shall be directed downward and, if necessary, fixed with cut-off lenses to ensure that no glare spills onto neighboring properties.

LANDSCAPING CONDITIONS

- LNDS-1 **Street Tree Requirement.** The applicant shall apply for one street tree before the issuance of the building permit. The City's Environmental Resource Assistance will determine the type and location of the tree and may waive this requirement if site conditions will not reasonably support establishment of a new tree.

PUBLIC WORKS DEPARTMENT CONDITIONS

GENERAL ENGINEERING CONDITIONS

- ENGR-1 **Title Report.** A recent preliminary title report for the property, prepared within six months of the date of application, shall be submitted to the City Engineer for review. If any interior lot line(s) exist, the applicant must obtain approval of a minor lot line adjustment from the City to remove the interior lot line(s), and cause that lot line adjustment to be recorded before any building permits will be issued.
- ENGR-2 **Geo-Technical Report.** The applicant shall submit, as part of a building permit application, a geotechnical investigation report prepared by a California certified engineering geologist and geotechnical engineer, if determined necessary by the City Engineer. The investigation shall specifically address any hazards of surface fault rupture in accordance with the Alquist-Priolo Special Study Zones Act. Any mitigation measures or conditions requiring further review noted during the Planning process shall be fully addressed prior to plan check.
- ENGR-3 **Backflow Device.** Any required water service for fire protection purposes shall be equipped with a City approved backflow device. Services for irrigation purposes also require a separate City approved backflow prevention device.

GRADING CONDITIONS

- GRAD-1 **Grading Permit.** Any grading required in association with the project shall require a grading permit from the Community Development Department. To obtain this permit, the applicant shall submit a grading plan, indicating the extent and volumes of earth proposed to be moved. A grading permit is subject to 2001 California Building, Appendix 33.
- GRAD-2 **Demolition Permit.** Site demolition shall not occur until construction permits are issued for the development project. All demolition shall be in accordance with permits issued by the City and Bay Area Air Quality Management District (BAAQMD).
- GRAD-3 **Water on Site.** The site shall be graded so as to prevent rainfall runoff originating from improved areas on the project site from crossing onto adjoining private property. Building floor elevations shall be above the FEMA-mapped 100-year flood plain as established by a licensed civil engineer. Provide the elevation and compaction certificates during and upon the completion of grading required by the Uniform Building Code and in conformance with the recommendations of the geotechnical engineer's report. Shore and dewater all excavations in accordance with the requirements of the geotechnical engineer's report.
- GRAD-4 **Flooding Damages.** The project developer shall execute an assumption of risk, indemnification and hold harmless agreement as required by the City. The agreement, in substance, shall state that the project developer, and any successor

in interest, shall assume all risk for damages to the project and to project improvements, flooding caused by surface water intrusion, stormwater runoff, or water under the ground surface pressing on or flowing or seeping through foundations, walls, floors, or paved surfaces, basements, whether paved or not, or windows, doors or other openings, and shall indemnify and hold the City harmless from any claims of such damages, including third-party claims, of such damage or of such damages or of damages arising from rainfall runoff which is not prevented from leaving the project site in violation of Condition GRAD-3.

GRAD-5 **Dust Control Program.** A dust control program shall be prepared by the project developer and approved by the Community Development Department and City Engineer before issuance of a grading permit. The dust control plan shall address such items as covering stockpiled material, frequent watering of graded areas, revegetating graded areas, speed limits for grading equipment and similar items.

GRAD-6 **Stormwater Pollution Prevention Plan.** The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City before the issuance of a building or grading and/or building permit. The SWPPP shall be consistent with standards adopted by the Regional Water Quality Control Board and the City of Albany Clean Water Program and implemented by the project general contractor, all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction shall also be addressed in the SWPPP. The project developer shall be responsible for SWPPP compliance. A copy of the SWPPP shall be kept at the construction site at all times.

INFRASTRUCTURE CONDITIONS

INFR-1 **Sewer System Requirements.** The sewer system for the subject building shall comply with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer before Final Inspection approval of the construction permit.

INFR-2 **Two-Way Cleanout.** Installation of a two-way curbside cleanout shall be required per Chapter 15 of the Albany City Code. This applies to all properties, including properties with a valid upper sewer lateral certificate of compliance. All 2-way curbside clean outs shall be fitted with a loose cap in accordance with the City's standard detail SS6.

