



Attachment 1

City of Albany

ENCROACHMENT PERMIT PERMANENT OR TEMPORARY CONSTRUCTION WITHIN CITY RIGHT OF WAY

PERMIT NO. 12-082

LOCATION: 821 Hillside Ave.

NAME	ADDRESS	Phone No. Normal/Emergency	Business Lic. No. Workers Comp. No.
Applicant: <u>Contractor</u>	<u>X</u>	<u>X</u>	<u>X</u>
Owner: <u>John Oswald</u>	<u>821 Hillside Ave</u>	<u>00-28</u> <u>415-602-7785</u>	<u>X</u>
Engineer / Architect: <u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Contractor: <u>AMARY CAVALERI</u>	<u>1130 MARIN AV.</u> <u>Albany</u>	<u>510-528-2782</u>	<u>575</u>

- TYPE OF WORK**
- Sidewalk Curb & Gutter Sewer Street Tree
 Utility Co. Permanent Structure Other: _____

DESCRIPTION OF WORK
Replace & widen driveway driveway approach
(2'6" to right) per PW-approved plans. RER the portion
to south of driveway approach

- REQUIRED CONDITIONS**
- All work shall be in accordance with the attached standard conditions.
 - No refund after 120 days or work begins; 70% of fee refundable within 120 days provided no work has begun.
 - Permanent structures require City Council approval (City Code 14-2).
 - CALL USA 1-800-227-2600 before excavating.
 - Call for Final Inspection and Sign-Off 48 hr. in advance at (510) 528-5760 (510) 524-9543.
 - Special Conditions may be imposed following City review and prior to issuance of this permit.

Applicant's Signature: [Signature] Date: 04/20/2012

STAFF USE ONLY	
Permit Fee Computation	
Total construction cost subject to fee:	
New construction at 8% of construction cost	
In-Lieu slurry seal fee (when street is out)	
Minimum fee per schedule (if greater than % fee)	
Total Fee due (transfer to fee schedule from) (Utilities to be billed, copy of permit to Finance)	<u>\$131.09</u>
Special Conditions: Any sidewalk concrete removed must be replaced within 14 days.	All work per City Standard Details
Issued by: <u>[Signature]</u> (per AB)	Date: <u>4/20/12</u>
Permit Expiration Date: <u>10/20/12</u>	(not to exceed 180 days from date issued)
Final Sign Off by: _____	Date: _____

City of Albany

ENVIRONMENTAL PROTECTION STATEMENT OF RESPONSIBILITY FOR DISCHARGE & DAMAGE

I. PURPOSE

This statement is to provide notice to property owners, contractors, and others of the responsibility for compliance with Albany Municipal Code (AMC) as it relates to protection of public trees and waterways.

Public Trees: Damage to street trees or other trees locate on public property is considered damage to public property. Damage to trees includes, but is not limited to cutting any amount of trees roots, ripping or tearing of branches, and peeling, tearing, or scarring of tree bark. Damage may cause death and/or a dangerous condition by destabilizing the tree. Restoring a tree is a priority to the City of Albany.

Waterways: The City's storm water runoff system conveys rain water directly to the San Francisco Bay through a network of surface flows, underground pipes, and creek channels. Materials discharged to a sidewalk, street gutter, storm drain or creek can cause creeks and the Bay to become polluted. Any material other than rain water is considered an illicit discharge under the Federal Clean Water Act. Examples of illicit discharge include: concrete wash water, stucco wash water, paint warm water, chemicals, and runoff from stockpiled materials such as dirt aggregate, soil products, and other construction materials.

II. RESPONSIBILITY FOR DAMAGE TO PUBLIC TREES AND/OR ILLICIT DISCHARGE TO WATERWAYS

Public Trees: Pursuant to Albany Municipal Code Section 14-1.2., it is unlawful to cause damage to public property. When a public tree is damaged the cost of the damage and the value of the tree will be calculated by a certified arborist in accordance with International Society of Arboriculture Standards. Because valuable resources such as time, energy and money are invested in trees over many years, the calculated value of a tree can be high. The party damaging the tree is liable for all costs associated with the loss of the tree and the repair or replacement of the tree.

Waterways: Pursuant to Albany Municipal Code Section 15.4, it is unlawful to discharge materials (liquid or solid) to a sidewalk, street, gutter, storm drain or creek. An illicit discharge is defined as "any discharge to the City storm drain system that is not composed entirely of storm water...". The contractor and/or property owner is responsible for all fines and costs associated with the illicit discharge.

III. CERTIFICATION OF COMPLIANCE

I understand that as the applicant I am responsible for any damaged to public trees and/or all illicit discharges resulting from this project and that I am responsible for all fees and fines as a result or non-compliance.

AMARY COVELARI
Property Owner or Permittee

04/20/12
Date

COVELARI CONST.
Business Name & Contractor's Authorized Representative

Date

Location or Title of Project: 821 HILLSIDE

City of Albany

SPECIAL PROVISIONS FOR ENCROACHMENT PERMIT FOR PERMANENT IMPROVEMENT IN CITY RIGHT-OF-WAY

Permit # 12-082

LOCATION: 821 Hillside Ave

This APPLICATION MUST BE ACCOMPANIED by the DATA and PLANS indicated below:

- Description of Job
- APPROVED Construction Plans and/or Documents
- An Engineer's Estimate of the value of all public improvements and utility services within the public right-of-way
- A Soils Report prepared by a Registered Civil Engineer
- Others: Specify _____

ALL FEES SHALL BE PAID AND DEPOSITS MADE PRIOR TO THE ISSUANCE OF THIS PERMIT: except Utility Companies. Utility Companies will be invoiced.

