

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

Agenda date: July 10, 2012  
Prepared by: ALH

**ITEM: 6D**

**SUBJECT: PA12-024 Conditional Use Permit & Design Review for 650 Cleveland**

The applicant is seeking Design Review and Conditional Use Permit approval to for the property at 650 Cleveland Ave. The site contains an existing 1,790 sq. ft. building on an 18,000 sq. ft. lot. An artist studio use is proposed for a portion of the building. A workshop and contractor materials storage is also proposed. Improvements include two new storage sheds at the property totaling 36 sq. ft. in area, replacement of existing windows, new doors, and a new solar storage shed.

**SITE: 650 Cleveland**

**OWNER/APPLICANT: Peter Beaudry, Beaudry Construction**

**ZONING: CMX Commercial Mixed Use**

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**STAFF RECOMMENDATION**

Staff recommends that the Planning and Zoning Commission review the proposed project and provide feedback to the applicant and staff. Should the Commission choose to approve the proposed Design Review request and Conditional Use Permit for 650 Cleveland Ave., findings and project conditions are included with the report.

**BACKGROUND/PROJECT DESCRIPTION**

The subject property is a triangular shaped lot wedged between I-580 and I-80. The lot is 18,000 sq. ft. and contains a 1,790 sq. ft. building. Previously, the building was used by Butler Steel for storage. The applicant is seeking Design Review approval for two new storage sheds at the property totaling 36 sq. ft. in area, replacement of existing windows, new doors, and a new solar storage shed. Additionally, the applicant is seeking a Conditional Use Permit to allow an artist studio and storage of contractor's materials on-site. The applicant purchased the building at the beginning of the year and started work without building permits in May.

**ENVIRONMENTAL ANALYSIS**

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

## SITE LOCATION

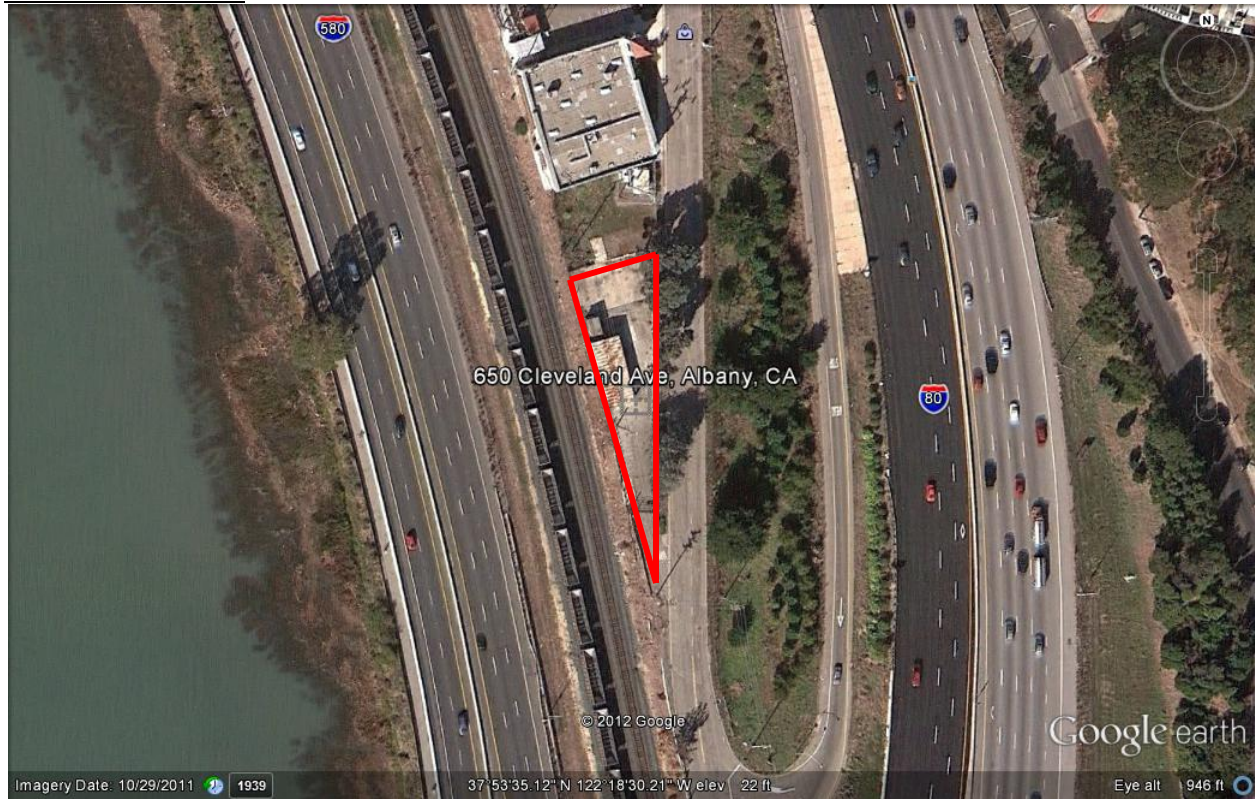


Figure 1. Site Location

## DISCUSSION OF KEY ISSUES

The applicant is seeking approval to replace existing windows and doors. The applicant has indicated that he will use recycled windows. New hardy plank will be installed on the building exterior. Currently, the building is composed of metal siding. Existing paneling and insulation will be replaced as a result of a rat infestation. Two new sheds totaling approximately 36 sq. ft. in area are proposed for the north side of the property and will be used for storage. A new solar shed is proposed for the south side of the property, is approximately 128 sq. ft. in area, and will be used to store hot water heaters.

### *Economic Development*

An economic development strategy was prepared for the City of Albany in 2009. One of the recommendations includes encouraging uses on Cleveland Avenue and Eastshore Highways properties to be developed for retail and wholesale uses that compliment nearby businesses and serve the surrounding community. Home improvement and home furnishings establishments were identified as a strategic focus and optimal use within those corridors.

### Conditional Use Permit

Any proposed use in the CMX Commercial Mixed Use zone requires approval of a Conditional Use Permit through the Planning & Zoning Commission. Past uses of the site include storage for Butler Steel. The property has been vacant in recent years with no activity on site.

The applicant would like to use a portion of the space for an artist's studio and also store contractor materials on-site. Uses proposed for the Commercial Mixed Use District require a Conditional Use Permit. Conditions have been included requiring that materials be stored inside the building so that it is not visible from the exterior of the property. Additionally, any new proposed uses will require an amendment to the Conditional Use Permit.

#### **Attachments:**

1. Analysis of Zoning Requirements
2. Draft Findings for Approval
3. Draft Conditions of Approval
4. Project Plans & Application
5. Applicant Letters

# 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

Commercial Mixed Use

Surrounding Property Use North - CMX East - Interstate Freeway  
South - Interstate Freeway West - Interstate Freeway

## 20.20.080 Secondary Residential Units.

Not applicable.

## 20.24.020 Table of Site Regulations by District.

	Existing (approx.)	Proposed Construction (approx.)	Requirement
Setbacks			
Front (east)	22'	No change	None
Side (north)	78'	75'	None
Side (south)	4'	No change	None
Rear (east)	200'	No change	None
Area			
Lot Size	18,000	No change	5000
Lot Coverage	35%	No change	80%
Maximum Height	14'	No change	45' max.

## 20.24.030 Overlay District Regulations.

Not applicable.

## 20.24.040 Hillside Residential Regulations.

Not applicable

## 20.24.050 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	18,000	No change	--
Floor Area			
Total	.09	.10	--
Total Counted	1,760	1,924	--
Floor Area Ratio	.09%	.10	.5

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

Not applicable.

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 Discussion of Key Issues.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was mailed on June 29, 2012, in the form of mailed notice, to property owners and occupants within a 100-foot radius, and posted in one location.

20.100.050 Design Review.

See Summary of Key Issues.