INFR-3 **Property Run-off Requirements.** 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.

INFR-4 **Roof Drainage.** Roof drainage from the structure shall be collected via a closed pipe and conveyed to an approved storm drain system off the street curb. No concentrated drainage of surface flow across sidewalks shall be permitted.

Alternative natural treatment measures are subject review and approval by the City Engineer.

INFR-5 **Hydraulic Calculations.** The applicant shall submit hydraulic calculations, prepared by a California licensed civil engineer, necessary to determine if the existing water and sewer mains that serve this lot have available capacity for the addition of the proposed development. If capacity is not available, sewer and water mains of adequate size shall be designed and secured prior to issuance of building permits and constructed in a manner acceptable to the City Engineer prior to occupancy release, unless determined otherwise by the City Engineer.

INFR-6 **Completion of Off-Site Improvements.** Off-site improvements, as required by the City Engineer, shall be complete before issuance of a Certificate of Occupancy unless alternatives are approved in writing by the Albany City Engineer.

PUBLIC IMPROVEMENTS CONDITIONS

PUBIM-1 **Encroachment Permit.** The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right-of-way or easement.

PUBIM-2 **Debris Removal.** 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.

PUBIM-3 **Damage to Street Improvements.** 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 applicant. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.

PUBIM-4 **Right-of-Way Construction Standards.** 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.

FIRE DEPARTMENT CONDITIONS

FIRE-1 **Construction of 1,500 Square Feet or Greater.** 1500 sq. ft. or more or any addition, remodel, rehabilitation, etc. is 50% of the existing sq. ft.:

- a) This dwelling will be required install an Automatic Fire Extinguishing System throughout the entire dwelling. Ordinance No. 94-010, Albany Municipal Code, Chapter 11, Section 11-2.3a(3)(a).
- b) Plans, information sheets on all sprinkler components and hydraulic calculations are required.
- c) A 110-volt interconnected smoke alarm system with a 10-year lithium batter back-up is acceptable with a fire suppression system.

- FIRE-2 **Fire Rated Construction.** Any portion of a building five (5) feet or less from the property line shall comply with fire-rating requirements of the CBC.
- FIRE-3 **Gallons-per-Minute Requirement.** The water system for fire protection shall comply with City of Albany Fire Department standards. Fire flow test data and water system plans must be provided at time of building plan check. The plans must include all equipment, components and layout of the system. Private fire protection water systems shall be supplied through an approved backflow device per City Engineering Division standards.
- FIRE-5 **Distance From Fire Hydrant.** Before building permit issuance the distance from existing fire hydrants to the building shall be verified and if necessary a new hydrant shall be shown on the plans and installed prior to combustible construction.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM CONDITIONS

STRUCTURAL CONTROL MEASURES

STRUC-1 Illegal Dumping to Storm Drain Inlets and Waterways.

On-site storm drain inlets shall be clearly marked with the words “No Dumping! Flows to Bay,” or equivalent, using methods approved by the City of Albany.

STRUC-2 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 City Engineer for specific connection and discharge requirements.

STRUC-4 Pesticide/Fertilizer Application

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. 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:

- a) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- b) 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.
- c) Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.

- d) Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.

POST-CONSTRUCTION REQUIREMENTS

POST-CONST-1

All projects shall incorporate appropriate site design measures to minimize impacts to water quality. These may include, but are not limited to, the following: minimizing land disturbance and impervious surfaces (especially parking lots); clustering of structures and pavement; directing runoff from roofs and other impervious surfaces to vegetated areas; use of micro-detention, including distributed landscape-based detention; preservation of open space; protection and/or restoration of riparian areas and wetlands as project amenities, and minimize changes to the natural topography; use "Bay Friendly" landscape design (See Bay-Friendly Landscape Guidelines - Sustainable Practices for the Landscape Professional, www.bayfriendly.org).

POST-CONST-2

All projects shall incorporate all appropriate source control measures listed in the Agency's adopted Local Source Control Measures List.

POST-CONST-3

Projects creating or replacing greater than or equal to 10,000 square feet of impervious surface must include hydraulically sized permanent stormwater treatment control measures in accordance with Municipal Regional Stormwater Permit requirements [and the City's hydraulic sizing requirements as determined by the City engineer.

