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CITY COUNCIL RESOLUTION 2014-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, APPROVING DESIGN REVIEW FOR SENIOR HOUSING DEVELOPMENT AT 1100 SAN PABLO AVENUE

WHEREAS, On December 6, 2004, the City Council of the City of Albany adopted Ordinance #04-09 establishing Chapter XX "Planning and Zoning" of the Albany Municipal Code; and

WHEREAS, Chapter XX established development standards and review procedures for new commercial and mixed use construction; and

WHEREAS, the Albany City Council approved Resolution 93-4 adopting San Pablo Ave. Design Guidelines on January 19, 1993; and

WHEREAS, the San Pablo Ave. Design Guidelines specifically identify UC Village as having the greatest impact of any potential development on the Corridor and that the quality of buildings associated with the University of California should be directly related to the frontage of San Pablo Ave.; and

WHEREAS, in 2007 the Regents of the University of California, serving as the master developer for the site, submitted an application for a mixed use development on the San Pablo Avenue frontage of University Village property located at the northwest and southwest corner of the intersection of San Pablo Avenue and Monroe Street.

1 WHEREAS, the City Council, acting as lead agency, prepared a draft and
2 final Environmental Impact Report ("EIR") in accordance with the California
3 Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et
4 seq.; and on July 9, 2012 in Resolution #2011-51 certified that the EIR was
5 completed in compliance with the requirements of CEQA and reflected the
6 Council's independent judgment and analysis;

7
8 WHEREAS, the City, in Resolution #2011-51 made certain findings in
9 accordance with Public Resources Code section 21081 and section 15091 of the
10 CEQA Guidelines regarding the Project's impacts on the environment;

11
12 WHEREAS, the City, in Resolution #2011-51 adopted a Statement of
13 Overriding Considerations for the Project, pursuant to Public Resources Code
14 section 21081, subdivision (b);

15
16 WHEREAS, the City, in Resolution #2011-51 adopted a Mitigation
17 Monitoring and Reporting Program ("MMRP") for the Project, attached to
18 Resolution #2011-51 as Exhibit A, pursuant to Public Resources Code section
19 21081.6 and CEQA Guidelines section 15097;

20
21 WHEREAS, on July 16, 2012, the City Council approved a series of
22 policy-level actions associated with the University Village Mixed Use project
23 including zoning map amendments, zoning text amendments, planned unit
24 development, density bonus to accommodate a senior housing project, grocery
25 store, and retail space;

26
27 WHEREAS, on May 6, 2013, the City Council, acting as lead agency,
28 approved Resolution 2013-22 of the Albany city council modifying mitigation

1 measure GCC-1 and the mitigation monitoring and reporting program for the
2 University Village Mixed Use development and adopted an EIR addendum;

3
4 WHEREAS, beginning in 2013, the Planning & Zoning Commission held a
5 series of study sessions on the Planning, Zoning and Subdivision actions
6 associated with tentative maps and design review for the project;

7
8 WHEREAS, the Planning & Zoning Commission held public hearings on May
9 8, 2013, June 12, 2013, July 24, 2013, October 9, 2013, October 30, 2013, and
10 November 20, 2013 and December 11, 2013 to discuss the project design, scope,
11 and improvements; and

12
13 WHEREAS, the formal application for design review for senior housing
14 development at 1100 San Pablo Avenue was filed by the applicant on August 14,
15 2013;

16 WHEREAS, the application is for a senior housing use in the San Pablo
17 Commercial Zoning District/University Village San Pablo Avenue Overlay
18 District; and

19
20 WHEREAS, an application for Design Review is being considered in a
21 coordinated manner with other the other retail and senior housing elements of
22 the of the proposed project;

23
24 WHEREAS, the Planning & Zoning Commission held a public hearing on
25 December 11, 2013 considered all public comments received, the presentation
26 by City staff, the staff report, and all other pertinent documents regarding
27 the proposed request;