Standards/Specification:

The following conditions and provisions of the Albany Municipal Code apply to this permit. All work shall be in accordance with City Standard Specifications and Drawings.

Commencement of Work

The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within ninety (90) days from the date of the issuance unless a different period is stated in the permit, or an extension of time is granted by the Director of Community Development * Environmental Resources. If the work or use is not begun accordingly, the permit shall become void.

INSPECTION

In general, inspection producers and requirements shall be as established by the Director of Community Development & Environmental Resources. Unless specifically exempted by the City Code, no encroachment work shall take place without inspection by the Director of Community Development & Environmental Resources or his/her authorized agent. Inspections by the City must be requested at least TWENTY-FOUR (24) HOURS (excluding weekends) IN ADVANCE of the work to be performed. No work shall be performed on weekends without PRIOR AUTHORIZATION of the Director of Community Development & Environmental Resources.

DISPLAY OF PERMIT

The permittee shall keep a copy of this permit at the site of the work, or in the cab of a vehicle when movement on a public street is involved. The permit shall be shown to any authorized representative of the Director of Community Development & Environmental Resources or Law Enforcement Officer on demand.

ACCEPTANCE OF PERMIT BY APPLICANT

Acceptance by the applicant of the permit shall be conclusive evidence of the reasonableness of the terms imposed and shall constitute a waiver of any right to legislative determination thereof..

NON-ASSIGNMENT OF PERMIT

Permits shall only be issued only to the person making application and may not be assigned to another person by the permittee. If any permittee assigns his permit to another, the permit will be revoked.

CHANGES IN PERMIT AND WORK

No work may be made in the location, dimensions, character, or duration of the encroachment or use as granted by the permit except upon written authorization of the Director of Community Development & Environmental Resources.

City of Albany

EXCAVATION OF PAVED STREETS

No excavations shall be permitted within the paved area of the public streets unless the applicant can prove to the satisfaction of the Director of Community Development & Environmental Resources that the following conditions exist:

1. Boring of the utility is not feasible; and
2. No reasonable alternative utility arrangement is available outside the paved street area; and
3. The cut area and an adjacent area shall be resurfaced as approved by the Director of Community Development & Environmental Resources. The limits of resurfacing shall be as determined by the Director of Community Development & Environmental Resources to insure the excavating area blends visually with the surrounding area. The applicant shall be responsible for the replacement of any and all obliterated or removed pavement markers or striping.

REVOCAION OF PERMIT

This encroachment permit may be revoked at any time at the option of the Director of Community Development & Environmental Resources, whenever:

1. It appears that continuing allowance of the permitted work, whether because of changed conditions or otherwise, interferes with full, adequate or safe public use of the right-of-way involved; or
2. The permittee fails to comply with or violates any city ordinance, city standard, safety regulations, or any condition of the issuance of the permit.

Upon revocation of the permit, the permittee shall immediately restore the public right-of-way to a condition as required by the Director of Community Development & Environmental Resources. If the restoration is not completed within the time specified by the Director of Community Development & Environmental Resources, the City may take any and all necessary action so required to restore the right-of-way. Any and all costs incurred by the City will be deducted from any deposits posted by the permittee and if necessary recovered by legal action.

HOURS OF WORK

No work shall commence prior to 8:00AM and no work shall be conducted after 6:00PM Monday through Saturday and before 10:00AM or after 6:00PM on Sundays and Holidays.

COMPLETION OF WORK

The permittee must complete the work or use authorized by a permit issued pursuant to this chapter within the time specified in the permit. If at any time the Director of Community Development & Environmental Resources finds that the delay in the prosecution or completion of the work or use authorized is due to lack of diligence on the part of the permittee, the permit may be revoked.

PERMITTEE LIABILITY

The permittee shall agree to hold the City, its officers, and employees harmless from any and all liability, claims, suits, or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of the encroachment.

BY MY SIGNATURE HEREUNDER, I state that I have read and understood the above conditions and agree to comply therewith. I hereby attest that I am either the owner of the property or duly authorized agent of the applicant.

APPLICANT'S SIGNATURE: _____ Date: 04/20/12

NAME (print): AMAVRY CRIVELARI Company: CRIVELARI CONST.