## ATTACHMENT 2 - FINDINGS

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

<i>Required Finding</i>	<i>Explanation</i>
<p>1. <i>The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.</i></p>	<p>The General Plan designates this area for commercial industrial service uses. Additionally, the project meets City zoning standards for location, intensity and type of development.</p>
<p>2. <i>Approval of project design is consistent with the purpose and intent of this section, which states "designs of projects...will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient."</i></p>	<p>The proposal is in scale and harmony with existing development in the vicinity of the site. The project will not require grading or excavation. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The proposed project will improve a building which has been defunct for many years.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area.</p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p>The project as designed is in substantial compliance with the standards as stated, including harmonious materials and an improved appearance.</p>

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

Required Finding	Explanation
<p>1. <b>Necessity, Desirability, Compatibility.</b> <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></p>	<p>The General Plan designates this area for Commercial Service Light Industrial. The project meets City zoning standards for location, intensity and type of development. The site currently is operating as garden nursery.</p>
<p>2. <b>Adverse Impacts.</b> <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></p> <p>a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i></p> <p>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></p> <p>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></p> <p>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;</i></p>	<p>a. The proposal is in scale and harmony with existing development near the site. It is an already developed site.</p> <p>b. There is no off-street parking at the proposed location.</p> <p>c. The applicant has indicated that the trailer will operate with the use of a generator and does not require the engine to operate.</p> <p>d. There is existing fencing around the perimeter of the site as well as some tree coverage and plant merchandise between the properties.</p>
<p>3. <b>Consistency with Zoning Ordinance, General Plan and Specific Plan.</b> <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></p>	<p>The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area.</p>

**ATTACHMENT 3**  
**COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL**

**SPECIAL PROJECT CONDITIONS**

**SP 1-** The use permit is limited to the use of an artist studio and contractor's storage only. Any other proposed uses on-site will require an amendment to the Conditional Use Permit.

**SP 2-** Contractor's materials shall be stored inside the structure at 650 Cleveland and shall not be visible from the exterior of the building.

**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.

**GENERAL PROJECT CONDITIONS**

Gen-1      **Project Approval.** This Design Review approval is for 650 Cleveland, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans prepared by Beaudry Construction, date stamped received May 21, 2012, as presented to the Planning and Zoning Commission on July 10, 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 Design Review approval will expire on July 24, 2013 (one year from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval.

Gen-3      **FEES.** The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured, and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project developer shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.



- GEN-4      **Appeals.** The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.
- GEN-5      **Requirement for Building Permit.** Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.
- GEN-6      **Fire Department Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.
- GEN-7      **Engineering Approval.** As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.
- GEN-8      **Construction Hours.** Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.
- GEN-9      **Archeological Remains.** In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.
- GEN-10     **Modifications to Approved Plans.** The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per MC 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.
- GEN-11     **Hold Harmless Agreement.** Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold

harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provide for in Section 66499.37. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.

GEN-12      **Public Improvements Standards.** Public improvements shall be designed and constructed in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer.

GEN-13      **Title 24 Standards.** All construction shall be designed and built in accordance with California Title 24 handicap accessibility standards. Appropriate details and specifications shall be incorporated into the plans and submitted at time of building permit application.

GEN-14      **Energy Conservation Standards.** All buildings shall be designed in accordance with the State of California energy conservation standards for non-residential buildings. The necessary plans and documentation shall be submitted at time of building permit application.

#### ARCHITECTURE CONDITION

ARCH-1      **Material Samples.** Descriptions or samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.

ARCH-2      **Final Architectural Drawings.** The applicant shall submit final architectural elevations, details and revisions for the review and approval of the Community Development Department as part of building permit application.

ARCH-3      **Window Recess.** All new windows shall be recessed two inches from face of building to provide adequate shade and shadow and to promote visual relief. Final window details shall be submitted for review and approval at the time of building permit application.

ARCH-4      **Non-Reflective Glazing.** Any glazing material shall be non-reflective.

#### LIGHTING CONDITIONS

LGHT-1      **Exterior Lighting.** All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way. If required, exterior light fixtures shall be equipped with "cut off" lenses to minimize light and glare spill over onto adjacent properties.

LGHT-2      **Shielding of Lighting.** Prior to the certificate of occupancy, all accent lighting shall be directed downward and, if necessary, fixed with cut-off lenses to ensure that no glare spills onto neighboring properties.

## LANDSCAPING CONDITIONS

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

## PUBLIC WORKS DEPARTMENT CONDITIONS

### *GENERAL ENGINEERING CONDITIONS*

- ENGR-1      **Title Report.** n/a.
- ENGR-2      **Geo-Technical Report.** The applicant shall submit, as part of a building permit application, a geotechnical investigation report prepared by a California certified engineering geologist and geotechnical engineer, if determined necessary by the City Engineer. The investigation shall specifically address any hazards of surface fault rupture in accordance with the Alquist-Priolo Special Study Zones Act. Any mitigation measures or conditions requiring further review noted during the Planning process shall be fully addressed prior to plan check.
- ENGR-3      **Backflow Device.** Any required water service for fire protection purposes shall be equipped with a City approved backflow device. Services for irrigation purposes also require a separate City approved backflow prevention device.

### GRADING CONDITIONS

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

excavations in accordance with the requirements of the geotechnical engineer's report.

- GRAD-4 **Flooding Damages.** The project developer shall execute an assumption of risk, indemnification and hold harmless agreement as required by the City. The agreement, in substance, shall state that the project developer, and any successor in interest, shall assume all risk for damages to the project and to project improvements, flooding caused by surface water intrusion, stormwater runoff, or water under the ground surface pressing on or flowing or seeping through foundations, walls, floors, or paved surfaces, basements, whether paved or not, or windows, doors or other openings, and shall indemnify and hold the City harmless from any claims of such damages, including third-party claims, of such damage or of such damages or of damages arising from rainfall runoff which is not prevented from leaving the project site in violation of Condition GRAD-3.
- GRAD-5 **Dust Control Program.** A dust control program shall be prepared by the project developer and approved by the Community Development Department and City Engineer before issuance of a grading permit. The dust control plan shall address such items as covering stockpiled material, frequent watering of graded areas, revegetating graded areas, speed limits for grading equipment and similar items.
- GRAD-6 **Stormwater Pollution Prevention Plan.** The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City before the issuance of a building or grading and/or building permit. The SWPPP shall be consistent with standards adopted by the Regional Water Quality Control Board and the City of Albany Clean Water Program and implemented by the project general contractor, all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction shall also be addressed in the SWPPP. The project developer shall be responsible for SWPPP compliance. A copy of the SWPPP shall be kept at the construction site at all times.

#### INFRASTRUCTURE CONDITIONS

- INFR-1 **Sewer System Requirements.** The sewer system for the subject building shall comply with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer before Final Inspection approval of the construction permit.
- INFR-2 **Two-Way Cleanout.** Installation of a two-way curbside cleanout shall be required per Chapter 15 of the Albany City Code. This applies to all properties, including properties with a valid upper sewer lateral certificate of compliance. All 2-way curbside clean outs shall be fitted with a loose cap in accordance with the City's standard detail SS6.
- INFR-3 **Property Run-off Requirements.** All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage system through the project site to an approved storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a

hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

INFR-4      **Roof Drainage.** Roof drainage from the structure shall be collected via a closed pipe and conveyed to an approved storm drain system off the street curb. No concentrated drainage of surface flow across sidewalks shall be permitted. Alternative natural treatment measures are subject review and approval by the City Engineer.

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

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

#### PUBLIC IMPROVEMENTS CONDITIONS

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

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

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

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

#### FIRE DEPARTMENT CONDITIONS

- FIRE-1      **Construction of 1,500 Square Feet or Greater.** 1500 sq. ft. or more or any addition, remodel, rehabilitation, etc. is 50% of the existing sq. ft.:
- a) This dwelling will be required install an Automatic Fire Extinguishing System throughout the entire dwelling. Ordinance No. 94-010, Albany Municipal Code, Chapter 11, Section 11-2.3a(3)(a).
  - b) Plans, information sheets on all sprinkler components and hydraulic calculations are required.
  - c) A 110-volt interconnected smoke alarm system with a 10-year lithium 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 site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
  - c) Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.

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

#### **OPERATIONAL BEST MANAGEMENT PRACTICES (BMPs)**

- 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 (BMPs) 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 *ABAG 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 BMPs 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. Washwater 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 (BMPs)**

- 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. or 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.

### 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 calendar days of the date of 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.



Planning Application #: 12-024

Date Received: 5/29/12

Fee Paid: \$2,676.00

Receipt #: 75831



# City of Albany

## PLANNING APPLICATION FORM

Please complete the following application to initiate City review of your application. Please be aware that staff may have additional application requirements. For projects requiring Planning and Zoning Commission review, please schedule an appointment with Planning Division staff. The Community Development Department office is open to accept applications Monday, 8:30 AM to 7:00 PM, Tuesday through Thursday 8:30 AM to 5:00 PM, and Friday 8:30 AM to 12:30 PM at 1000 San Pablo Avenue, Albany, CA 94706 (510) 528-5760.