1 WHEREAS, the Planning & Zoning Commission approved Resolution 2013-10
2 approving design review for the senior housing component of the project at
3 1100 San Pablo Avenue at its December 11, 2013 hearing;

4
5 WHEREAS, an appeal of the Planning & Zoning Commission decision was
6 filed with the City on December 19, 2013 by Albany Housing Advocates and
7 Amber Whitson c/o Naomi Young; and

8
9 WHEREAS, an appeal of the Planning & Zoning Commission decision was
10 filed with the City on December 20, 2013 by Edward Fields; and

11
12 WHEREAS, a public hearing notice was mailed to property owners within
13 300 ft. of the subject site and was posted in three public places on February
14 21, 2014 for the City Council hearing pursuant to Government Code Section
15 65090; and

16
17 WHEREAS, on March 5, 2014 the City Council held a public hearing,
18 considered all public comments received, the presentation by City staff, the
19 staff report, and all other pertinent documents regarding the proposed
20 request; and

21
22 WHEREAS, the City Council approved Resolution 2014-21 denying the
23 appeal by Albany Housing Advocates and Amber Whitson c/o Naomi Young; and

24
25 WHEREAS, the City Council approved Resolution 2014-22 denying the
26 appeal by Edward Fields;

1 WHEREAS supplementary information was added to the project plans in
2 response to issues raised in the appeals;

3
4 WHEREAS modifications to the project plans do not result in any new
5 significant environmental effects or a substantial increase in the severity
6 of previously identified significant effects, and no additional mitigation
7 measures are required;

8
9
10 **NOW, THEREFORE, THE CITY OF ALBANY CITY COUNCIL DOES HEREBY RESOLVE AS**
11 **FOLLOWS:**

12
13 **A. FINDINGS FOR APPROVAL CONSISTENT WITH SECTION 20.100.050 OF THE**
14 **ALBANY MUNICIPAL CODE:**

15
16 1. The project conforms to the General Plan, any applicable
17 specific plan, applicable design guidelines adopted by the City of Albany,
18 and all applicable provisions of this Chapter.

19
20 *Explanation: The City's General Plan ("General Plan") designates the*
21 *Property as Residential/Commercial (RC) and Creek Conservation Zone. The*
22 *Property is currently zoned San Pablo Commercial (SPC). The project meets*
23 *City zoning standards for location, intensity, and type of development.*

24
25 2. Approval of project design is consistent with the purpose
26 and intent of this section.

1 *Explanation: The proposal is in scale and harmony with existing*
2 *development in the vicinity of the site. The architectural style, design and*
3 *building materials are of high quality and appropriate for the setting. The*
4 *proposed project will provide safe and convenient access to the property. The*
5 *building location at the San Pablo Ave. street face activates the street.*

6
7 3. Approval of the project is in the interest of the public
8 health, safety and general welfare.

9
10 *Explanation: The proposed project will result is the development of*
11 *vacant land within a Priority Development Area and is expected to enhance the*
12 *economic vitality of the San Pablo Avenue commercial district. The project*
13 *represents a significant economic investment in the San Pablo Ave. corridor*
14 *and includes uses that serves the needs of the surrounding community. In*
15 *addition, the new business will support the health, safety, convenience and*
16 *welfare of those that reside in the area and would help maintain property,*
17 *improvements or potential future development in the area.*

18
19 4. The project is in substantial compliance with applicable
20 general and specific Standards for Review stated in subsection 20.100.050D.

21
22 *Explanation: As detailed in the accompanying staff report considered by*
23 *the Council, the project as designed is in substantial compliance with the*
24 *standards as stated, including access, architecture, natural features,*
25 *coordination of design details, retention and maintenance of buildings, and*
26 *privacy.*

1 5. The City-adopted San Pablo Avenue Design Guidelines have
2 been considered and incorporated in the project.