POST-CONST-4

For projects that discharge directly to Clean Water Act section 303(d)-listed water bodies (the list is available at www.swrcb.ca.gov/water_issues/programs/tmdl/303d_lists2006_epa.shtml) the project proponent must demonstrate that post-development runoff does not exceed pre-development levels for such pollutants that are listed. A "direct discharge" is a discharge that is routed directly to waters of the US by means of a pipe, channel, ditch (including a municipal storm sewer system), or through surface runoff. Discharges from a construction site to a municipal storm sewer system where commingling with upstream and/or downstream discharges can occur are not considered "direct discharges."

POST-CONST-5

Stormwater treatment measures that function primarily as infiltration devices (such as infiltration trenches, French drains, dry wells, and injection wells) shall, where practical, protect groundwater from pollutants that may be present in urban runoff. The infiltration system must include a minimum of two feet of suitable soil to achieve a maximum five inches/hour infiltration rate. Adequate maintenance must be provided to maximize pollutant removal capabilities. The vertical distance from the base of any infiltration device to the seasonal high groundwater mark shall be at least ten feet (10'), and in areas characterized by highly porous soils or high ground water tables, additional analysis may be required by the City. Infiltration devices shall not be recommended as treatment measures in the vicinity of known contamination sites, or for areas of industrial or light industrial activity, automotive repair

shops, car washes, fleet storage areas, nurseries, and areas subject to high vehicular traffic (25,000 or greater average daily traffic [ADT] on main roadway or 15,000 or more ADT on any intersecting roadway). Infiltration devices shall be located a minimum of 100 feet horizontally from any water supply well, septic systems, and underground storage tanks with hazardous materials.

POST-CONST-6

For projects creating and/or replacing greater than or equal to one acre of impervious surface that increase the impervious surface area over pre-project conditions, the agency may complete a Hydromodification Management (HM) Applicability Worksheet to determine if the HM requirements apply. If it is determined that the HM requirements apply, the project must (a) incorporate appropriate site planning and source control measures to manage hydromodification impacts and identify those measures implemented for treatment purposes which also are intended to contribute to reduction of post-project flows, and (b) implement the enhanced HM requirements for flow duration control as described in Attachment B of the Municipal Regional Stormwater Permit. The Bay Area Hydrology Model has been developed to size flow duration controls. See www.bayareahydrology.com.

POST-CONST-7

The design of any stormwater quality treatment measures or hydromodification management measures incorporated in the project must incorporate the treatment control design guidance for vector control included in the Alameda Countywide Clean Water Program's Vector Control Plan.

POST-CONST-8

If the project includes one or more permanent stormwater quality treatment control measure(s) and/or hydromodification management (HM) measures, a Stormwater Treatment Measures Maintenance Agreement (Agreement) shall be executed between the Project Owner and the City and recorded with the County Recorder's Office of the County of Alameda. The agency shall identify the appropriate step in the development approval process by which the Agreement must be executed (for example, prior to the approval of the Final Map, issuance of a grading permit or issuance of a building permit). The property owner shall prepare, to the City's satisfaction, and submit four required Exhibits to the Agreement: (1) a legible, recordable, reduced-scale (8.5"x11") copy of the Site Plan indicating the treatment measure(s) location(s) and site drainage patterns; (2) a maintenance plan, including specific long-term maintenance tasks and a schedule, and incorporating the treatment control operation and maintenance guidance for mosquito control from the Alameda Countywide Clean Water Program's Vector Control Plan; (3) checklists appropriate to the type of treatment measure(s) that will be used on the property (to be provided by the City unless otherwise directed by the City; and (4) a standard Treatment Measure Operation and Maintenance Inspection Report form (template to be provided by the City).

POST-CONST 9

New, additional post-construction stormwater control requirements may apply to projects that receive final planning approval on or after December 1, 2011, and are "Regulated Projects" (projects that create and/or replace 10,000 square feet of impervious surface or projects that create and/or replace 5,000 square feet or more of impervious surface related to auto service facilities, retail gasoline outlets, restaurants, and/or surface parking).