### Fee Schedule (FY 2011-2012)

<input checked="" type="checkbox"/> Design Review*	\$1,784 / Admin. \$639
<input type="checkbox"/> Parking Exceptions/Reductions - see separate handout*	\$Actual Cost/Min \$1,784
<input checked="" type="checkbox"/> Conditional Use Permit (major)*	\$Actual Cost/Min \$1,784 (1/2)
<input type="checkbox"/> Conditional Use Permit (minor)*	\$620
<input type="checkbox"/> Sign Permit	\$1,185/\$423 Admin.
<input type="checkbox"/> Temporary/Seasonal Conditional Use Permit*	\$300
<input type="checkbox"/> Parcel/Subdivision Map; Lot Line Adjustment; Condo Conversion*	\$Actual Cost/Min \$1,784
<input type="checkbox"/> Secondary Residential Unit*	\$455
<input type="checkbox"/> Planned Unit Development*	\$1,784
<input type="checkbox"/> Variance*	\$1,784
<input type="checkbox"/> Other(s): _____	\$ _____

\*When obtaining more than one planning approval, the full amount for the highest fee will apply and 1/2 fee will be charged for any other ones. General Plan Update Fee \$45 included in the fees above. This fee only needs to be paid once for each separately submitted application.

Job Site Address: <u>650 CLEVELAND AVENUE</u>		Zoning District: <u>CMX</u>
Property Owner(s) Name: <u>MARY REED JOHNSON AND PETER BEAUDRY</u>	Phone: <u>MRT (510) 910-0994</u> Fax: <u>P.B. (510) 910-2886</u>	Email: <u>Maryreed.Johnson@comcast.net</u>
Mailing Address: <u>1401 GREENWOOD TERRACE</u>	City: <u>BERKELEY CA</u>	State/Zip: <u>CA 94708</u>
Applicant(s) Name (contact person): <u>PETER BEAUDRY</u>	Phone: <u>510 910 2886</u> Fax:	Email: <u>SPUNTER CONSTRUCTION @ TATTOO.COM</u>
Mailing Address: <u>Same</u>	City:	State/Zip:

**PROJECT DESCRIPTION** (Please attach plans if required) (see plans) Replace E. windows new windows and door, 2 sheds at ends of E. building, infill steel frame with insulation and wood framing, cover E. concrete floor solar heated radiant floor, Finish fencing in last 100 feet of property adjacent to rail road tracks. build retaining wall as needed to support fence.

**PROJECT ADDRESS:** 650 Cleveland

**GENERAL INFORMATION** (Please fill out this Chart or attach separate plans with information)

Item	Existing	Proposed
Lot Size? (Express in square feet)	18,000	
Gross square footage of all building area (including detached & accessory buildings, garages, etc.)	1,790	
What is the Floor Area Ratio (FAR) (see handout on how to measure for residential projects)		
What is your lot coverage?		
What is the amount of impervious surface on the lot?	99%	
What is the maximum height of the building? (see handout on how to measure for residential projects)	16'0"	
How many dwelling units are on your property?	0	
How many off-street parking spaces do you have? (front yard parking is not counted unless previously approved by the City)	15-20 CARS.	
What are the dimensions of parking spaces? (give interior dimensions of enclosed parking spaces)	10 ft. X 25 ft.	ft. X ft.
What is the narrowest width of your driveway?	12'0"	
Minimum setbacks from structure to property line Front yard: Side yards: Rear Yard:	2'0"	

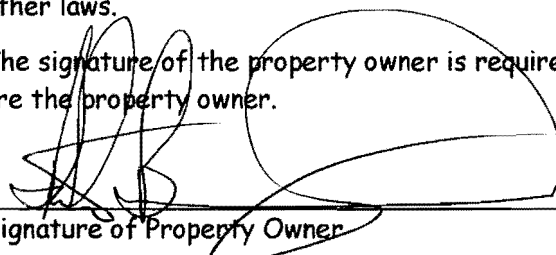
**TERMS AND CONDITIONS OF APPLICATION**

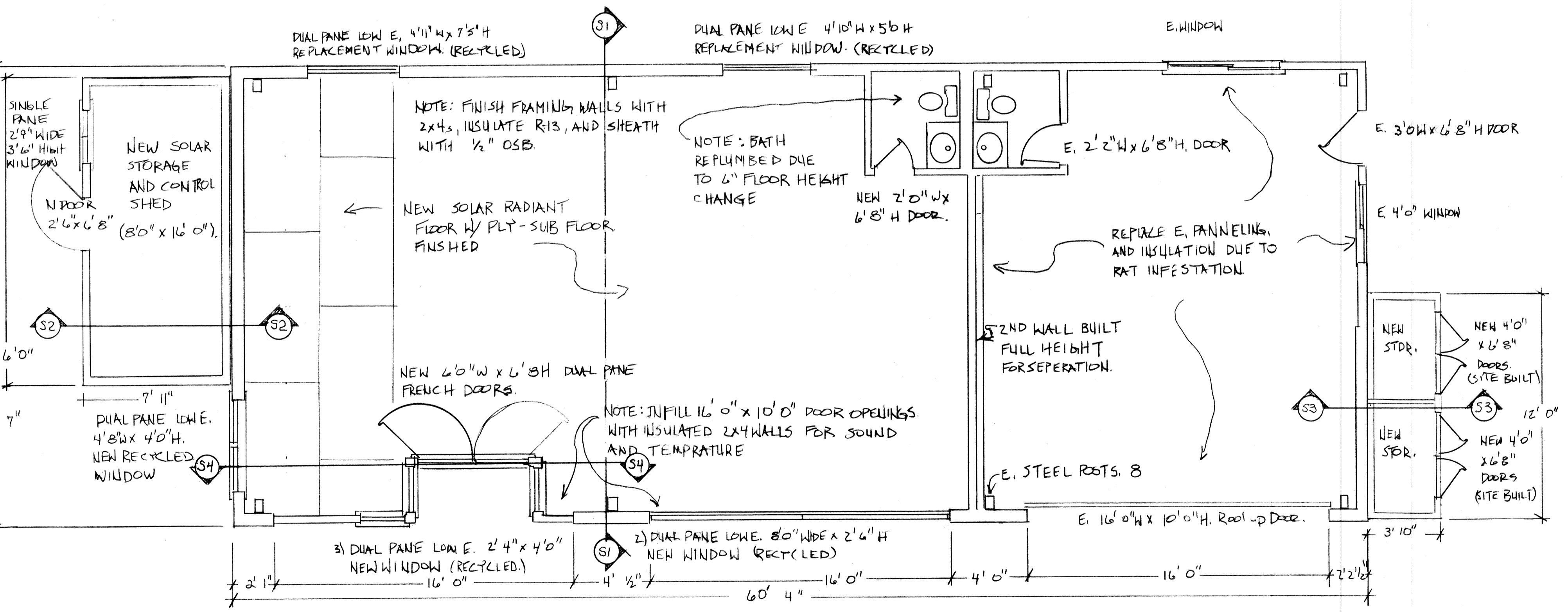
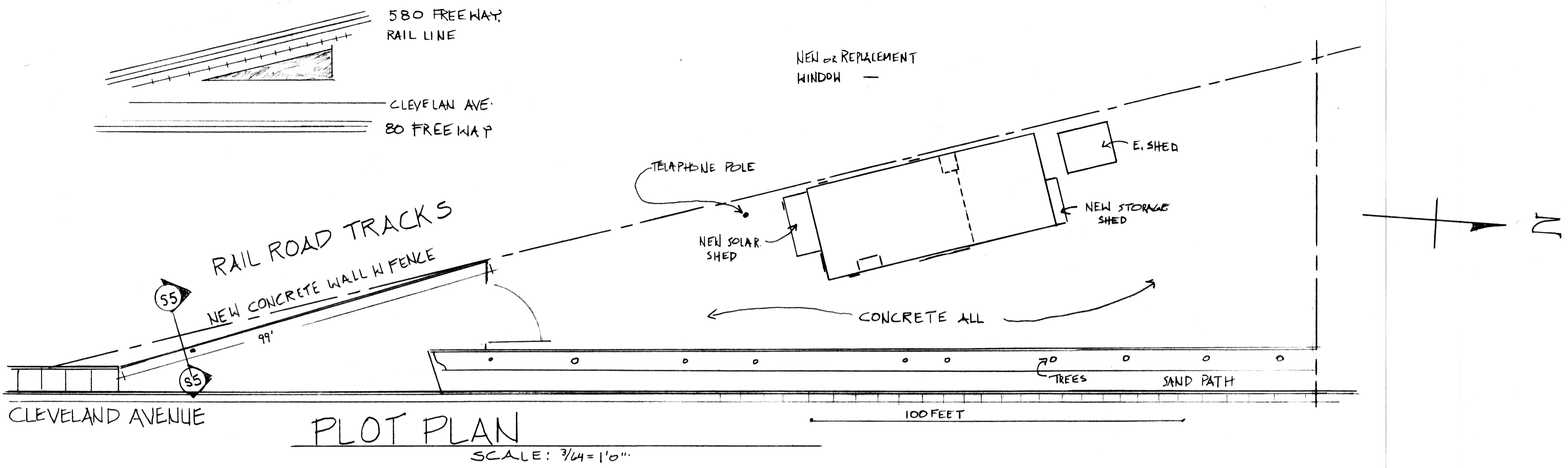
I, the undersigned owner (or authorized agent) of the property herein described, hereby make application for approval of the plans submitted and made part of this application in accordance with the provisions of the City's ordinances, and I hereby certify that the information given is true and correct to the best of my knowledge and belief.