3
4 *Explanation: The project is generally consistent with the intent of the*
5 *San Pablo Avenue Design Guidelines to revitalize this district and create*
6 *special locations along the street. While the senior housing block does not*
7 *provide retail development along San Pablo Avenue, it does provide a*
8 *horizontal mix of uses with retail planned along Monroe Street and housing*
9 *planned along San Pablo Avenue. Additionally, the grocery store site is*
10 *directly adjacent, providing retail fronting both San Pablo Avenue and Monroe*
11 *Street.*

12
13 This site plan configuration is consistent with site planning
14 recommendations from other local developers. In particular, during Fall 2012,
15 the University of California sought proposals from retail real estate
16 developers. Three different development teams met with City staff and during
17 these meetings expressed their view that retail space in this area of San
18 Pablo Avenue would not attract quality retail tenants. Moreover, the proposed
19 senior housing project contributes to the retail boulevard by enhancing
20 pedestrian activity on the street with new residents. It also reflects the
21 urban character of San Pablo Avenue with main entrances located on San Pablo
22 Avenue, large windows that provide transparency into common spaces, and new
23 street trees that introduce a pedestrian rhythm at the ground-floor. The re-
24 orientation of the retail portion of the project was discussed at the
25 Planning & Zoning Commission's May 8, 2013 meeting.

1 **B. FINDINGS FOR APPROVAL ESTABLISHED IN PLANNED UNIT DEVELOPMENT**
2 **RESOLUTION #2011-52 and RESOLUTION #2014-23:**

3
4 1. Provision of a high quality Senior Living Facility that
5 addresses a clear need for senior housing and care options in the City of
6 Albany, which currently has no senior assisted living facilities, and offers
7 residents a full range of living accommodations, on-site services and
8 recreational facilities so residents can remain in the community as they age.

9
10 *Explanation: The project includes 175 units of senior assisted living.*

11
12 2. Provision of a full service grocery store and smaller
13 retail shops in a location well served by public transit and convenient to a
14 large number of Albany residents, by foot, bicycle, and public transit, as
15 well as by car. This new commercial development will result in more retail
16 spending in Albany and a corresponding increase in sales tax revenue to the
17 City and will revitalize San Pablo Avenue and provide new jobs and other
18 significant economic benefits to the city.

19
20 *Explanation: The project includes 33,384 square feet of retail*
21 *development on Parcel A.*

22
23 3. A network of enhanced shared bicycle and pedestrian
24 pathways that link the project to the surrounding community, including the
25 following specific elements:

- 26 • Dedicated Bicycle and Pedestrian Crossing at the intersection of
27 Dartmouth Avenue and San Pablo Avenue;

- 1 • Approximately 1000 sq. ft. of shared bicycle and pedestrian
2 pathways on site including paths bordering Codornices and Village
3 Creeks, with potential for linkage to future off-site paths; and
4 • Extensive on-site bicycle parking including covered parking
5 adjacent to the grocery store and the community serving retail.

6
7 *Explanation: Bicycle and pedestrian improvements are included in the*
8 *project, including more than 1,200 linear feet of shared use paths.*

9
10 4. A Complete Streets approach that compliments the dedicated
11 bike and pedestrian pathways, including traffic calming measures, back in
12 angled parking at Monroe Avenue, enhanced sidewalks, opportunities for
13 outdoor sidewalk seating, extensive landscaping and storm water management
14 measures, and planting of mature trees at key locations.

15
16 *Explanation: The project incorporates complete street features with the*
17 *exception that the retail developer requests that the back-in parking not be*
18 *included in the project at this time due to their experience in other*
19 *projects.*

20
21 5. Participation of the Property Owner, and/or lessee of
22 Parcel B in the implementation of the approved Codornices Creek Restoration
23 project abutting the proposed project including the construction and/or
24 funding of bikeways, plazas and other open spaces and the delivery of the
25 necessary public right of way which in combination with grants obtained by
26 the City will result in an open space area exceeding 30,000 square feet.