CONSTRUCTION BEST MANAGEMENT PRACTICES

BPM-1

The project owner shall review and comply with the current Construction General Permit issued by the State Water Resources Control Board. Requirements for filing a Notice of Intent and Project Registration Documents (PRDs) will be in effect beginning July 1, 2010. Projects active on or after the July 1, 2010, effective date shall file electronically for coverage under the new permit (adopted in September 2009). Prior to the issuance of a grading or building permit for a project that will result in land disturbance of one acre or more, the applicant shall submit to the City: (a) a copy of the project's Storm Water Pollution Prevention Plan (SWPPP) and (b) evidence to the City or County that a Notice of Intent (NOI) has been submitted to the (California) State Water Resources Control Board. A copy of the project's NOI and SWPPP shall be kept on-site and made available upon request for review by municipal, county and state officials, inspectors or engineers.

BMP-2

Prior to the commencement of any clearing, grading and/or excavation [resulting in a land disturbance of 10,000 square feet or more and/or requiring a grading permit], the applicant shall submit to the City, a Stormwater Quality Protection Plan (SQPP) or Stormwater Pollution Prevention Plan (SWPPP) to demonstrate that the owner, developer, and/or contractor has evaluated BMPs for protection of stormwater quality during construction activities and has incorporated the site-specific, and seasonally- and phase-appropriate BMPs in the following six categories: erosion control, run-on and run-off control, sediment control, active treatment systems (as necessary), good site management, and non-stormwater management.

BMP-3

The applicant shall implement the SWPPP or SQPP, including erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the practices outlined in the ABAG Erosion and Sediment Control Handbook, California Stormwater Quality Association Handbooks, and Regional Water Quality Control Board's Erosion and Sediment Control Field Manual.

BMP-4

All projects involving any land disturbance must incorporate all of the following in project plans:

- Perform clearing and earth moving activities only during dry weather.
- Minimize removal of natural vegetation. Replant area as soon as possible after grading is completed. All cut and fill slopes shall be stabilized as soon as possible after grading is completed. NO site grading shall occur between October 1 and April 30 unless approved erosion and sedimentation controls are in place.
- Delineate with field markers clearing limits, trees, easements, property line, setbacks, sensitive or critical areas, buffer zones, and drainage courses.
- Divert onsite runoff around exposed areas and off-site runoff around the site (e.g. swales and dikes).
- Use methods to prevent erosion and trap sediment on-site, such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles, and/or other measures.
- Include notes, specifications or attachments to describe: a) construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; b) methods and schedule for grading, excavation, filling, clearing of vegetation, and

storage and disposal of excavated or cleared material; c) vegetative cover and mulch specifications, including methods and schedules for planting and fertilization; and d) provisions for temporary and/or permanent irrigation.

BMP-5

The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations and/or a project stop work order.

BMP-6

Construction access routes shall be limited to those approved by the City/County Engineer and shall be shown on the approved grading plan. Designated access points shall be stabilized.

BMP-7

Store, handle, and dispose of construction materials and wastes properly to prevent their contact with stormwater. Gather all construction debris on a regular basis, as deemed appropriate by the agency, and place it in a dumpster or other container, which is emptied or removed at least weekly. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

BMP-8

Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site.

BMP-9

Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis, or as required by the agency. Caked on mud or dirt shall be scraped from these areas before sweeping.

BMP-10

Avoid tracking dirt or other materials off-site. During wet weather, minimize driving vehicles off paved areas and other outdoor work.

BMP-11

Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by wind or in the event of a material spill.

BMP-12

Use sediment controls or filtration to remove sediment when dewatering. Obtain all necessary permits.

BMP-13

Protect adjacent properties and undisturbed areas using vegetated buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate. Install filter materials (such as gravel bags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site:

- (a) prior to start of the rainy season (October 1);
- (b) prior to site dewatering activities;
- (c) prior to street washing activities; and
- (d) prior to saw cutting asphalt or concrete; or
- (e) as required by the agency.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.

BMP-14

Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain, flood control channel or stream/creek. See the Building Maintenance/Remodeling flyer for more information.

BMP-15

Ensure that concrete/gunite supply trucks or concrete/plaster finishing operations do not discharge washwater into street gutters or drains. See the Concrete & Mortar Application flyer for more information.

BMP-16

Control and prevent discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, washwater or sediments, and non-stormwater discharges to storm drains and watercourses.

BMP-17

Avoid cleaning, fueling, or maintaining vehicles on-site, except in a designated area where washwater is contained and treated. See the Building Maintenance/Remodeling flyer for more information.

Special Conditions

n/a