

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

Agenda date: 6/12/2012
Prepared by: ALH

ITEM: 6A

SUBJECT: PA-11-055 Conditional Use Permit, Design Review and Mitigated Negative Declaration for a new boutique auto salon at 1035 Eastshore Hwy.

The applicant is seeking approval of a Conditional Use Permit, Design Review and adoption of a Mitigated Negative Declaration for a proposed boutique auto salon at 1035 Eastshore Highway (next to Target). The applicant filed an application for a Conditional Use Permit and Design Review in January 2012. The operation is proposed to be a new 8,304 sq. ft. building which will house an auto sales operation. A Negative Declaration was prepared pursuant to CEQA has been circulated, with the public comment period closed. Action is expected at this hearing.

PROPERTY OWNER: Tim Southwick, President of Toyota of Berkeley

APPLICANT: Phillip Banta, Phillip Banta & Associates Architecture

SITE: 1035 Eastshore Highway

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission adopt the Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines and then approve the Conditional Use Permit and Design Review submittal for the proposed auto salon at 1035 Eastshore Freeway.

BACKGROUND

The Planning & Zoning Commission previously reviewed the application submittal on April 10, 2012. At that time, the Commission agreed that they supported the proposed project design and an auto sales use at this location and looked forward to taking action on the application in the future.

This project includes a small auto dealership building of approximately, 8,304 sq. ft., with a sales area of 2,657 sq. ft., a 4,928 sq. ft. service shop area, and a mezzanine area of 719 sq. ft. to be used for storage and utilities. Since a specific user has not yet been identified and the site is considered small by auto sales industry standards, the applicant has referred to the site as a "boutique auto salon" in order to market the site to smaller operators.

SITE LOCATION



ANALYSIS

Design Review

The applicant has provided a full Design Review submittal, including site plan and elevation details. The service shop area will be clad in corrugated metal siding and is proposed to be 19' in height. The maximum building height is 23'3" at the sales area. The building height is appropriate for the location and consistent with neighboring buildings. The proposed architectural details and materials shown on the plans are important to the success of the design.

The sales area will be glass with sunshades proposed for the exterior walls. The glass walls are setback from exterior columns creating a nice depth to the façade. A standing seam metal roof is

proposed for the sales area. The architectural style is complimentary to the neighboring Toyota Service Center and Target store. The image below is a rendering provided by the applicant.



Image 1. Exterior Rendering

Since this is a new commercial development, it is required to comply with Ordinance 06-016 “Green Building & Bay Friendly Landscaping.” The building will be required to be constructed to LEED Gold Equivalency standards. LEED equivalency was discussed at the April 10, 2012 hearing at which time the applicant indicated that effort such as solar shades and photo voltaics among other things, are included in the project design. Additionally, on-site landscaping will need to satisfy Bay Friendly policies and the Water Efficient Landscaping ordinance. Conditions of Approval have been included to address both requirements.

Parking Requirements

Parking requirements: Auto sales 1 space/1,000 square feet
Auto repair 1 space/300 square feet

For the proposed business this creates a total of three (3) parking spaces for auto sales and seventeen (17) spaces for auto repair, twenty (20) parking spaces total. There are sixty-three (63) parking spaces shown on the proposed plans. The plans show that approximately forty-one (41) spaces will be designated for vehicle inventory parking. Site access will be shared with the Target from the existing entrance on Eastshore Highway.

Sign Location

The applicant initially indicated that a sign package would be included as part of the project review. Due to the speculative development, a future operator will be responsible for securing sign approval for the property. A condition of approval requiring the master sign package to be submitted to the Community Development Department and reviewed by the Planning & Zoning Commission is included in the draft conditions.

Use Permit

Section 20.12.040 of the Albany Municipal Code requires a Conditional Use Permit for both auto service and sales. The proposed hours of operation are 7:30 am-7pm, seven (7) days a week. The operation will have nine (9) full-time employees. On site uses will include vehicle sales, leasing, and auto repair. Special conditions have been included prohibiting the use of streamers, amplification, and requiring the permit to be brought back to Planning & Zoning Commission for compliance.

Previously, the Commission asked the applicant to explain the primary use on site, service or sales. At that time the applicant explained that sales would be the primary use and service would be secondary. If it so chose, the Commission could include a condition memorializing the primary and secondary uses as well as the square footage dedicated for each use (2,567 sq. ft. for sales, and 4,928 sq. ft. for service).

