

ATTACHMENT 3 - CONDITIONS OF APPROVAL

1. The Community Development Director shall have the right to modify or revoke this use permit at any time if any of the terms of such permit or the conditions of approval for said permit are violated, or for other good cause deemed necessary to maintain or improve the public right of way or to preserve and protect the health, safety and welfare of the public.
2. The applicant shall manage the farmers market, including recruitment of vendors and diversity of products, in a manner substantially consistent with the description provided by the applicant in attachment 5.
3. Prior to the initiation of the second year of operation, the Planning and Zoning Commission shall schedule a public hearing to provide an opportunity to review the operations of the market and make modification to conditional of approval if necessary to achieve the goals and objectives of the City or to protect the health, safety and welfare of the public.
4. The applicant shall prepare a traffic control plan, which will be subject to review and approval of the Community Development Department. The applicant shall be responsible for all traffic control during event, including set-up and tear-down of equipment needed for execution of traffic plan, such as traffic barricades.
5. The applicant shall be responsible for managing all trash and recycling and the encroachment area shall be returned to its original condition at the end of the event.
6. The applicant shall prepare written rules, which will be subject to review and approval of the Community Development Department. The rules shall be intended to ensure the successful and safe operation of the Market. Contractor shall provide a set of written rules to all vendors operating within the Market.
7. Installation of banners and other signage is subject to review and approval of the Community Development Department as part of the encroachment permit.
8. Applicant shall provide bicycle parking area/rack(s) that can accommodate at least four bicycles, including bicycles with trailers, in which at least one wheel and frame of each bike can be secured. Rack design and location subject to City review. Rack shall be in a location that is visible to market customers.
9. Modifications to the street or sidewalk must be installed by a licensed contractor subject to issuance of a permit from the Community Development Department. The sidewalk must be restored to its existing condition at the time of termination of the use permit.
10. Improvements shall conform to all applicable ADA, Cal-OSHA and California Building Code requirements.
11. The issuance of the use permit does not represent control of the street or sidewalk area during special events involving street closures (e.g. Solano Stroll, Dinner with Albany, etc.).

If requested by the City, all improvements shall be removed 24-hours before special events involving street closures.

12. A sidewalk walkway of at least six feet wide must be maintained between the railing and any tree, sign, post, bench or other sidewalk feature at all times.
13. Installation of furniture and fixtures shall be subject to the review and approval of the Community Development Department. Furniture and fixtures shall be of good quality, durable materials and construction, and shall be properly maintained.
14. No sound amplification device, musical instrument or sound reproduction device shall be operated or used in outdoor dining areas
15. Outdoor dining areas shall be maintained in a clean condition at all times.
16. The applicant shall, at its sole cost and expense, maintain a comprehensive liability insurance policy in an amount specified by the City at all times during the duration of the permit. The applicant for the permit shall furnish the City with a certificate of insurance, duly authenticated, evidencing maintenance of the insurance required under the permit.
17. The applicant must indemnify, defend and hold harmless the City, its officials, officers, agents, and employees from any and all claims, causes of action, losses, injuries or damages arising directly or indirectly from the negligent acts, errors or omissions of the permit holder, its officers, agents, employees, or anyone rendering services on its behalf.
18. This Permit is non-transferable. If ownership or operator of the farmers market changes, this permit terminates automatically. New owner or operator shall submit an application for a new use permit.
19. 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. This indemnity shall include all reasonable costs and attorney's fees incurred in defending any action covered by this section.
20. This Conditional Use Permit and Parking Exception approval shall expire at the close of business on March 9, 2012, (one year from the date on which this approval becomes effective) unless, before expiration of one year, use is commenced. The Conditional Use Permit and 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 March 9, 2012, an application for renewal of the approval is filed with the Community Development Department.



Planning and Zoning Commission
Proposed Albany Farmers' Market
February 23rd, 2011

About The Ecology Center

The Ecology Center is a community-based 501(c)(3) nonprofit with 50 employees and an annual operating budget of over four million dollars. The mission of the Ecology Center is to promote environmentally and socially responsible practices through programs that educate, demonstrate, and provide direct services. The organization was founded in the lead-up to the first Earth Day in 1970 as part of the emerging environmental movement.



In addition to the Farmers' Markets, the Ecology Center's programs include: Berkeley's Curbside Recycling Program, Farm Fresh Choice, The Berkeley Food Policy Council, The Farmers' Market EBT Program, EcoHouse, The Climate Change Action Program, a Retail Store and Information Services.