27
28

1 *Explanation: The senior housing project exterior ground level open*
2 *space next to Codornices Creek, the adjacent University-owned property along*
3 *Codornices Creek, and abutting bikeway and landscape open space along 10th*
4 *Street exceed 30,000 square feet in area.*

5
6 6. Creation of a publically accessible creek-side linear open
7 space along Village Creek, through the provision of public path ways, benches
8 and the on-going management of Village Creek enabling public enjoyment of
9 approximately this 360 foot long riparian open space.

10
11 *Explanation: The project includes a shared use path along Village Creek*
12 *and requirement that the retail developer enter into a Village Creek*
13 *Management Plan.*

14
15 7. Enabling the creation of approximately 900 linear feet of
16 Class I bike path along Buchanan and Marin Streets through the delivery of
17 necessary public ROW to the City at no cost.

18
19 *Explanation: The City has successfully completed the project.*

20
21 **C. FINDINGS FOR APPROVAL ESTABLISHED IN PLANNED UNIT DEVELOPMENT**
22 **RESOLUTION #2011-52 and RESOLUTION #2014-23:**

23
24 1. Inclusionary Housing Requirements - The Council finds that in
25 October 2013, the California Supreme Court ruled that an
26 inclusionary housing requirement is an exaction rather than a land
27 use regulation, subject to nexus and proportionality requirements as
28 other exactions. In addition, the Second District Court of Appeal

1 ruled in *Palmer v. City of Los Angeles*, 175 Cal.App.4th 1396 (2009),
2 that an inclusionary housing requirement on a rental development
3 project violates the Costa-Hawkins Rental Housing Act. In October
4 2013, the Governor vetoed AB 1229, a bill intended designed to
5 overturn the Palmer ruling.
6

7 2. Open Space for Multi-Family Housing - The Commission finds that
8 interior activity areas in the senior housing building that are
9 connected to outdoor open space is consistent with the intent of the
10 requirement to provide open space and is particularly appropriate in
11 this instance in light of the use of the facility for senior housing
12 in which some residents main recreation will be conducted in indoor
13 common areas.
14

15 3. San Pablo Avenue Retail Frontage - The commission finds that the San
16 Pablo Avenue mixed use project street frontage in its entirety
17 includes 35% retail frontage, 19% roadway or pathway frontage, 19%
18 lobby and drop-off area for residential housing, 9% public plaza,
19 and 17% residential parking structure frontage. The Commissions
20 further has been advised that while UC Berkeley was soliciting
21 developers, City staff were approached by several interested
22 candidates. All candidates agreed that Monroe Street is better
23 suited than San Pablo Avenue for prosperous retail development. This
24 feedback is consistent with existing conditions along San Pablo
25 Avenue corridor in Albany and neighboring communities.
26

27 4. Multi-family Parking space dimensions - Pursuant to Planning and
28 Zoning Code Section 20.28.050.2.a the Commissions finds that the

1 applicant may make adjustments to parking space dimensions in order
2 to accommodate all required parking on one level within the
3 footprint of the building.

4
5 **D. FINDINGS RE COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY**
6 **ACT:**

7 1. The Design Review approval, as conditioned, is within the scope
8 of the EIR certified by the City Council in Resolution #2011-51, and the
9 addendum to the EIR approved on May 6, 2013. Nothing in the Design Review
10 approval, as conditioned, constitutes substantial changes to the project
11 studied in the EIR, or involves any new significant environmental effects, or
12 a substantial increase in the severity of previously identified significant
13 effects, than those evaluated in the EIR such that a subsequent or
14 supplemental EIR or negative declaration would be required pursuant to CEQA
15 Guidelines sections 15162 and 15163, and there is no substantial evidence to
16 the contrary.

17 2. None of the other conditions described in Section 15162 of the
18 CEQA Guidelines calling for the preparation of a subsequent EIR or negative
19 declaration have occurred.