C3 Compliance

The applicant has provided a memo from their civil engineer detailing the proposed stormwater facilities for the project. Treatment planters to treat roof runoff and vegetative swales for new pavement runoff are proposed.

CEQA

A draft Negative Declaration was prepared by Tasini & Associates and was circulated for public comment beginning on April 18 and ending on May 18. The document concluded that developments impacts are less than significant and no mitigation is required. Due to the proximity of the subject site to a Caltrans right of way, a thirty (30) day review period was required pursuant to Section 15073 (a) of the CEQA Guidelines. No public comments were received during the comment period.

Attachments

1. Analysis of Compliance with Zoning Requirements
2. Findings for the Conditional Use Permit
3. Findings for Design Review
4. Conditions of Approval
5. Floor Plans/Elevations
6. Applicant Statement
7. Application
8. Memo regarding Stormwater Compliance from Matt Wheeler Engineering
9. Negative Declaration

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts and Permitted Uses

General Plan: Commercial/Service/Light Industrial
Zoning: CMX (Commercial Mixed Use)

20.16 Land Use Classifications

Surrounding North- CMX (Toyota Service Center) East - PF-Public Facilities (USDA)
Property Use South- CMX (Target) West - I-80 Freeway

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)	N/A	64'	None
Side (north)	N/A	4'9"	0'
Side (south)	N/A	50'	0'
Rear (east)	N/A	24'	0'

20.24.030 Overlay District Regulations.

Not Applicable

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

Not applicable.

20.24.060 Setback Areas, Encroachments.

Proposed		Requirement
Building Area		
Existing Lot Size	1 acre (43,560 sq. ft.)	5000 sq. ft.
Floor Area	8,304 sq. ft.	
Floor Area Ratio	.19	.5
Lot Coverage	18%	80%
Maximum Height	23'3"	45' max.
Parking	20	63
Signs	Will be approved in the future once a user has been identified	Per P&Z Commission

20.24.100 Distances Between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

See Discussion of Issues.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See Summary of Key Issues.

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.

See Analysis.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on June 1, 2012 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

See Analysis.

ATTACHMENT 2 - FINDINGS

Findings for Conditional Use Permit approval (Per section 20.100.030.D of the AMC)

Required Finding	Explanation
1. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i>	The General Plan designates this area for Commercial/Service/Light Industrial. The project meets City zoning standards for location, intensity and type of development.
2. <i>Adverse Impacts.</i> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i> c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i> d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i>	a. The proposal is in scale and harmony with existing development near the site. b. The patron-driven demand for parking is expected to be short term and peak during the weekend. c. The proposed location is auto oriented with ample freeway access from I-80 and I-580 and is surrounded by existing retail and auto service businesses on either side. d. The proposed location has fully operating businesses on either side with frontage on Eastshore Highway as the primary access point.
3. <i>Consistency with Zoning Ordinance, General Plan and Specific Plan.</i> <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</i>	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.

ATTACHMENT 2 - FINDINGS

Required Finding	Explanation
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>	The General Plan designates this area for commercial/service/light industrial development. Additionally, the project meets City zoning standards for location, intensity and type of development.
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>	The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are appropriate for the setting. The proposed project will provide safe and convenient access to the property.
3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i>	The proposed project will vacant commercial space and support the economic vitality of the business district. In addition, the new business will support the health, safety, convenience and welfare of those in the area and would help maintain property, improvements or potential future development in the area.
4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i>	The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, retention and maintenance of buildings, and privacy.

ATTACHMENT 3 - CONDITIONS OF APPROVAL

SPECIAL CONDITIONS OF APPROVAL

SP 1- The master sign package shall be submitted to the Community Development Department as a Design Review application and will be brought back to the Planning & Zoning Commission for review and action.

SP 2- The use permit shall be reviewed for compliance by the Planning & Zoning Commission approximately one year from the date of operation commencement.

SP 3- The Planning & Zoning Commission reserves the right review the Use Permit at any time to insure compliance with all project conditions. Failure to comply with the Conditions may result revocation of the Use Permit subject to public notification and formal public hearing.

SP 4- The display of vehicles shall be arranged so as to maintain free, immediate, and unobstructed access to exits as required by Chapter 10 of the California Fire Code.