I understand that the requested approval is for my benefit (or that of my principal). Therefore, if the City grants the approval with or without conditions, and that action is challenged by a third party, I will be responsible for defending against this challenge. I therefore agree to accept this responsibility for defense at the request of the City and also agree to defend, indemnify and hold the City harmless from any costs, claims, penalties, fines, judgments, or liabilities arising from the approval, including without limitation, any award or attorney's fees that might result from the third party challenge.

For this purposes of this indemnity, the term "City" shall include the City of Albany, its officers, officials, employees, agents and representatives. For purposes of this indemnity, the term "challenge" means any legal or administrative action to dispute, contest, attack, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including any action alleging a failure to comply with the California Environmental Quality Act or other laws.

The signature of the property owner is required for all projects. By executing this form you are affirming that you are the property owner.

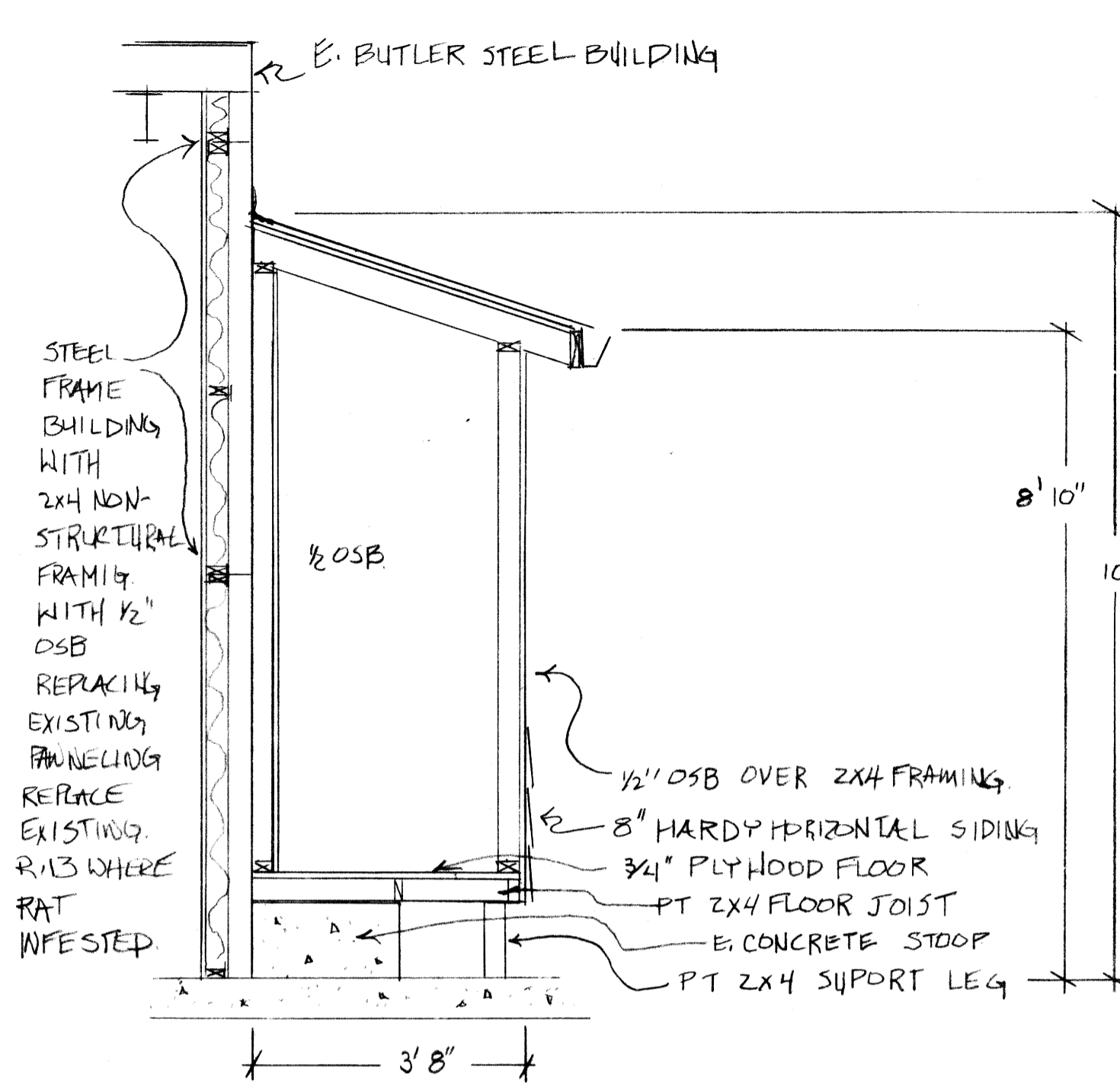

Date May 27 2012
Signature of Applicant (if different)
Date



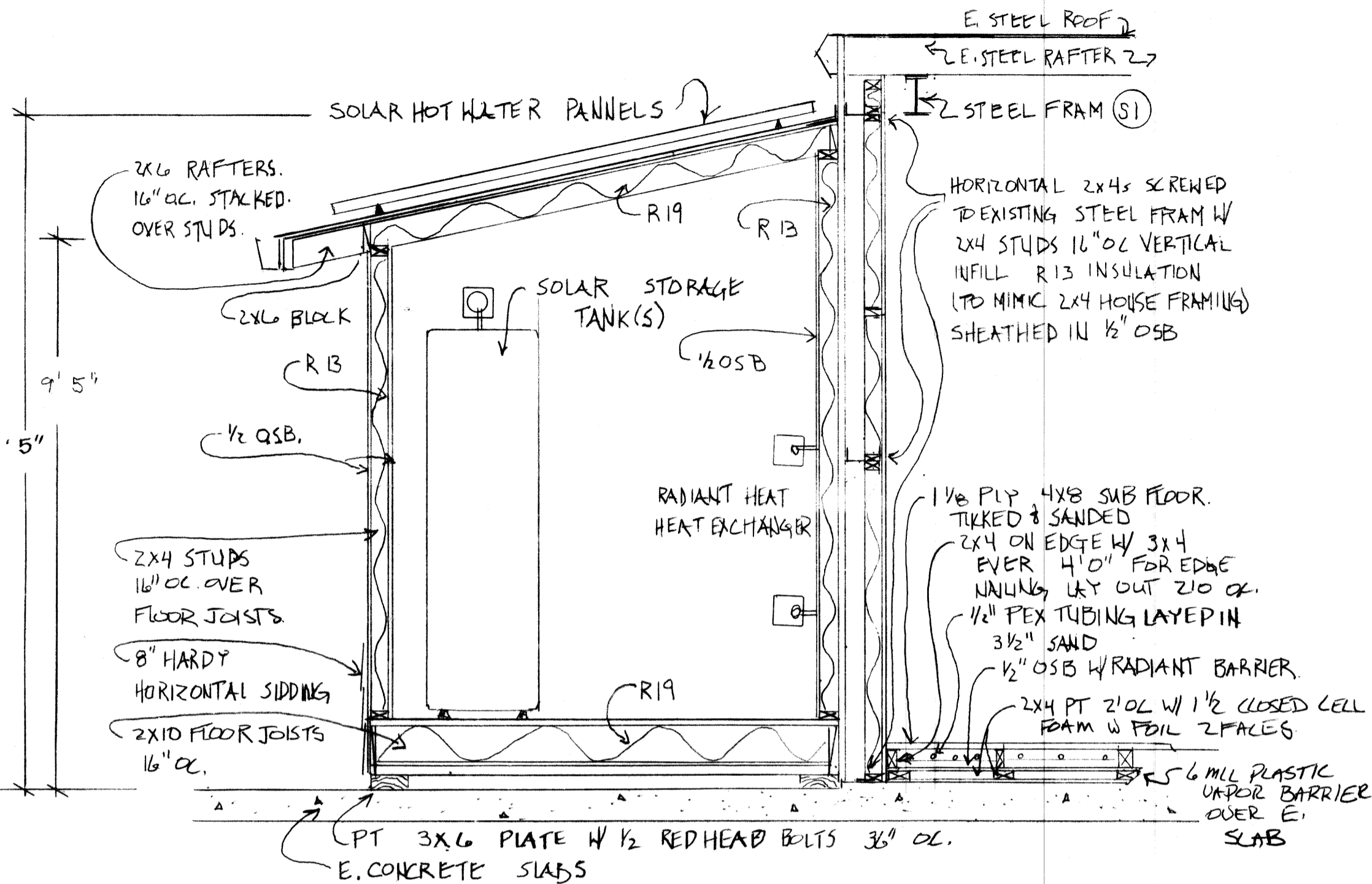
BUTLER STEEL BUILDING REMODEL  
650 CLEVELAND AVENUE  
ALBANY C.A.