City of Albany

Community Development Department, Public Works Division
April 16, 2012

To: John Erlich
Community Development Technician
City of Albany

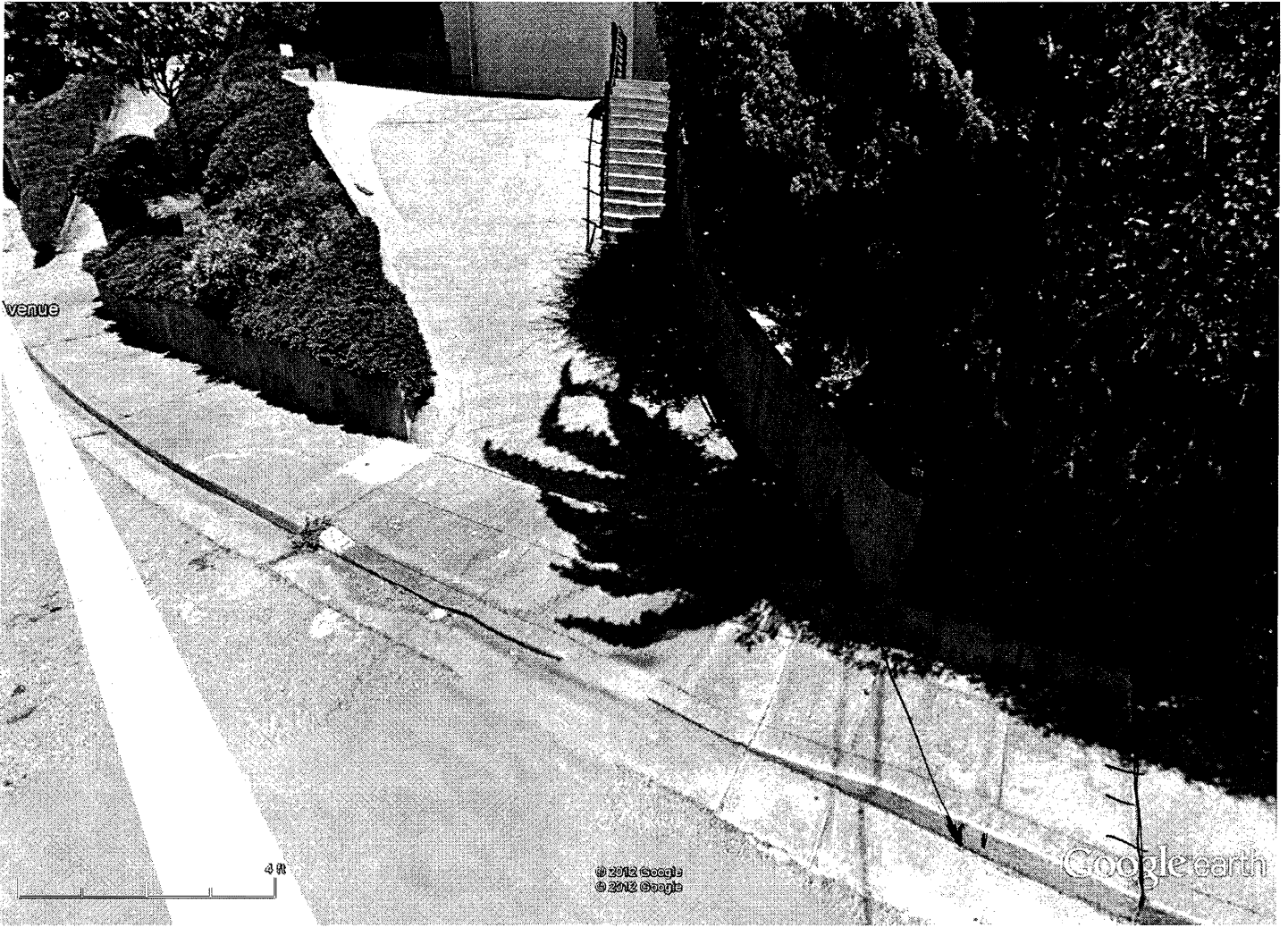
From: Ana Bernardes
Project Manager
City of Albany

Re: 821 Hillside Ave

John,

The applicant, Mr. Crivelary, dropped this plan for the proposal of a wider driveway at the referenced address. The resulting parking between the 821 and 827 Hillside will be approximately 18'-8". This will still allow a compact car to park between the driveways so I have no objection on this driveway widening.

Please call or have the applicant contact me should there be any question.



Google earth

feet 7
meters 2



From: [dwwk79](#)
To: [Jeff Bond](#)
Subject: Urgent Request for Stop Work Order on 821 Hillside Ave.
Date: Tuesday, April 24, 2012 10:19:49 AM

Dear City of Albany and Mr. Jeff Bond, Planning & Building Manager,

We ask for your help in an urgent matter currently taking place. The residents at 821 Hillside are making the curb in front of our house at 827 Hillside a part of their private driveway, by expanding their driveway cutout over the property line into the sidewalk in front of our property. Last Friday afternoon, they jackhammered out a section of the sidewalk in front of our house. This morning they are planning to pour the concrete to create a driveway cutout extending 2 ½ feet over the property line.

We contacted the City about our concerns. Inspector David Henderson informed us that the neighbors had obtained an encroachment permit and that there was nothing we could do about it. We are deeply concerned about what is going on and believe this encroachment permit should not have been issued.

- 1) Lack of Notice. We were given no prior notice of this encroachment. There was no letter sent by the City and no public hearing. Surrounding residents were not given any opportunity to be heard and to voice their protest.
- 2) Property Line. 821 Hillside's application did not demarcate the property lines and did not inform the City that the new driveway expansion would actually go over this line and by how much. We do not believe the planners were aware of this when they made their decision.
- 3) Sidewalk too small. We have only 1 parking space in front of our house. It is a small space, and the encroachment would make the parking space even shorter. There will be no room to put the garbage bins on the curb for collection when a car is parked there. Larger vehicles, like vans, trucks and SUVs will have a hard time fitting into the space. Additionally, whenever the tail of a parked car hangs over our driveway, it makes it extremely difficult for us to back out of the garage. By reducing the size of the sidewalk, this will cause even more cars to have to back up and hang over our driveway, compounding the problem even further.
- 4) Taking. The encroachment amounts to a taking of public property and giving to another for private use. It devalues our property by taking away from and shrinking the one space we have in front of our property, and handing it to the neighboring property owners for their convenience to park their cars.
- 5) Responsibility/Liability. We understand that City codes provide that homeowners are responsible for the maintenance and repair of the sidewalk adjoining their homes and are liable for any injuries or damage that may occur there. If the City allows the neighbors to build their driveway onto the sidewalk adjoining our property, who will be responsible for the repairs and any liability? If a pedestrian is injured from a car coming down 821 Hillside's driveway on the expanded apron, who is liable – the City for allowing the encroachment, the driver from 821 Hillside, or are we liable as the adjoining property owner? The encroachment now creates safety issues and legal problems for everyone.