SP 5- The hours of operation shall be limited to 7:30 am-7pm, seven (7) days a week.

SP 6-No automotive retail sales or its related appurtenances such as “For Sale” signs, streamers, price marking on vehicles or banners, shall be allowed outside the building.

SP 7- The use of loudspeakers, public address systems, and amplified music is prohibited.

SP 8- The uses shall be limited to auto retail sales and leasing, display, and vehicle service repair only.

SP 9-The project shall comply with Ordinance 06-016 “Green Building & Bay Friendly Landscaping” and shall be constructed to meet LEED Gold Equivalency standards. The applicant shall provide verification of LEED Gold Equivalency efforts at the time of building permit submittal and shall note their efforts on the building permit plans.

GENERAL PROJECT CONDITIONS

Gen-1 - Project Approval.

This Conditional Use Permit for 1035 Eastshore Highway, as substantially provided in the staff report, may be modified by conditions herein. Plans include the report and project correspondence, as presented to the Planning and Zoning Commission on June 12, 2012. 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 Conditional Use Permit approval will expire on June 26, 2013 unless a building permit has been issued and construction diligently pursued. 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 prior to 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 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 prior to issuance of said permit or prior to 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 prior to 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 Municipal Code Section 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 disabled 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.

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.

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

LNDSC-1 Tree Preservation.

All existing trees on the site shall be preserved to the fullest extent practicable. Removal will be allowed only upon prior written approval from the Community Development Department.

LNDSC-2 Water Efficient Landscaping

The project shall comply with the requirements of Section 12-7 of the Albany Municipal Code “Water Efficient Landscaping” and the latest Bay Friendly Basics policy. The

applicant shall submit landscape plans for plan check at the time of building permit submittal to be reviewed for consistency.

LNDSC-3 Landscape Plan Review

The landscape plan shall be submitted with the building permit application and reviewed by staff.

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, 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 battery 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.

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 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 cite 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.

OPERATIONAL BEST MANAGEMENT PRACTICES (BUMPS)

- BMP-GEN1 **Stormwater Pollution Prevention Control Measures.** The project plans shall include stormwater pollution prevention and control measures for the operation and maintenance of the project during and after construction for the review and approval of the City or County Engineer. The project plan shall identify Best Management Practices (Bumps) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.
- BMP-GEN2 **Erosion Control Measures.** The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the practices outlined in the BAG *Erosion and Sediment Control Handbook*, California Storm Water Best Management Practice Handbooks, and Regional Water Quality Control Board's *Erosion and Sediment Control Field Manual*
- BMP-GEN3 **Responsibility of Contractors.** 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 Bumps shall result in the issuance of correction notices, citations and/or a project stop order.
- BMP-1 **Paved Sidewalks and Parking Lots.** Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Wash water containing any soap, cleaning agent or degreaser shall be collected and discharged to the sanitary sewer and shall not be discharged to a storm drain. The applicant shall contact the City Engineer for specific connection and discharge requirements.
- BMP-2A **Private Streets, Utilities and Common Areas.** The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES (BUMPS)

- BMP-CNST1 **Construction Access Routes.** Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approval grading plan.
- BMP-CNST2 **Collection of Construction Debris.** Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- BMP-CNST3 **Removal of Waste.** Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- BMP-CNST4 **Sweeping of Public Right-of-Way.** Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
- BMP-CNST5 **Filter Materials at Storm Drain Inlet.** Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:
- a) start of the rainy season (October 1);
 - b) site dewatering activities;
 - c) street washing activities;
 - d) saw cutting asphalt or concrete; and
 - e) order to retain any debris or dirt flowing into the City storm drain system.
- 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-CNST6 **Containment of Materials.** 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-CNST7 **Cleaning of Equipment.** Never clean machinery, tools, brushes, etc., rinse containers into a street, gutter, storm drain, or stream. See the *Building Maintenance/Remodeling* flyer for more information.
- BMP-CNST8 **Minimize Removal of Natural Vegetation.** Minimize removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Replant the area as soon as possible. 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 15 unless approved erosion and sedimentation control measures are in place.

PARKING CONDITIONS

PARK-1

All parking solutions shall conform to the approved plans as shown in the plans, as described in condition GEN-1 and maintained available for parking as shown on approved plans.

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.