SCALE: AS NOTED  
DATE 5/10/12

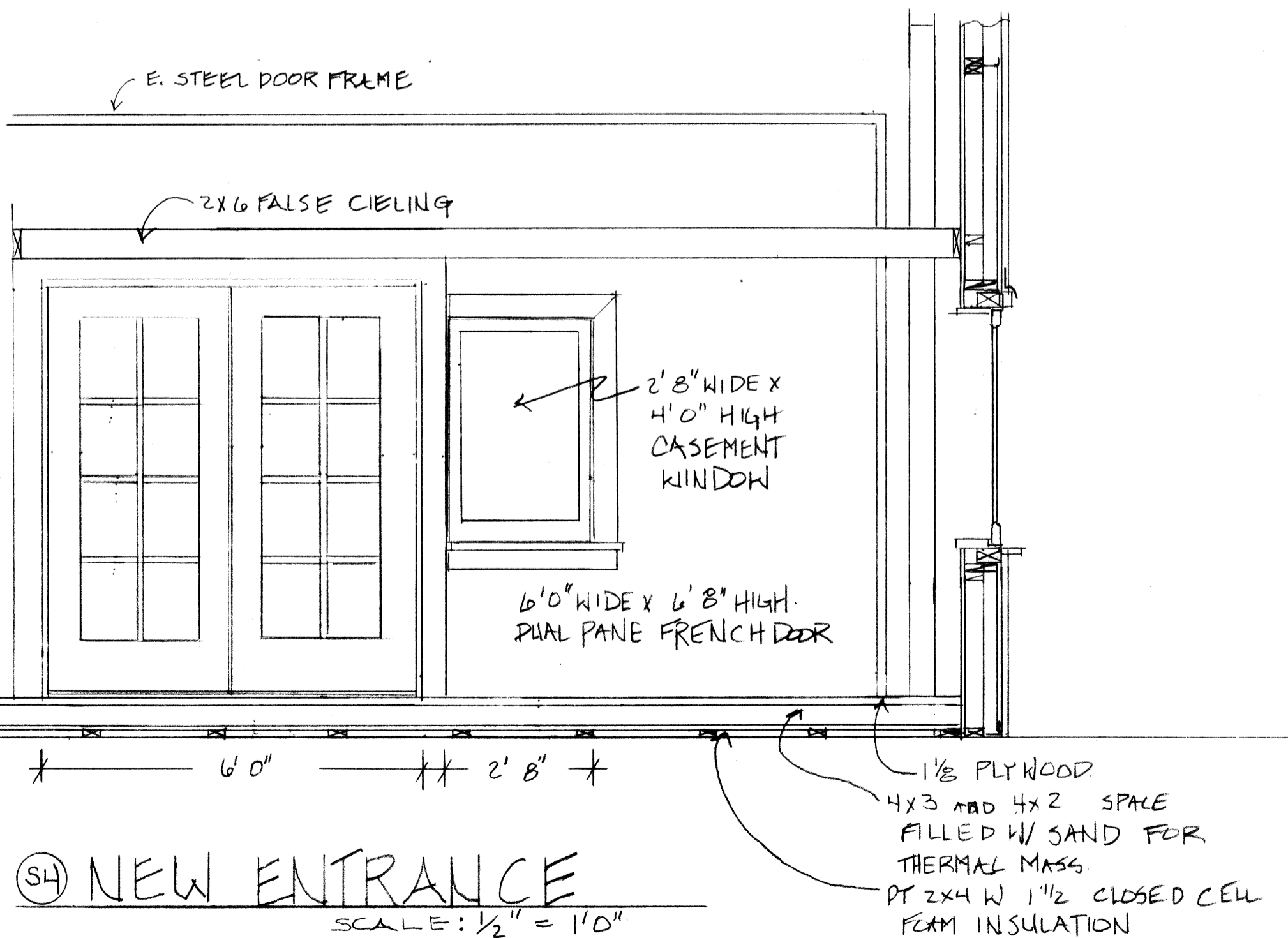
PAGE: A1



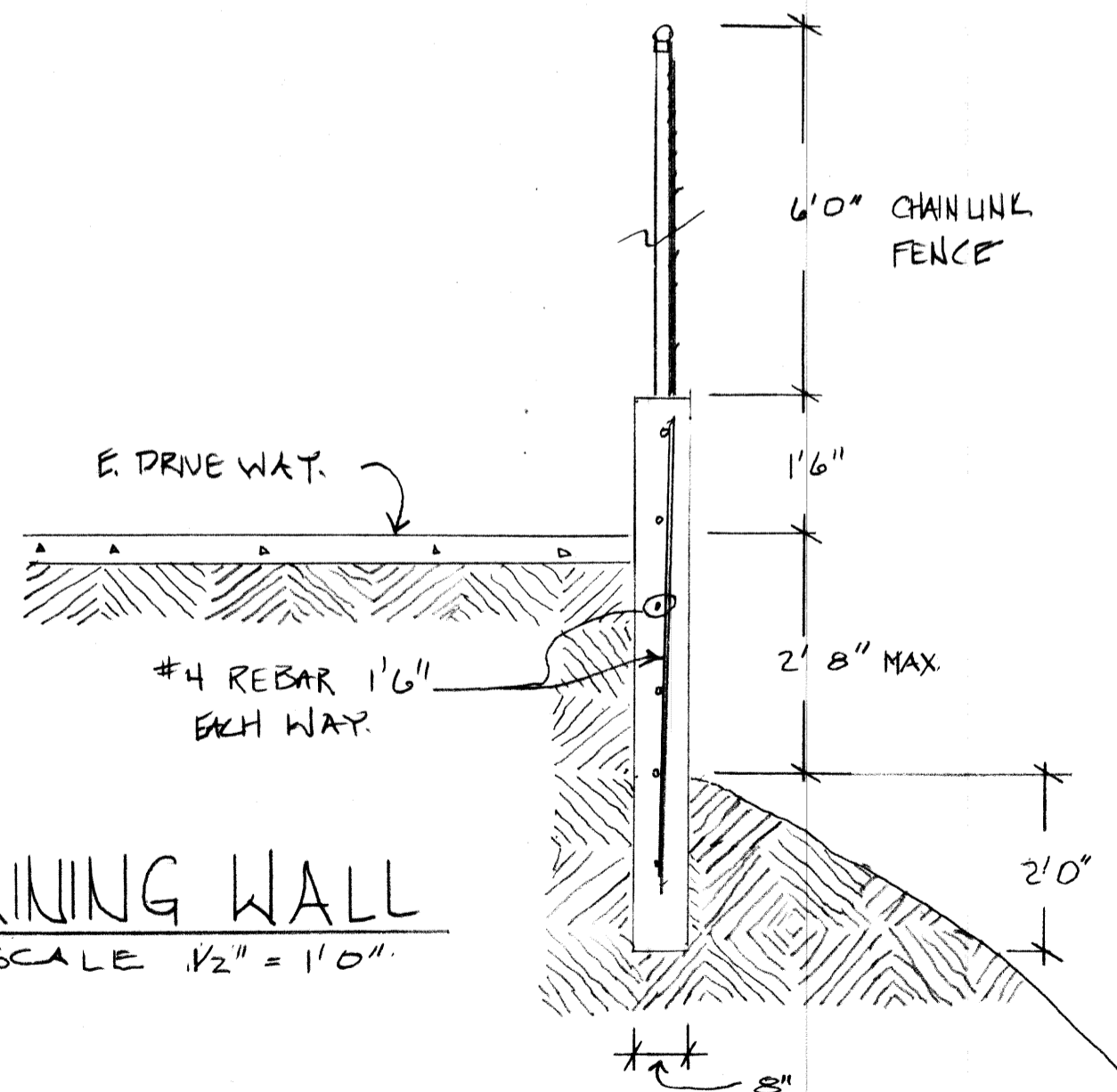
⑤③ STORAGE SHED  
SCALE: 1/2" = 1'0"