20
21
22 **NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Albany
23 **hereby approves the Design Review for University Village Mixed Use Project at**
24 **1100 San Pablo Ave. subject to Exhibit A Conditions of Approval, Exhibit B**
25 **Project Plans.**

1 PASSED AND ADOPTED by the City Council of the City of Albany on the
2 3rd day of March 2014.

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AYES: *Council members: Atkinson, Barnes, Maass
Vice Mayor Wik + Mayor Thomsen*

NOES: *none*

ABSENT: *none*

ABSTAIN: *none*


MAYOR THOMSEN

ATTEST: 

Nicole Almaguer
Albany City Clerk

1 EXHIBIT A

2 CONSOLIDATED CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP AND DESIGN
3 REVIEW FOR 1100 SAN PABLO AVENUE FOR A SENIOR HOUSING DEVELOPMENT
4

5 *To ensure compliance with governmental regulations and consistency with*
6 *findings for approval, the following conditions of approval are incorporated*
7 *into the approval of the application. These conditions are summary in nature,*
8 *and it is the responsibility of the applicant to meet detailed project*
9 *requirements, including City policies and codes.*
10

11 SP-1 Development of the project shall be substantially in
12 conformance with the following plans: the Tentative Parcel Map submitted by
13 BKF Engineers on February 3, 2014 and approved December 11, 2013 by the
14 Planning & Zoning Commission, and as modified by the City Council on March 5,
15 2014; and the Architectural, Landscaping, and Lighting Plans submitted by
16 HKIT on September 5, 2013 and approved December 11, 2013 by the Planning &
17 Zoning Commission, and as modified by the City Council on March 5, 2014,
18 except as modified by the conditions contained herein.
19

20 SP-2 The project shall be developed and operated consistent with
21 the General Plan and Planning and Zoning Code, Subdivision Code, and
22 California Building Standards Code (including California Green Building
23 Code), except as modified by the Planned Unit Development approval for Parcel
24 A and B per Resolution No. 2011-52, Resolution No. 2014-023 and the Final EIR
25 Mitigation Monitoring and Reporting Program ("MMRP"), including the Addendum
26 and revised MMRP approved on May 6, 2013.
27

28 **SUSTAINABLE BUILDING REQUIREMENTS**

1
2 SP-3 Prior to approval of the final map by the City Engineer,
3 the applicant shall submit an application to amend design review approval to
4 demonstrate progress towards LEED Gold certification in accordance with the
5 City's Green Building program. The Sustainability Committee and the Planning
6 and Zoning Commission shall review the amendment.

7
8 SP-4 Consist with MMRP, as modified in the EIR addendum
9 (Resolution No. 2013-22), the applicant shall implement Mitigation Measure
10 GCC-1 to incorporate into the design and construction of the project:
11 resource-efficient construction and building materials, energy efficiency
12 measures, on-site renewable energy, water conservation and efficiency
13 measures, alternative transportation measures. [MMRP GCC-1, as amended by
14 Resolution No. 2013-22]

15
16 **PUBLIC ART REQUIREMENTS**

17
18 SP-5 The applicant has presented preliminary description of a
19 public art sculpture by artist Joseph Havel to the Arts Committee. The public
20 art is to be located near the southeast corner of the senior housing
21 building. Prior to approval of the final map by the City Engineer, the
22 applicant shall submit an application to amend design review approval to
23 incorporate public art components of the project consistent with the City of
24 Albany Municipal Code and the Public Arts Master Plan. The Arts Committee and
25 the Planning and Zoning Commission shall review the installation, including
26 specific design concept, materials, location, lighting, safety
27 considerations, etc. as described in the Public Art Master Plan.

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SP-11 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall submit details on all proposed storm drainage outlet structures demonstrating the minimum feasible disturbance to natural drainage patterns and natural use of energy dissipation.]

BICYCLE FACILITIES

SP-12 Not applicable (Cycle Track).

SP-13 Prior to issuance of any certificate of occupancy, the applicant shall install a bicycle facility on 10th Street from Monroe Street to Codornices Creek, as shown on Sheet TM-5 (Tentative Map submittal dated 8/15/13).

SP-14 Not applicable (bike lockers).