We urgently request your assistance in issuing a stop order and looking into this matter.

We respectfully request that our sidewalk be restored to its original condition.

Sincerely,
Carolyn Gan
827 Hillside Ave.
Albany, CA 94706

CHAPTER XIV WORK ON PUBLIC PROPERTY⁽¹⁾**14-2 USE OF RIGHT-OF-WAY.****14-2.1 Permit Required.**

It shall be unlawful for any person to build, construct, maintain, occupy or use, or cause the same to be done, any structure over, under or upon public property of the City, without an encroachment permit to do so. (Ord. #98-03, §1)

14-2.2 Permit Issuance.

a. Application for an encroachment permit required by subsection 14-2.1 shall be made by the property owner to the Director, upon such forms as he/she shall prescribe, and shall be accompanied by the payment of a fee in an amount set by the Master Fee Schedule.

b. The Director shall review the application. If he deems it necessary, the Director may demand that a cash or surety bond be filed with the City in such an amount as set by the Master Fee Schedule. The Director may also impose an additional fee, if resurfacing of the work area by the City will be required.

c. The permit shall grant no right in or to the use or occupancy of public property, other than that explicitly contained therein, and shall not be construed as a grant of any right or interest in the property affected thereby.

d. The permittee shall indemnify and hold harmless the City in a manner approved by the City Attorney.
(Ord. #98-03, §1)

14-2.3 Peddlers and Vendors.

a. Except as otherwise provided in this subsection, no person shall stand or park any vehicle, wagon, pushcart, or other display stand from which goods, wares, merchandise, flowers, fruits, vegetables, or foodstuffs are sold, displayed, solicited, or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street, including sidewalks within the City, without first obtaining an encroachment permit and a business license, which shall designate the specific location thereof; provisions of this paragraph shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

⁽¹⁾Editor's Note: Ordinance No. 98-03 amended the title of Chapter XIV. Prior ordinance history includes 1958 Code §§11.1—11.17, 24.10—24.12, 24.20—24.25, 24.30—24.32, 24.34—24.41, 24.50—24.56 and Ordinance Nos. 574, 58-043, 87-05, 88-006, 94-03 and 97-01.

No more than four (4) permits issued pursuant to this subsection shall be in existence at any one (1) time.

b. Whenever any permit is granted under the provisions of this subsection and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon, or pushcart on any location other than is designated in such permit; and, in no case, shall any vehicle, wagon, pushcart, or other display stand from which any food or beverage is dispensed be permitted to stand or park at any time within three hundred (300) feet from the property line of any school providing instruction to students in pre-kindergarten through twelfth grade, between the hours of 7:00 a.m. and 5:00 p.m. on school days.

c. Any person desiring to obtain a permit required by this subsection shall make a written application therefor with the Community Development and Environmental Resources Department. The application shall include:

1. The name and address of the applicant, and, if the same is a corporation, the names and addresses of its principal officers, or if the same is a partnership, association or fictitious company, the names and addresses of the partners or persons comprising the association or company, together with the name and address of the person actually making the application.

2. A statement as to the type, content, size, style and shape of the vending vehicle, wagon, pushcart, or display stand.

3. An accurate color copy or rendering of any proposed signage.

4. Location of activity.

5. Hours and days of activity.

d. Signs are limited to two (2) per vehicle or stand, no one of which sign may exceed four (4) square feet. Approval of all signage is at the discretion of the Director. (Ord. #98-03, §1; Ord. #06-013, §1)

14-2.4 Conformity of Encroachment.

Structures and uses located on public property shall conform to all the provisions of this Code and other ordinances, regulations and guidelines of the City. (Ord. #98-03, §1)

14-2.5 Responsibilities of the Owner.

It shall be the responsibility of the owner to properly maintain the permitted encroachment in a safe manner; failure to do so will be grounds for revocation. (Ord. #98-03, §1)

14-2.6 Permit to Alter.

No existing structure located on public property shall be altered, enlarged, rebuilt, remodeled, improved, or moved, without the approval of the Director, and issuance of an encroachment permit. (Ord. #98-03, §1)

14-2.7 Removal of Encroachment.

Any structure or use located on public property which, in the opinion of the City, interferes with the use of public property or violates provisions of the permit of this section, shall be removed from such public property by the owner thereof within fifteen (15) days after written notice or sooner as directed by the Director. These notices may be posted upon any real property of such owner in the City, or delivered to the owner personally. Upon the failure of such owner to remove the structure at his sole expense, the Council may cause the same to be done and assess the cost thereof against such owner and the same shall become a lien against the real property. (Ord. #98-03, §1)

14-2.8 Work by Utilities.

Utility companies holding franchises to operate in the City shall obtain encroachment permits and comply with all standards established by the Director. (Ord. #98-03, §1)

14-2.9 Compliance with Regulations.