The Markets

The Ecology Center has operated farmers' markets in Berkeley, California since 1987, and currently operates farmers' markets three days per week, year round, rain or shine. We operate markets one hundred and fifty times during the course of the year. Nearly one hundred different vendors participate in these markets. Most (83%) of these vendors come from within 100 miles. Combined, the farmers cultivate over 3,100 acres, with farms ranging in size from one third of an acre to 400 acres. At their peak, our markets attract over 10,000 customers in a week and during the course of the year, total customer attendance is approximately 400,000.

At the Ecology Center our markets have two primary goals: to support farmers and to make seasonal, local, organic produce available to city dwellers. Many farmers markets have become places for predominantly pre-prepared food purveyors and craft vendors with no assurances of who is making the product or where it is from, but not our markets.

We feel strongly that farmers' markets are a place for artisans rather than resellers. All vendors at the Ecology Center Farmers' Markets produce the product that they are selling at the market. In the case of farmers, they must grow all of the produce



that they sell. Non-agricultural vendors need to make the item that they are selling.

At our markets we strive to balance choice with diversity. Over the years, we have learned that when customers can reliably find a wide variety of products, the market becomes part of people's regular shopping patterns. As a result we pay particular attention to the vendor mix at our markets to make sure that items are represented in the right balance.

Each of the three markets that the Ecology Center operates has its own distinct character and flavor, reflecting the neighborhood that the market is located in as well as the community of shoppers and vendors that have evolved over the years:

South Berkeley (Tuesdays) 2pm-7pm

When a loose collection of volunteers brought the idea to the Ecology Center in 1987, the City of Berkeley offered a lightly trafficked stretch of Derby Street between Martin Luther King Jr. Way and Milvia Street. The market started with just a handful of vendors selling produce out of the back of their trucks on a street that had been closed to traffic. Over the years, the market has grown into



a year-round event that covers all of the available length of Derby Street, with forty different vendors and 2,500 customers a day during the peak of the season. The easy parking and position early in the week makes the South Berkeley market a favorite with restaurants.

Downtown Berkeley (Saturdays) 10am-3pm

Just three years after the Ecology Center started the market on Derby street, there was enough interest to justify opening a second market. In the twenty years since the market opened, it has grown into the largest of our three markets, attracting 65 vendors and 5,000 customers weekly at the peak of the season. The Downtown Berkeley market is a destination market, attracting visitors from all over the bay area and

attention from national media. In 2008, the New York Times recognized the market in its *36 Hour* travel segment, saying, "It's tough choosing from the many farmers' markets in the Bay Area, but for the real deal, head to the Saturday Berkeley Farmers' Market."

North Shattuck Market (Thursdays) 3pm-7pm

The newest of our markets, the North Shattuck Market is still maturing, although vendors tell us that for a new market, sales are very strong. While the market has maxed out its available physical space with 25 vendors at the peak of the season, the number of customers continues to grow rapidly. At peak season the market attracts approximately 2,700 people each week.

Proposed Market Location and Details



1000 block of Solano Avenue (between San Pablo Avenue and Adams st.)

As the major business artery in Albany, Solano Ave is a logical choice as a location for the market. The block is centrally located, making it within walking or biking distance of most Albany residents, and is well served by public transportation. The market would be highly visible to traffic coming down Solano towards the market, and to drivers passing by on San Pablo. The proximity to retail on both Solano Avenue and San Pablo Avenue should benefit both the businesses and the market.