⑤② SOLAR SHED RADIANT SOLAR HEAT EXPERIMENT  
SCALE: 1/2" = 1'0"

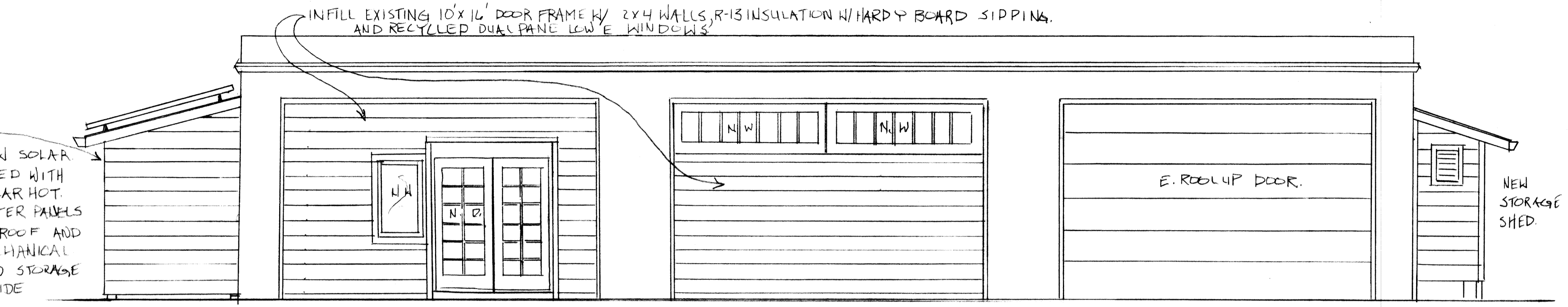


⑤④ NEW ENTRANCE  
SCALE: 1/2" = 1'0"

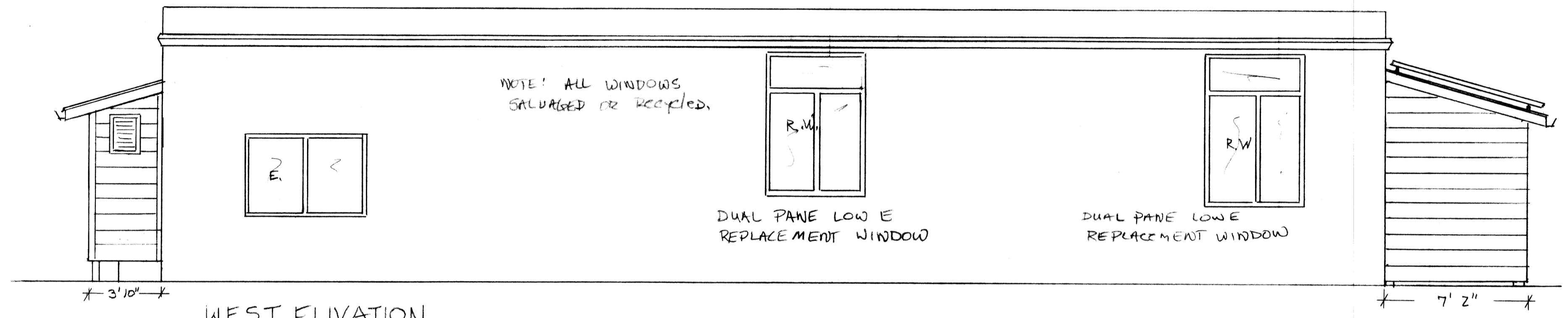


⑤⑤ RETAINING WALL  
SCALE: 1/2" = 1'0"

BUTLER STEEL BUILDING REMODEL  
650 CLEVELAND AVENUE  
ALBANY CA.  
SCALE: 1/2" = 1'0"  
DATE 5/13/12

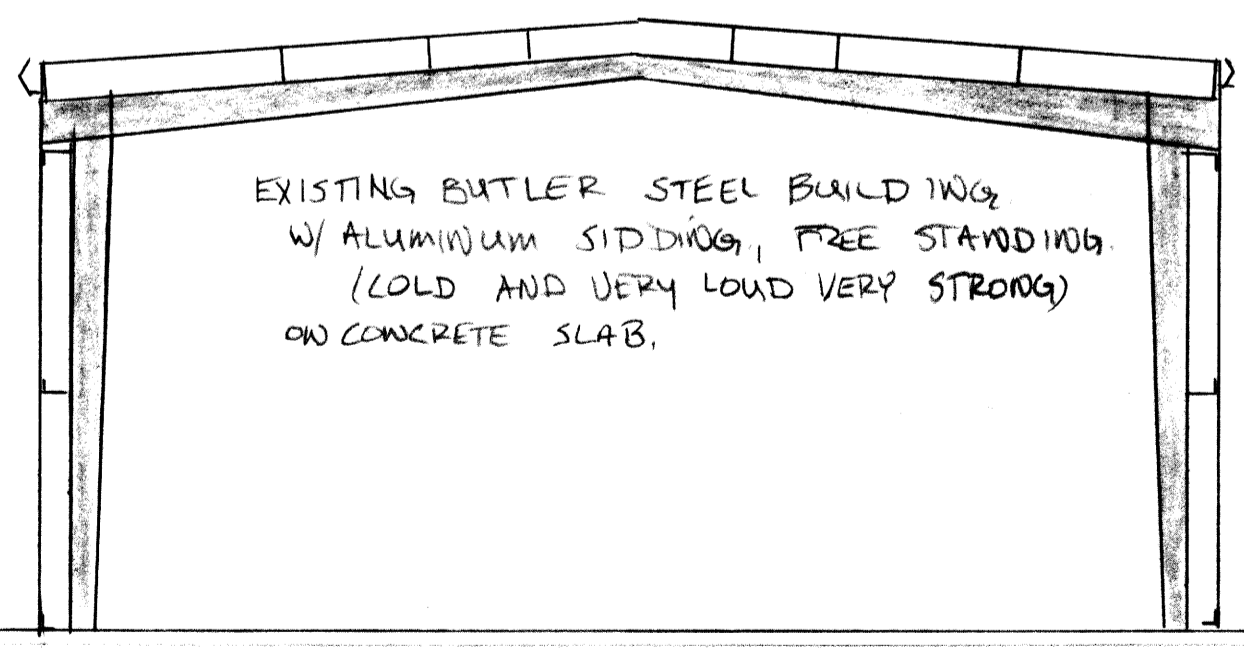


EAST ELIVATION  
SCALE: 1/4" = 1' 0"



WEST ELIVATION  
SCALE: 1/4" = 1' 0"