All work for which a permit has been issued under this section shall comply with all City, County and State regulations regarding health and safety. (Ord. #98-03, §1)

14-2.10 Safety Provisions.

a. All work and use must conform with applicable sections of the City of Albany Standard Specifications.

b. It shall be unlawful for any person, other than an employee of the permit holder or of the City to remove, interfere with or go behind any barricade erected for public protection, and it shall be unlawful for any person, other than an employee of the permit holder or of the City to handle, remove or in any way interfere with any light placed for the public protection.

c. All work in the public right-of-way shall comply with any conditions listed on the encroachment permit.
(Ord. #98-03, §1)

14-2.11 Liability for Damage to Public Property.²⁽⁴⁾

²⁽⁴⁾Editor's Note: Pursuant to Section 2 of Ordinance No. 98-05, this subsection shall apply to all actions in which the initial trial has not commenced prior to July 1, 1998.

Any damage done to streets, curbs, gutters, sidewalks or other public property by any person doing work covered by this section, whether he is covered by a bond or not, and whether he has a permit for such work or not, shall be made good by such person. (Ord. #98-03, §1)

14-2.12 Liability for Damage to Persons and Private Property.^{3[5]}

As a condition to receiving a permit to do work or otherwise use the public right-of-way under this section, the person applying therefor shall safeguard the City from any and all liability or responsibility for damages to persons or property. (Ord. #98-03, §1)

14-2.13 Driveway Curb Cuts.

It shall be unlawful to create new or eliminate existing driveway approaches without an encroachment permit. (Ord. #98-03, §1)

14-2.14 Notice to Construct and Repair.

When, in the interests of public safety or convenience, it shall be found necessary to construct or repair any curbing, driveway, sidewalk or parking strip, it shall be the duty of the Director to notify the owners of abutting property when such construction or repairs are required. Such notice shall specify that, if the construction is not commenced within two (2) weeks after such notice is given, the Director shall make the construction or repair and the cost shall be a lien on such property. Such notice shall be mailed or delivered in person to the address of the person whose name and address is of record on the assessment rolls of the City.

Any property owner whose property is to be assessed to pay the costs and expenses of the proposed construction may make objection in writing to the Director within the two (2) week period before mentioned. Such objections will be scheduled for a hearing before the City Council prior to proceeding with the proposed construction. A failure to make objection within the specified time shall be deemed a waiver of all objection to the proposed construction. (Ord. #98-03, §1)

^{3[5]}Editor's Note: Pursuant to Section 2 of Ordinance No. 98-05, this subsection shall apply to all actions in which the initial trial has not commenced prior to July 1, 1998.

CHAPTER IX MOTOR VEHICLES AND TRAFFIC^{1[1]}

9-10 STOPPING, STANDING AND PARKING.^{2[21]}

9-10.1 Application of Regulations.

a. The provisions of this Chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic-control device.

b. The provisions of this Chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code of the State, or of this Code or other ordinances of the City, prohibiting or limiting the standing or parking of vehicles in specified places or at specified times. (Ord. #58-016, Art. 11, §1; 1958 Code §20.53)

9-10.2 Standing in Parkways Prohibited.

No person shall stop, stand or park a vehicle within any parkway. (Ord. #58-016, Art. 11, §2; 1958 Code §20.54)

9-10.3 Parking for Certain Purposes Prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

^{1[1]}Editor's Note: For State law as to uniformity of State traffic laws and applicability to municipalities, see Veh. C.A., §1 et seq. As to powers of local authorities to regulate traffic, see Veh. C.A., §21100 et seq.

As to location of billboards near intersections, see Section 8-16 of this Code. As to bicycles, see Section 8-12 of Chapter VIII. As to vehicles used to transport garbage, see subsection 15-3.19. As to interference with traffic by distributors of racing forms, see subsection 5-14.6. As to license tax on vehicles used for advertising purposes, see subsection 5-2.2. As to transporting persons for immoral purposes, see subsection 8-8.3. As to vehicles for hire generally, see Section 5-7.

For establishment of Traffic and Safety Commission, see Section 2-20 of Chapter II Administration.

^{2[21]}Editor's Note: For State law as to parking, standing and stopping generally, see Veh. C.A., §§22500 to 22521.

- a. Displaying such vehicle for sale.
- b. Greasing or repairing such vehicle, except repairs necessitated by an emergency.
(Ord. #58-016, Art.11, §3; 1958 Code §20.55)

9-10.4 Parking Parallel with Curb.

a. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen (18") inches of the left-hand curb facing in the direction of traffic movement upon any one-way street, unless signs are in place prohibiting such stopping or standing.

b. In the event a highway includes two (2) or more separate roadways and traffic is restrictive to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are in place permitting such standing or parking.

c. The City Traffic Engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two (2) or more separate roadways and shall erect signs giving notice thereof.

d. The requirement of parallel parking shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case, that vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the center line of the street and does not block traffic thereby.

e. When signs or markings are in place indicating parallel parking as herein provided, no person shall park or stand a vehicle other than in the space so marked or designated and in such a manner that the vehicle be within eighteen (18") inches of the curb, adjacent to such marked or designated parking spaces.
(Ord. #58-016, Art. 11, §4; Ord. #65-011, §1; 1958 Code §20.56)

9-10.5 Signs or Markings Indicating Angle Parking.^{3[22]}

a. Whenever any resolution or ordinance of the City designates and describes any street, or portion thereof, upon which angle parking shall be permitted, the City Traffic Engineer shall mark or sign such street indicating the angle at which vehicles shall be parked.

b. When signs or markings are in place indicating angle parking as herein provided, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

^{3[22]}Editor's Note: For State law as to power of local authorities to permit angle parking, see Veh. C., §22503.