SP-15 Not applicable (retail bike parking).

TRANSIT FACILITIES

SP-16 Not applicable (Transit Stops).

BUILDING DESIGN

SP-17 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall incorporate into the

1 project glass surfaces that are non-mirrored or include non-reflective films,
2 coatings, and shading devices to reduce glare. The architectural detail
3 regarding glass shall be reviewed and approved by the City during the design
4 review process. [MMRP AES-1b]

5
6 SP-18 Prior to issuance of any grading permit or building permit
7 for any component of the project, the project applicant shall demonstrate
8 that trash enclosures shall be adequately sized to contain solid waste,
9 recycling, and composting containers; sufficiently screened; well designed
10 with architectural details; and treated with the same materials and/or colors
11 as the main building. [Also see SP-36 regarding trash enclosures in the
12 Grading, Flooding, and Drainage section.]

13
14 **LIGHTING**

15
16 SP-19 Prior to issuance of a building permit for any component of
17 the project, the project applicant shall submit a lighting plan for City
18 review and approval. The plan shall include provisions to ensure that outdoor
19 lighting is designed so that potential glare or light spillover to
20 surrounding properties, or the adjacent creeks, are minimized through
21 appropriate site design and shielding of light standards and in compliance
22 with California Green Building Code. The City will review the final site
23 plans to ensure that all lighting is directed downward and away from
24 surrounding properties. [MMRP AES-1a]

1 intersection approach and coordination with adjacent signals along San Pablo
2 Avenue). [MMRP TRANS-1]

3
4 SP-27 The applicant shall contribute the project's fair share to
5 Mitigation Measures TRANS-2, TRANS-3, TRANS-4, TRANS-5, TRANS-6, TRANS-9, and
6 TRANS-10:

7 o City of Berkeley's proposed roundabout at I-80 and Gilman
8 Street. [MMRP TRANS-2,3,4]

9 o City of Berkeley's plan to eliminate parking along the
10 north side of Gilman Street between Kains Avenue and San Pablo and provide an
11 additional travel lane on the westbound approach of the intersection. [MMRP
12 TRANS-5]

13 o Signalization of the Gilman Street/Hopkins Street
14 intersection, under jurisdiction of City of Berkeley. [MMRP TRANS-6 - no
15 plans in place]

16 o Signalization of the Buchanan Street/Eastshore Highway
17 intersection and provide a left-turn from northbound Eastshore Highway to
18 westbound Buchanan Street, in coordination with Caltrans, unless deemed
19 infeasible (see condition SP-27) [MMRP TRANS-9 - requires Caltrans approval,
20 no plans in place]

21 o Signalization of the Harrison Street/San Pablo Avenue
22 intersection and provide a left-turn from northbound Eastshore Highway to
23 westbound Buchanan Street, in coordination with Caltrans, unless deemed
24 infeasible (see condition SP-27) [MMRP TRANS-10 - requires Caltrans approval,
25 no plans in place]

26 SP-28 Prior to the approval of the final map by the City
27 Engineer, the applicant must obtain determination from the City that the
28 property owners and/or lessees have fulfilled obligations and cooperated

1 fully in the timely delivery of all required deeds, dedications, and other
2 documents associated with improvements at the Buchanan/Marin/San Pablo
3 improvement projects. [PUD Requirement]

4
5 SP-29 Prior to the issuance of a certificate of occupancy, the
6 property owners and/or lessees shall deposit funds with the City sufficient
7 to fund the cost of independent post-construction traffic monitoring, which
8 shall be initiated 6 to 10 months after completion of each phase of the
9 project, conducted while schools are in session, and continued periodically
10 if the Traffic and Safety Commission makes a determination that the project
11 is creating traffic capacity or safety issues. [PUD Requirement]

12
13 **ACCESS**

14
15 SP-30 The applicant shall implement one of the following four
16 improvements (as shown on Figures IV.A-16a and IV.A-16b of the University
17 Village at San Pablo Avenue Draft EIR) to improve pedestrian and bicycle
18 access across San Pablo Avenue between the proposed Class I path along
19 Codornices Creek and Dartmouth Street. [MMRP TRANS-12]