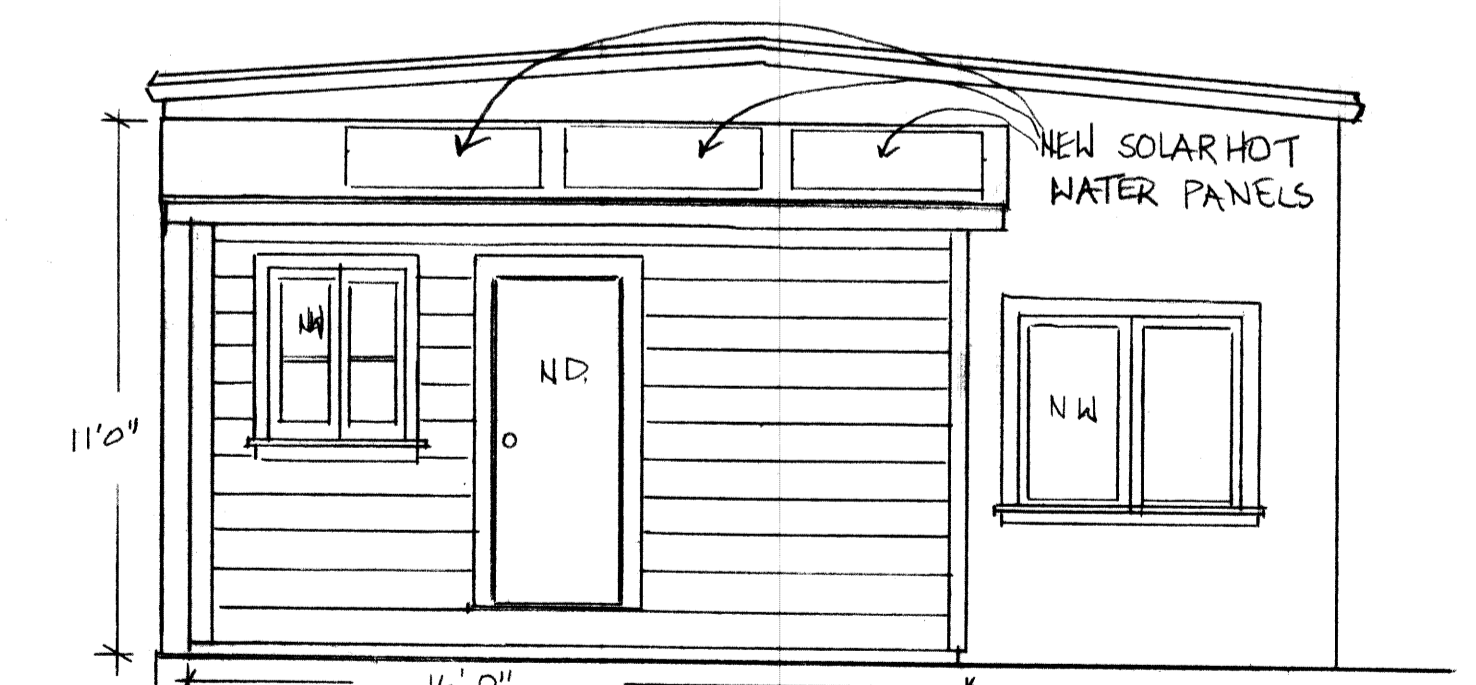
NOTE: N.D. NEW DOOR.  
N.W. NEW WINDOW  
R.W. REPLACEMENT WINDOW  
E. EXISTIN DOOR OR WINDOW



SECTION @ SUPPORT  
SCALE: 1/4" = 1' 0"

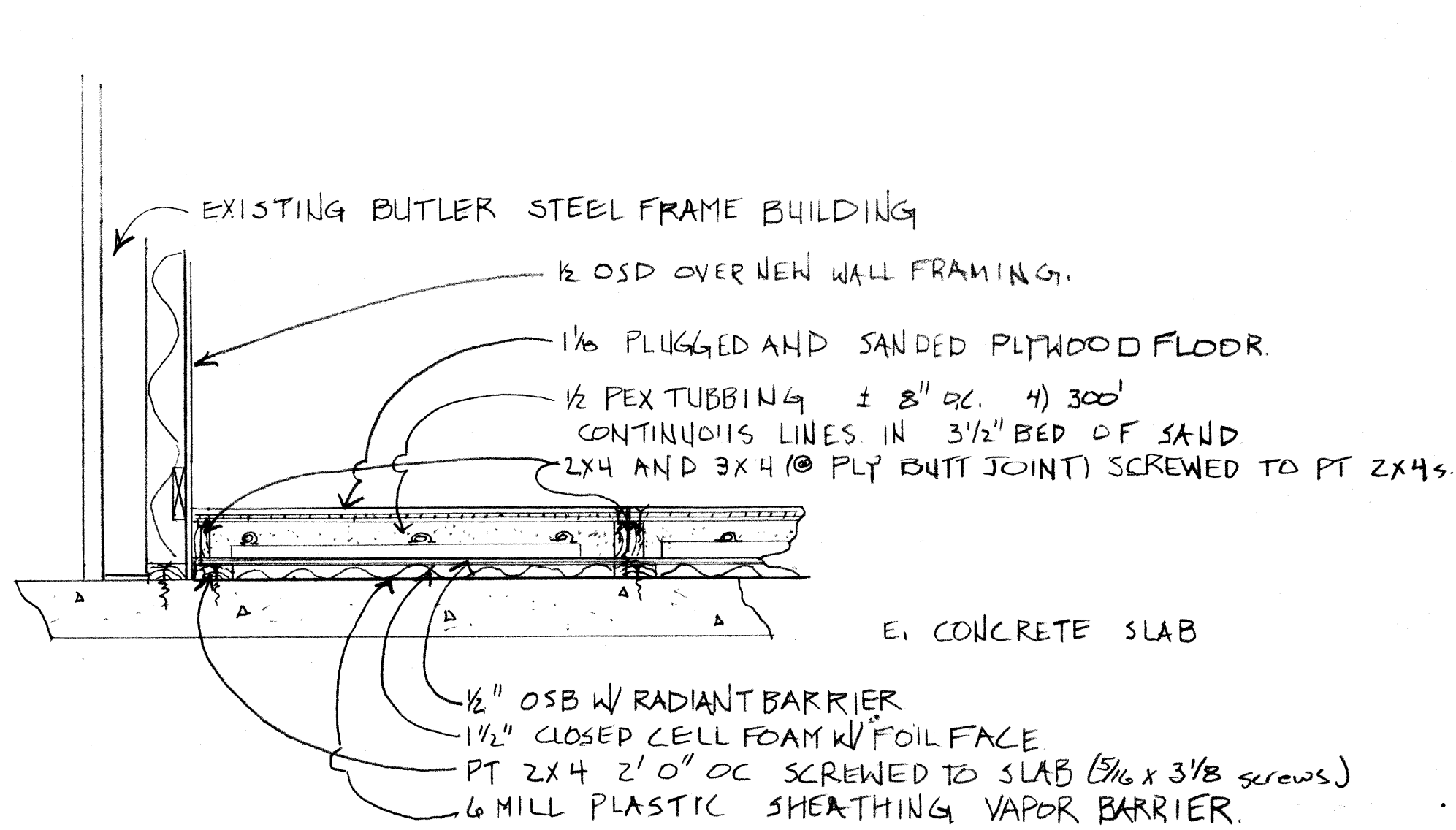


NORTH ELIVATION  
SCALE: 1/4" = 1' 0"