(Ord. #58-016, Art. 11, §5; 1958 Code §20.57)

9-10.6 Parking Adjacent to Schools.

a. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

b. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Ord. #58-016, Art. 11, §6; 1958 Code §20.58)

9-10.7 Parking Prohibited on Narrow Streets.

a. The City Traffic Engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20') feet, or upon one (1) side of a street as indicated by such signs or markings, when the width of the roadway does not exceed thirty (30') feet.

b. When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. #58-016, Art. 11, §7; 1958 Code §20.59)

9-10.8 Parking on Hills.^{4[23]}

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three (3%) percent within any business or residential district, without blocking the wheels of such vehicle by turning them against the curb or by other means. (Ord. #58-016, Art. 11, §8; 1958 Code §20.60)

9-10.9 Unauthorized Parking on Private Property Prohibited.

No person shall park a vehicle in a private driveway or on private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property. (Ord. #58-016, Art. 11, §9; 1958 Code §20.61)

9-10.10 Parking on City Property.

a. Whenever the Chief of Police shall determine that the orderly, efficient conduct of the City's business requires that parking or standing of vehicles on City property be prohibited, limited or restricted, the Chief of Police shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited or restricted.

^{4[23]}Editor's Note. For State law as to local regulation of parking on hills, see Veh. C., §22509.

b. When signs authorized by the provisions of this subsection are in place, giving notice thereof, no person shall park or stand any vehicle contrary to the directions or provisions of such signs. (Ord. #58-016, Art. 11, §10; 1958 Code §20.62)

9-10.11 No-Parking Zones to Prevent Flooding.

In order to prevent flooding of adjacent property, the City Traffic Engineer shall designate established no-parking zones by placing and maintaining appropriate signs indicating that parking of vehicles is prohibited and indicating the hours and days when parking is prohibited.

During the hours and on the days designated on the signs, it shall be unlawful for the operator of any vehicle to park such vehicle on any of the streets, or parts of streets, established by resolution of the Council as such no-parking zones. (Ord. #58-016, Art. 11, §11; 1958 Code §20.63)

9-10.12 Vehicles Not to Interfere with Work on Streets.

No person shall place, put, leave or park any vehicle of any kind upon any part of any street that is under construction or repair, in any manner so that it might or does become a hindrance or obstruction to the proper prosecution of the work. (Ord. #533, §20; 1958 Code §20.64)

9-10.13 Stopping or Parking at Hazardous Places Prohibited by Signs.

The City Traffic Engineer shall appropriately sign or mark at any place where the City Traffic Engineer determines that it is necessary in order to eliminate dangerous traffic hazards, so that stopping, standing or parking a vehicle shall be prohibited. (Ord. #58-016, Art. 11, §12; 1958 Code §20.65)

9-10.14 Reserved.^{5[24]}

9-10.15 Emergency Parking Signs.

a. Whenever the Chief of Police shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the Chief of Police shall have the power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the Chief of Police shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of

^{5[24]}Editor's Note: Former subsection 9-10.14, Unlawful Parking of Vehicles of Peddlers, Vendors, previously codified herein and containing portions of 1958 Code §20.66 and Ordinance Nos. 58-016, 73-07, 92-05 and 97-11 was repealed in its entirety by Ordinance No. 98-03. For regulations regarding parking of vehicles by peddlers and vendors see subsection 14-2.3.

such emergency and the Chief of Police shall cause such signs to be removed promptly thereafter.

b. When signs authorized by the provisions of this subsection are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.
(Ord. #58-016, Art. 11, §14; 1958 Code §20.67)

9-10.16 Display of Warning Devices When Commercial Vehicle Disabled.

Every motor truck having an unladen weight of four thousand (4,000) pounds or more, and every truck tractor, irrespective of weight, when operated upon any street or highway during the time specified in Section 618 of the Vehicle Code of the State shall be equipped with and carry at least two (2) flares or two (2) red lanterns, or two (2) warning lights or reflectors, which reflectors shall be of a type approved by the Department of Highway Patrol of the State. When any vehicle above mentioned or any trailer or semitrailer is disabled upon any street or highway outside of any business or residence district within the City and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred (200') feet during any time mentioned in Section 618 of the Vehicle Code of the State, a warning signal of the character indicated above shall be immediately placed at a distance of approximately one hundred (100') feet in advance of, and one hundred (100') feet to the rear of, such disabled vehicle by the driver thereof. The continuous flashing of at least four (4) approved type class A-type 1 turn signal lamps, at least two (2) toward the front and at least two (2) toward the rear of the vehicle, shall be considered to meet the requirements of this subsection until the devices mentioned above can be placed in the required locations. The warning signals herein mentioned shall be displayed continuously during the times mentioned in Section 618 of the Vehicle Code of the State while such vehicle remains disabled upon such street or highway. (Ord. #58-016, Art. 11, §15; 1958 Code §20.68)

9-10.17 Curb Markings to Indicate No Stopping and Parking Regulations.

a. The City Traffic Engineer is hereby authorized, subject to the provisions and limitations of this Chapter, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and such curb markings shall have the meanings as herein set forth.

1. Red. Shall mean no stopping, standing or parking at any time, except as permitted by the Vehicle Code of the State, and except that a bus may stop in a red zone marked or signed as a bus zone.

2. Yellow. Shall mean no stopping, standing or parking at any time between 7:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.

3. White. Shall mean no stopping, standing or parking for any purpose, other than the loading or unloading of passengers or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three (3) minutes, and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays and except as follows:

(a) When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times.