20 1. Install a high-intensity activated crosswalk (HAWK) traffic
21 signal [also known as pedestrian activated crossing signals] on San Pablo
22 Avenue at Dartmouth Street. HAWK signals operate by using traffic and
23 pedestrian/bicycle signal heads, but they are only activated when the
24 pedestrian push buttons or bicycle loop detectors are triggered; or

25 2. Signalize for pedestrians the San Pablo Avenue/Dartmouth
26 Street intersection and provide pedestrian countdown signal and high-
27 visibility crosswalk on both north and south approaches of San Pablo Avenue;
28 or

1 3. Install a two-stage signalized crossing with a six-foot
2 wide median refuge on San Pablo Avenue between Codornices Creek and Dartmouth
3 Street; or

4 4. Provide a two-stage unsignalized crossing with a median
5 refuge on San Pablo Avenue. This option would be similar to the previous
6 option except the crossings would not be signalized.

7
8 **IMPROVEMENTS REQUIRING CALTRANS APPROVAL**

9
10 SP-31 The tentative parcel map application includes improvements
11 to the San Pablo Avenue right-of-way (State Route 123) intended to
12 accommodate a two-way bike path and sidewalk on the west side of the street
13 from Village Creek to Codornices Creek and a pedestrian crossing of San Pablo
14 Avenue at Dartmouth Street. The proposed improvements require the Caltrans to
15 approve exceptions to adopted design standards. The Planning and Zoning
16 Commission acknowledges the applicants good faith efforts to implement the
17 proposed two-way bike path into the project.

18
19 In the event that Caltrans does not approve the proposed design
20 exceptions, and as a consequence the City Engineer or designee makes a
21 determination that construction of the proposed two-way bike path and
22 sidewalk as approved by the Planning and Zoning Commission is not feasible,
23 it is the Planning and Zoning Commission's intent that the applicant submits
24 a final map that incorporates maximum feasible bicycle and pedestrian
25 improvements. Determination of maximum feasible bicycle and pedestrian
26 improvements shall be based on established City policy and Caltrans design
27 standards. Improvements to be incorporated, including dedication of property

1 up to a maximum of two feet in depth abutting San Pablo Avenue if necessary,
2 including:

3
4 o Alternative design such as a shared use bicycle-pedestrian
5 facility.

6 o Elements of the San Pablo Avenue Streetscape and Pedestrian
7 Safety Project (Project #12) in the 2012 City of Albany Active Transportation
8 Plan, including installing a landscaped median where feasible (e.g., north of
9 Monroe Street) and converting Dartmouth Street to a right-in/right-out only
10 street by constructing a median within the center turn lane on San Pablo
11 Avenue.

12 o Public amenities required by the Final Environmental Impact
13 Report (and its Addendum) and the Planned Unit Development including
14 dedicated Bicycle and Pedestrian Crossing at the intersection of Dartmouth
15 Avenue and San Pablo Avenue, and a direct two-way bicycle access from the
16 intersection of Dartmouth and San Pablo south directly to the Codornices
17 Creek Type I bike path.

18 o Design and construction of transit stops consistent with AC
19 Transit design guidelines

20
21 SP-32 Pursuant to AMC Section 22-4.12, the City Engineer or
22 designee is authorized to approve minor changes to the map as consistent with
23 the intent and spirit of the Planning and Zoning Commission's approval, as
24 expressed in the findings and conditions of approval. Amendments to the
25 tentative map that in the opinion of the City Engineer or designee do not
26 reflect the intent of the Commission shall be presented to the Planning and
27 Zoning Commission for approval. Processing of such amendments shall be in
28

1 accordance with the provisions for processing a tentative map set forth in
2 the Municipal Code.