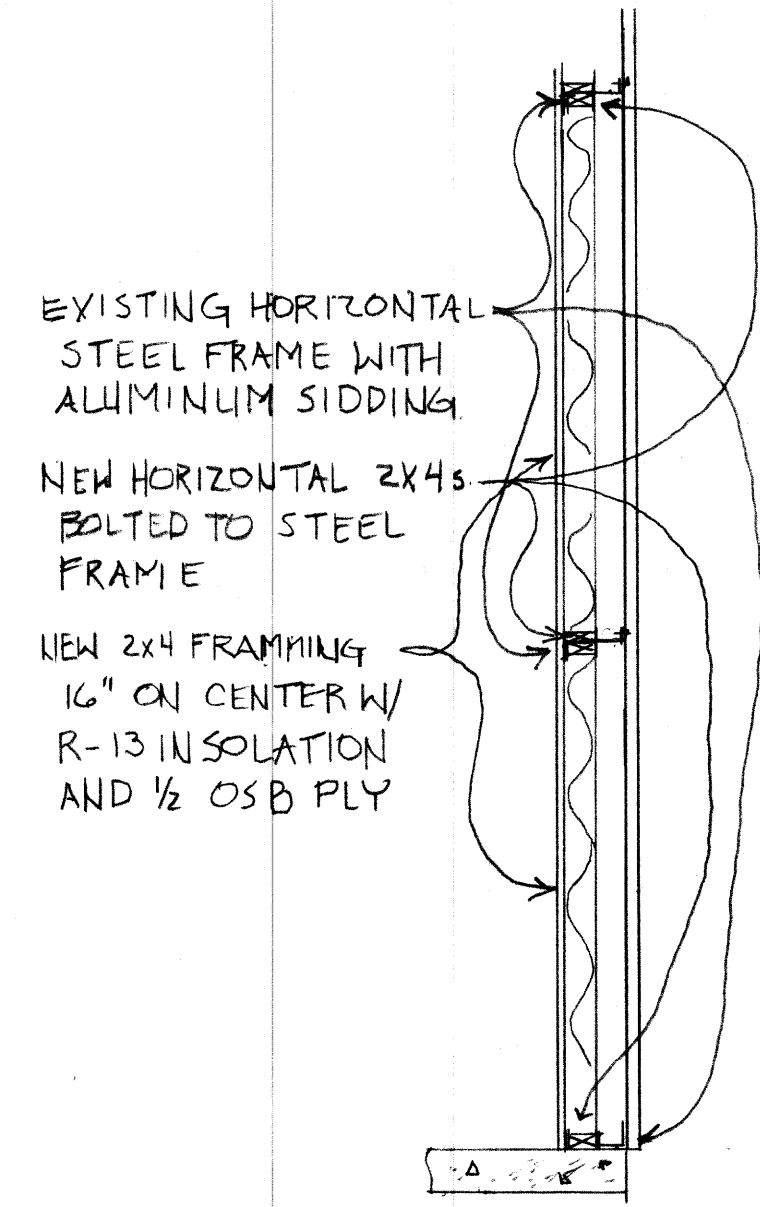


SOUTH ELIVATION  
SCALE: 1/4" = 1' 0"

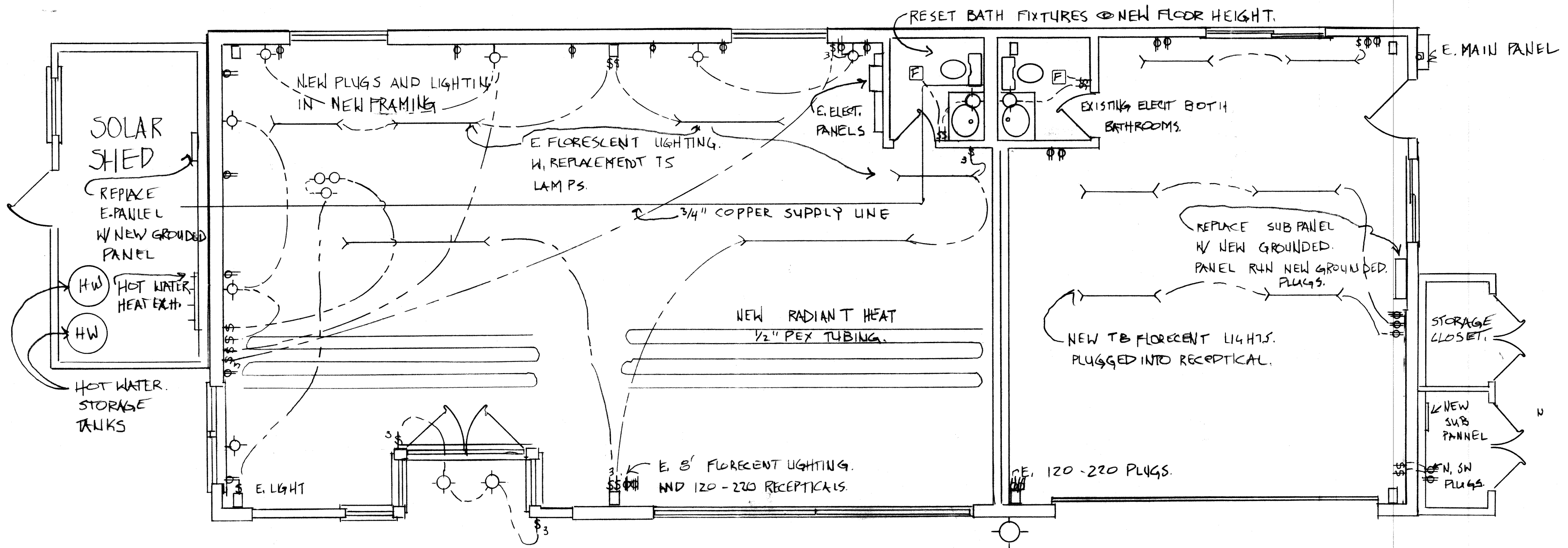
BUTLER STEEL BUILDING REMODEL  
650 CLEVELAND AVENUE  
ALBANY CA.  
SCALE: 1/4" = 1' 0"  
DATE 5/10/12



NEW SOLAR RADIANT HEAT FLOOR ASSEMBLY  
SCALE 1" = 1' 0"



NEW WALL COVERING  
SCALE 1/2" = 16"



NEW AND EXISTING ELECTRICAL, SOLAR RADIANT HEAT PLAN  
SCALE: 1/4" = 1' 0"

BUTLER STEEL BUILDING REMODEL  
650 CLEVELAND AVENUE  
ALBANY CA.  
SCALE: AS NOTED  
DATE 5/13/12

CITY OF ALBANY

MAY 21 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

May 19, 2012

Dear Building department.

I am writing with an explanation for not pulling a building permit at 650 Cleveland. This is not an excuse, I know I need one and am happy to get it.

I was diagnosed with throat cancer in late November and started Chemo therapy and Radiation treatments right around the time I closed on the 650 Cleveland Avenue property in the beginning of this year.

I was very weak from the treatments and not working so I started cleaning up the building. The North half of the building was framed and insulated. I discovered that the walls were rat infested so I started pulling the old off the walls and replacing the r-13 insulation and recovering the walls with OSB.

The North end of the building was very secure so I framed the wall on the south end of the bay to the roof and removed the ceiling. The electrical system was very old and I had some unused sub-panels around so I exchange existing panels for panels that isolated the neutral and carried a separate ground.

My wife is an artist and the double bay left over seemed perfect for a studio. It was just noisy and cold. I had just finished replacing the paneling on the other half of the building and had a big supply of salvaged 2x4s that were short so I just started filling in the steel farming. There were no structural considerations so off I went. I also had unused windows that fit right into the space. The electrical was minimal but adequate for my wife's needs. It was just old habit and an abundance of supplies from years of building that I went ahead and put some sconce lighting and receptacles in these walls.

The solar hot water heated radiant heat was/is an experiment. As I started feeling better and getting my energy back I needed something to pull me out of my weakness/depression and trying to figure out if I could heat this building from the sun was just the thing for me. I got very excited when I thought of using sand for thermal mass and insulating it from the existing concrete floor. There is about nine yards of it in the floor and it is my hope that it will stay warm through the night and into the next morning, otherwise I will have to use water storage tanks to further expand my heating capacity.

They call it Chemo Brain. I guess The drugs are hard on your brain. I should have stopped and gotten a building permit. When the building inspector showed up and wanted to know why I didn't have a permit, it was like waking up from a dream where you don't know where you are. I would like to get a building permit now please.

Thank you.

  
Peter Beaudry

MAY 22 2012

COMMUNITY DEVELOPMENT  
DEPARTMENT

May 21, 2012

## Pictures of 650 Cleveland

650 Cleveland is located between the 80 and 580 Freeways. The only way to view the west side of 650 Cleveland is from the West side of the 580 Freeway.

The South end of 650 Cleveland is across the road from the Albany off ramp of the 80 Freeway.

The windows being put into the Butler steel building at 650 Cleveland are all dual glazed low E glass except for the wood window on the solar shed located on the south side of the building. It was installed because it looked good there.

The building is a big garage. A steel frame with aluminum siding a steel roof. The North end of the building had wood framing and r-13 insulation with wood paneling over it. The framing was rat infested and disgusting. I replaced the insulation and re covered the walls with OSB because it is cheep.

The two Southern Bays were the garage area and mostly left with the aluminum siding open to the inside. These walls were framed in like the North bay insulated and the Western wall was covered with OSB plywood. The floor with a radiant heat system as an experiment in radiant solar water heating. This area will be used as storage/an art studio/work shop.

Apologies for building without a permit. The property is great and we are happy using the building for storage and projects until the building permit is straightened out. We are pretty happy leaving the place as it is; I just had years of construction materials laying around.

As you cans see our neighbors are Freeways which seems ideal for studio space. We chose the location so we wouldn't bother anyone. Hopefully we can get back to that point.

Peter