Proposed Day and Time: Wednesday 3pm-7pm

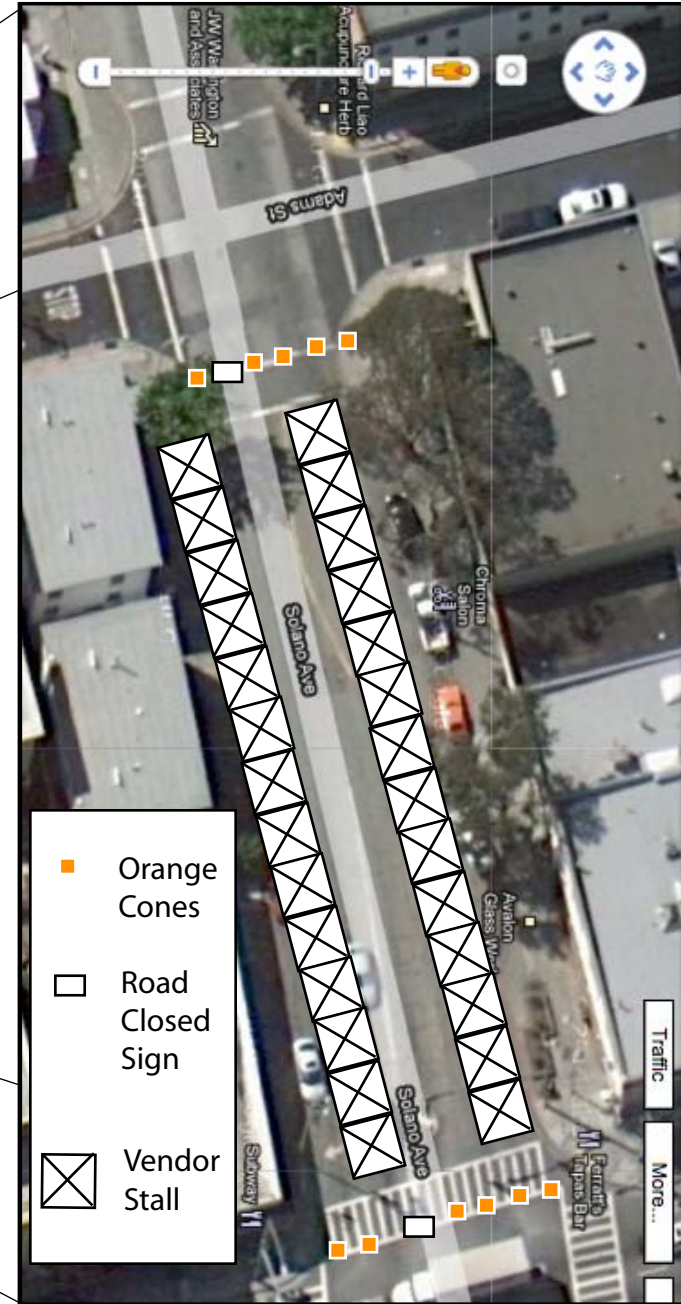
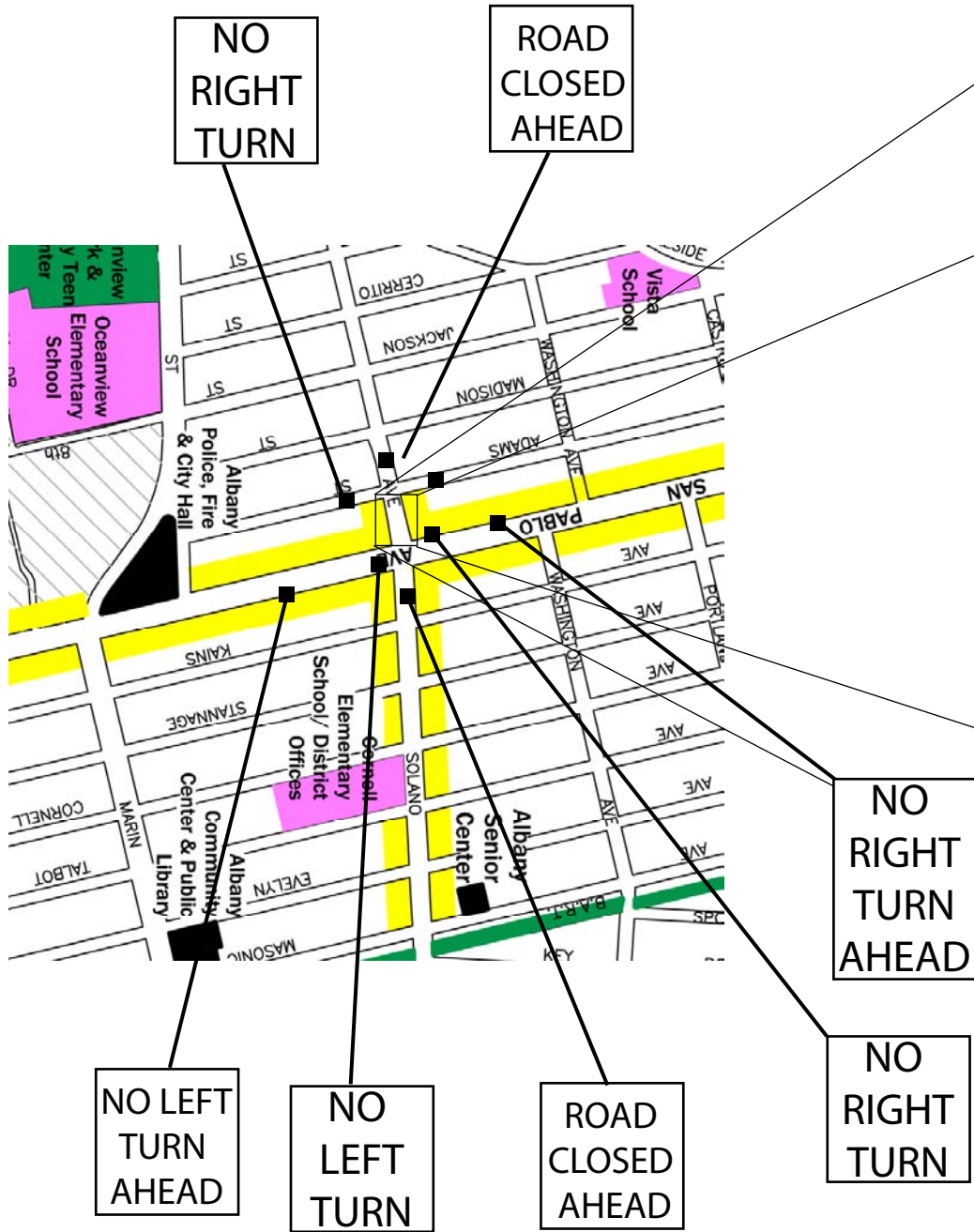
Season: May-October