(b) When such zone is in front of a theatre the restrictions shall apply at all times except when the theatre is closed.

4. Green. Shall mean no standing or parking for longer than twenty (20) minutes during the time and days that are posted and marked by suitable signs giving notice of the parking limitations. The time limit may be shortened to less than twenty (20) minutes at the direction of the Traffic Engineer so long as the limits are posted and marked by suitable signs.

5. Blue. Shall mean disabled persons' parking only; the locations and time restrictions shall be set forth by resolution of the City Council. No person shall park or stand any vehicle in a disabled persons' parking zone, (blue curb), unless the vehicle bears a special license or displays a special placard, issued under the provisions of Section 9105 or Section 22511.5 of the California Vehicle Code.

b. When the City Traffic Engineer as authorized under this Chapter, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this subsection.

(Ord. #58-016, Art. 12, §2; Ord. #70-06, §1; Ord. #71-03, §1; Ord. #78-012; 1958 Code §20.70; Ord. #86-06, §2)

9-10.18 Parking Time Limited in Business Districts.

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle within a business district between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and holidays for a period of time longer than ninety (90) minutes. (Ord. #58-016, Art. 13, §1; 1958 Code §20.78; Ord. #04-06, §1)

9-10.19 Parking Time Limited on Certain Enumerated Streets.

When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets enumerated for a period of time longer than the time posted on the sign. The City Council, by resolution, may designate the time periods during which and the streets on which there shall be limited parking. (Ord. #80-06; 1958 Code §20.79)

9-10.20 Parking Prohibited at All Times on Certain Streets.^{6[25]}

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets designated by resolution of the City Council as streets where no parking is permitted. (Ord. #58-016, Art. 13, §3; 1958 Code §20.80)

9-10.21 Parking of Oversized Vehicles Prohibited.

a. *Parking Prohibitions.* Except as provided herein, no person shall park any oversized vehicle as defined in subsection 9-1.1 on any public street or highway within the City. Further, no dolly or trailer not connected to a towing vehicle shall at any time be parked or left standing on any public street or highway within the City.

b. *Exemptions.* This subsection shall not apply in the following situations:

1. Any resident with a permit issued by the City of Albany Police Department whose oversized recreational vehicle or trailer is parked for a period not to exceed forty-eight (48) consecutive hours in front of his or her residence for the purpose of loading or unloading before or after a trip. The term "trip" does not refer to daily use of the vehicle but instead refers to an extended overnight use of the vehicle which requires additional time to prepare the vehicle. The term loading or unloading means the packing of food, clothing and supplies, and preparing the vehicle's refrigeration, and unpacking the vehicle after the trip.

2. Vehicles actively being used in repairs to public facilities.

3. Any bona fide guest of a resident who has secured a permit for the parking of an oversized recreational vehicle from the City. A permit not to exceed three (3) days will be issued if:

(a) The bona fide guest is not a resident of the City, and

(b) The vehicle is not registered to an address within the City.

4. Any person who is actually engaged in making emergency repairs thereon.

5. Any oversized vehicle making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on a public street or delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a street or highway for which a building permit has previously been obtained.

^{6[25]}Editor's Note: For State law as to power of cities to prohibit parking, see Veh. C.A., §459.8.

6. Any oversized vehicle used for the movement of commercial or residential property, (i.e., moving trucks or vans), while making pickups or deliveries of property and/or valuables.

7. Any oversized vehicle or trailer designed and used for the hauling of special purpose equipment while such equipment is being operated in an area immediately adjacent to the location of the parked oversized vehicle or trailer.

8. Any person living in Albany before July 1, 2010 who owns an oversized recreational vehicle before July 1, 2010 is authorized to park his/her oversized recreational vehicle on the public street or highway on his/her block of residence. Only one (1) oversized recreational vehicle per household is excepted under the provisions of this section. This "Albany Resident" exception will expire on July 1, 2015.

Any Albany resident seeking an exception under the provisions of this section bears the burden of proof in establishing said residency and ownership.

9. The provisions of this section shall not apply to vehicles owned by the City or used by agents of the City, or any public agency while engaged in the legitimate activity of said agency.

10. Any commercially manufactured motor vehicle designed and equipped primarily for the safe and efficient day-to-day transportation needs of disabled persons.

11. The Chief of Police may consider authorizing other exemptions on a case by case basis.

c. *No Exception.* The exceptions listed in this subsection shall not apply to any oversized vehicle, oversized recreational vehicle or trailer parked within one hundred (100') feet from the street corner or in such a manner as to obstruct and prevent free use of sidewalks. (Ord. #67-013, §1; Ord. #71-01, §1; 1958 Code §20.80A; Ord. #2010-02, §1)

9-10.22 Parking Space Markings.

The City Traffic Engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted. (Ord. #58-016, Art. 13, §4; 1958 Code §20.81)

9-10.23 Parking Prohibited Outside of Spaces.

The operator of a motor vehicle shall park a vehicle entirely within the designated or lined pavement markings for diagonal or parallel parking spaces. Any person who fails to park within such designated spaces shall be subject to citation for a violation of this subsection. (Ord. #85-07; 1958 Code §20.81A)

9-10.24 Temporary Modification.

The Chief of Police is authorized temporarily to suspend the restrictions contained in this section for the purpose of allowing construction or repair work to be expedited. (Ord. #58-016, Art. 13, §5; 1958 Code §20.82)

9-10.25 Interference with Officers in the Enforcement of Chapter and Removal of Marks, Etc., in Connection with Parking Regulations.