Size: 200 feet by 50 feet (40 ft at Adams). Space for approximately 35-40 stalls

Programs and Services:

- Credit Cards and food assistance programs such as EBT and WIC would be accepted.
- The market would operate on the principles of Zero Waste. Customers would be encouraged to bring their own bags; vendors would use compostable bags and packaging.
- Genetically Modified food products and crops grown using Methyl Bromide would be allow for sale.
- Frequent Shoppers could have a card stamped each week, with prizes when cards are complete.

Traffic Control Plan -Albany Farmer's Market (Version 1, 1/5/2011)



City of Albany Traffic & Safety
Commission

Memo

To: Planning and Zoning Commission
From: Aleida Andrino-Chavez, on behalf of the Traffic & Safety Commission
CC: Ann Chaney, Community Development Director, Nicole Almaguer, Environmental Planner
Date: 2/16/2011
Re: Farmers Market implementation in Albany

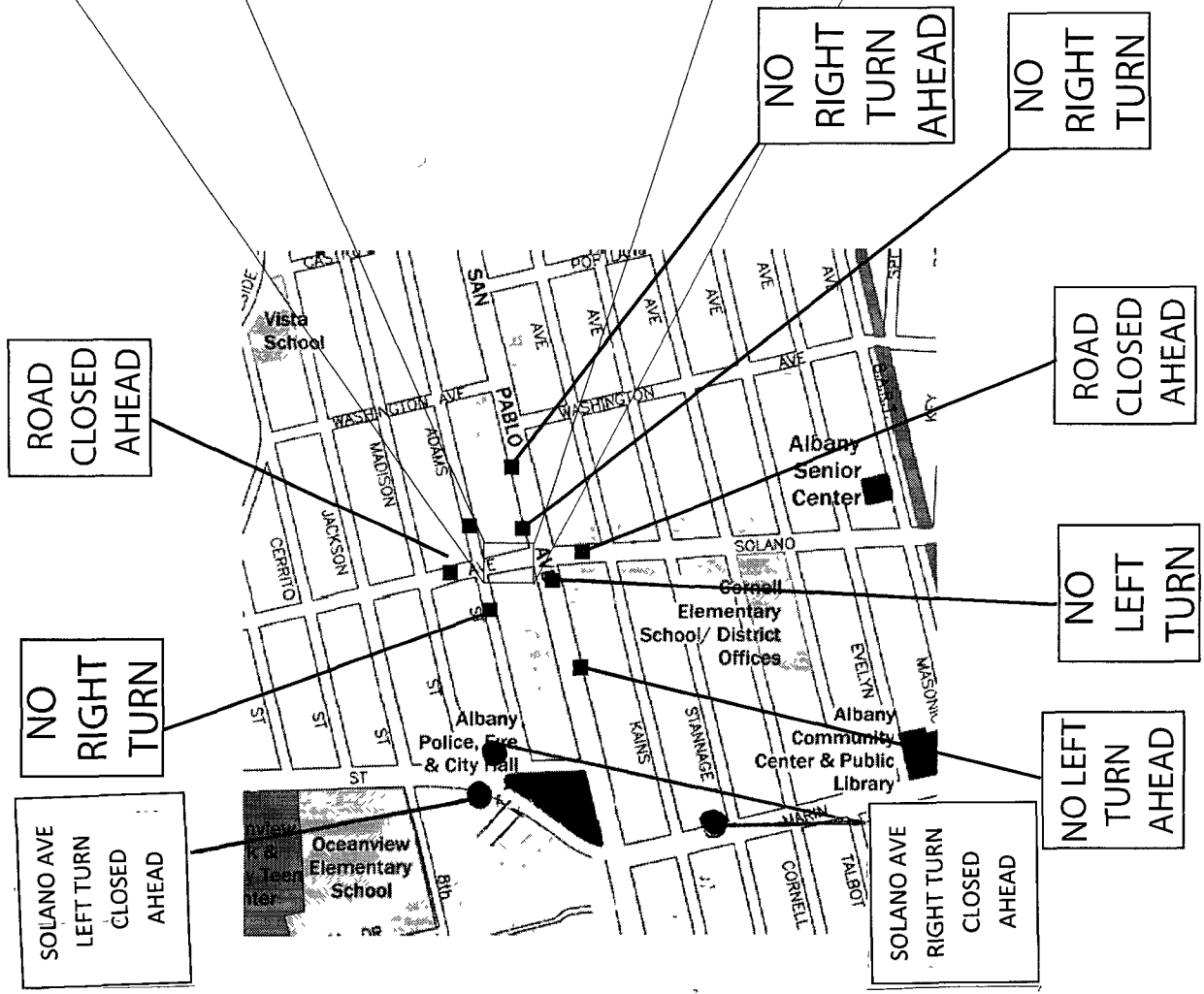
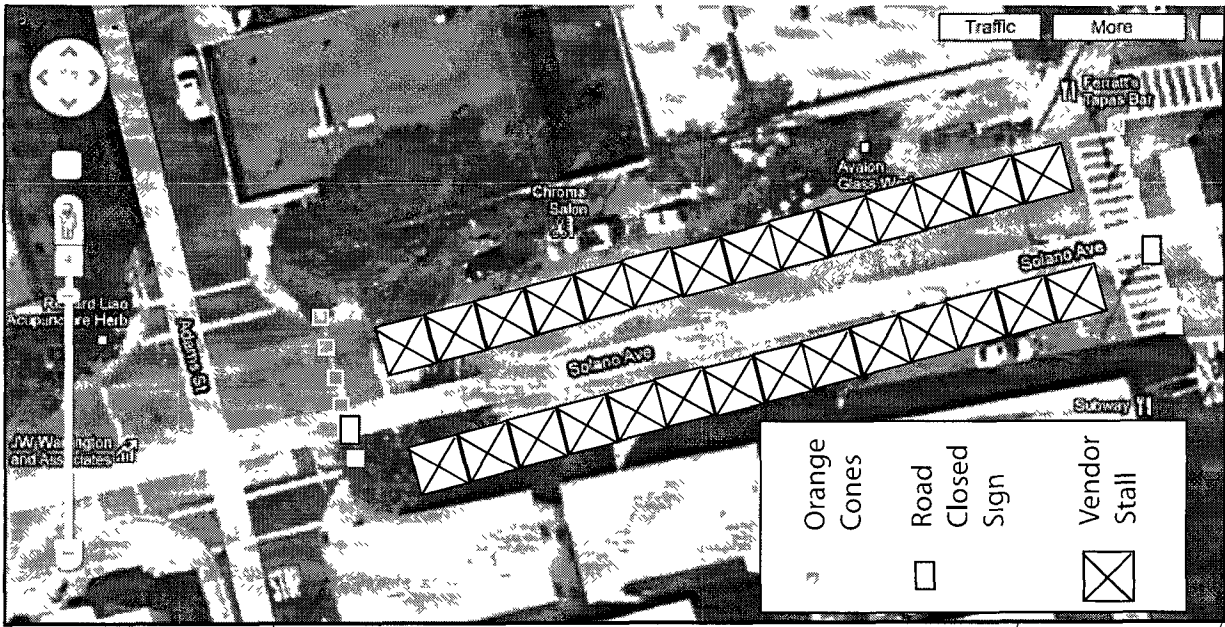
At the January, 2011 meeting, the Traffic & Safety Commission (T&S) discussed the Farmers Market proposal from the Ecology Center. The Commission supported the idea of implementing a Farmers' Market on the 1000 block of Solano Avenue between San Pablo and Madison Avenues. However, they concluded that as with any street closure, there could be some impacts related to traffic and provisions should be taken to avoid drivers confusion and potential conflicts, particularly at this busy intersection. Below are the T&S Commission recommendations for the Farmers' Market implementation.