It shall be unlawful for any person to interfere with or obstruct in any way any Police Officer or other Officer or employee of the City in the enforcement of the provisions of this Chapter.

The removal, obliteration, or concealment of any chalk mark or other distinguishing mark used by any Police Officer or other employee or Officer of the City in connection with the enforcement of the parking regulations of this Chapter shall constitute such interference or obstruction. (Ord. #60-012, §1; 1958 Code §20.82A)

9-10.26 Bicycle Parking Zones.

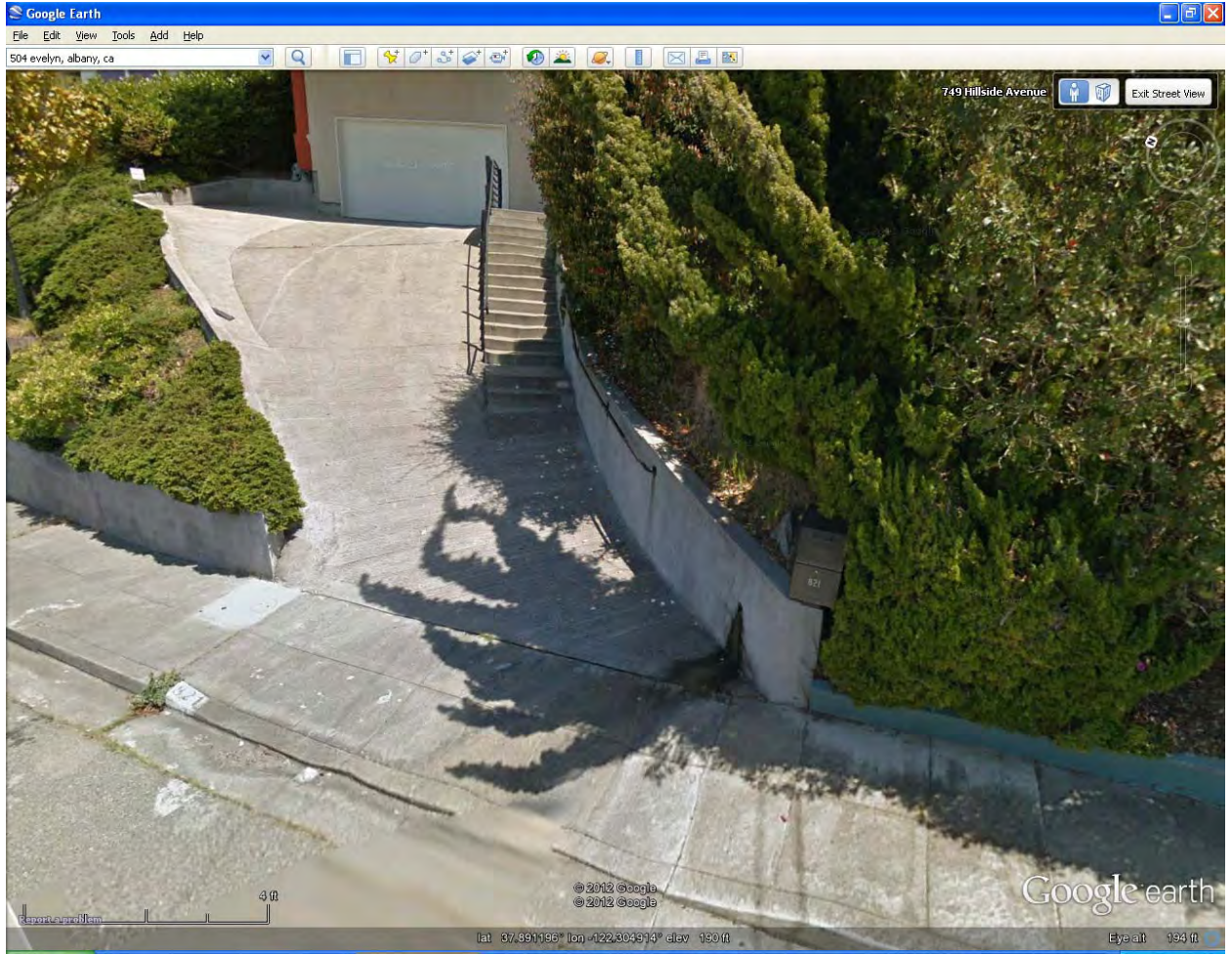
When the City Traffic Engineer shall determine that the establishment of a bicycle parking zone is reasonably necessary or desirable for the regulation of traffic or to provide facilities for the temporary parking of bicycles being operated upon the public streets, or to safeguard life or property, he is hereby authorized to set aside a space on the street not more than thirty-six (36') feet in length for the parking of bicycles during such hours of such days as are found by him to be best suited for the accomplishment of the purposes set forth in this subsection. When a bicycle parking zone is so established, the Traffic Engineer shall cause appropriate signs to be posted thereat during such hours, giving notice that parking of other vehicles is prohibited. No person shall stop, stand or park any other vehicle in front of such zone while such signs are in place. (Ord. #58-016, Art. 12, §9; 1958 Code §20.77)

Attachment 5 – Area of Work in Public Right-of Way in Front of Property at 827 Hillside



Attachment 6 – Pictures of Parking Space Before Work





Attachment 7 –Pictures of Parking Space After Work Completed





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Attachment 8 – Condition of Sidewalk