- Report back to the T&S Commission on traffic conditions during the first month of the Farmers Market operations, or at the end of June 2011.
- The T&S Commission recommended adding signage along eastbound and westbound Marin Avenue (and at the Buchanan/Marin merge) before motorists approach the intersection with San Pablo Avenue in order to alert motorists that Solano Avenue left turn is closed ahead. The suggested locations for the signs are: For Westbound Marin Avenue, between Stannage and Kains Avenues, and for eastbound Marin Avenue, between Jackson Street and San Pablo Avenue. The attached map shows the proposed locations for the signage.

Should you have questions, feel free to contact me at (510) 528-5759 or via email at achavez@albanyca.org.

To Planning & Zoning

Traffic Control Plan - Albany Farmer's Market (Version 1, 1/5/2011)



From: [Jeff Bond](#)
To: [Nicole Almaguer](#)
Subject: FW: City of Albany, CA: Planning & Zoning Commission
Date: Wednesday, February 16, 2011 3:12:15 PM

Jeff Bond, Planning and Building Manager
City of Albany Community Development Department
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Eileen Harrington
Sent: Wednesday, February 16, 2011 1:54 PM
To: Jeff Bond
Subject: FW: City of Albany, CA: Planning & Zoning Commission

-----Original Message-----

From: ALBANY SAUNA [<mailto:ALBANYSAUNA@MAN.COM>]
Sent: Wednesday, February 16, 2011 1:50 PM
To: City General Email Box
Subject: City of Albany, CA: Planning & Zoning Commission

You have received this link of City of Albany, CA from:
ALBANY SAUNA <ALBANYSAUNA@MAN.COM>

<http://www.albanyca.org/index.aspx?page=92>

WE RECEIVED THE NOTICE OF A REQUEST FOR A FARMER'S MARKET ON SOLANO AVE BETWEEN SAN PABLO AND ADAMS. THIS IS A VERY BAD IDEA. IT WILL TOTALLY RUIN OUR BUSINESS ON WEDNESDAYS. OUR CUSTOMERS WILL HAVE TO FIGHT WITH FARMERS MARKET CUSTOMERS AND VENDORS FOR PARKING. ALSO, TRAFFIC WILL BE REROUTED AND OUR CUSTOMERS WILL NOT BE ABLE TO FIND US AND EVEN IF THEY DO THEY WILL RUN LATE FOR THEIR APPOINTMENTS.

TIM ADAM, PRESIDENT
5241425 OR 5013343

ALBANY SAUNA

From: [Jeff Bond](#)
To: [Nicole Almaquer](#)
Subject: FW: support for Farmers Market
Date: Tuesday, March 01, 2011 12:01:33 PM

Jeff Bond, Planning and Building Manager
City of Albany Community Development Department
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: John Sladkus [<mailto:john@nuws.com>]
Sent: Tuesday, March 01, 2011 9:30 AM
To: Jeff Bond
Subject: support for Farmers Market

Dear Jeff Bond,

Please forward to city council my complete and total support for the proposed Farmer's Market on Lower Solano. I think this will be a wonderful way for neighbors and Albany folks to get together. It will also serve as a way to break down the perceived separation between west (lower) and east (upper) Albany. I also think it will help to teach my children green behavior as we walk and buy local foods as much as possible but up until recently have had to go into Berkeley for a real Farmer's Market.

Sincerely,
John Sladkus
848 Madison

From: [Jeff Bond](#)
To: [Nicole Almaguer](#)
Subject: FW: Farmers Market
Date: Tuesday, March 01, 2011 4:31:48 PM

Jeff Bond, Planning and Building Manager
City of Albany Community Development Department
1000 San Pablo Avenue
Albany, CA 94706
510-528-5769

-----Original Message-----

From: Chris Beynon [<mailto:chrisb@migcom.com>]
Sent: Tuesday, March 01, 2011 3:23 PM
To: Jeff Bond
Subject: Farmers Market

Dear Jeff and City Council Members,

I want to express that I think that the current proposal for a Farmers Market on Solano between Adams and San Pablo is a great idea for the neighborhood and greater Albany community. We should of course monitor its benefits and impacts as it begins its operation, but I think it is a fantastic community-building feature and the type of operation I fully support in Albany and my neighborhood.

Thank you.

Chris

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Chris Beynon, AICP
Principal

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