3
4 **PUBLIC WORKS CONDITIONS**

5
6 **ENGINEERING**

7 SP-33 The subdivision shall comply with Chapter XXII of the
8 Albany Municipal Code (Subdivision Ordinance) as determined by the City
9 Engineer, including but not limited to the Parkland Dedication requirements
10 contained in Section 22-8.4 of the Albany Municipal Code.

11
12 SP-34 Prior to approval of the final map by the City Engineer,
13 the applicant shall provide a written statement from the University of
14 California accepting the configuration of the remainder parcel is required
15 before action is taken on the tentative parcel map and confirming that the
16 applicant or the property owner will take responsibility for design and
17 construction and maintenance of all improvements within the identified
18 boundary.

19
20 SP-35 Prior to approval of the final map by the City Engineer,
21 please provide detail on the route, condition, and capacity of existing and
22 proposed sanitary sewer lines from the project site the EBRMUD interceptor
23 line located near I-80.

24
25 SP-36 Prior to approval of the final map by the City Engineer,
26 the applicant shall submit information showing the final location of all
27 easements, including the grantor, grantee, and purpose of each easement.

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HAZARDOUS MATERIALS

SP-37 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall provide the City with written confirmation from a qualified hazardous materials professional that all known hazardous materials within the project site have been remediated or removed as part of the building demolition process. [MMRP HAZ-1]

SP-38 Prior to issuance of any grading permit or building permit for any component of the project, the University shall provide the City with written confirmation from the California Department of Public Health that the Gill tract has been removed from the University's Radioactive Materials License and that the site is safe for unrestricted use. [MMRP HAZ-2]

GRADING AND DRAINAGE

SP-39 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall submit a site-specific geotechnical report prepared by a qualified and licensed geotechnical engineer. [MMRP GEO-1]

SP-40 Prior to approval of the final map by the City Engineer, the applicant shall submit and have approved by the City Engineer a grading and drainage plan.

1
2 SP-47 The applicant shall complete the public amenities prior to
3 the occupancy of the first phase of the project. [PUD Requirement]

4
5 SP-48 Prior to approval of the final map by the City Engineer,
6 the applicant shall submit and have approved by the City improvement plans:
7 including curb, sidewalk, driveways, waterlines, fire hydrants, street
8 lights, sanitary sewer laterals, storm drains, traffic medians, traffic signs
9 and pavement striping and any improvement within the public right of way or
10 easements dedicated to the public.

11
12 SP-49 Prior to the final construction plan approval, the project
13 applicant shall replace and/or rehabilitate existing sewer pipes within the
14 project site to decrease groundwater infiltration and shall ensure any new
15 wastewater collection systems for the project site are constructed to prevent
16 I/I to the maximum extent feasible. [MMRP UTIL-2]

17
18 **FIRE PROTECTION**

19
20 SP-50 Prior to approval of the final map by the City Engineer,
21 the Albany Fire Department and East Bay Municipal Utility District (EBMUD)
22 shall review and approve plans to ensure the provision of adequate water fire
23 flows. Should water infrastructure upgrades or installation be necessary to
24 meet the requirements, the City and EBMUD shall require and approve
25 infrastructure improvements by the applicant prior to the issuance of a
26 grading permit. An occupancy permit for the proposed project shall not be
27 issued until the City of Albany has confirmed adequate fire flow is
28 available. [MMRP UTIL-1]

1 SP-51 Prior to the final construction plan approval, the project
2 applicant shall establish a red curb "Fire Zone" parking area on San Pablo
3 Avenue for public safety personnel responding to a call for service at the
4 senior housing facility. [MMRP UTIL-2]

5
6 **EASEMENTS AND AGREEMENTS**

7
8 SP-52 Prior to recording the parcel map, the applicant shall
9 enter into the City's subdivision improvement agreement for the construction
10 of public improvements associated with this project.

11
12 SP-53 Prior to recording the parcel map, the applicant shall
13 submit performance and payment bonds or other suitable security for public
14 improvements in conformance with the City code and Subdivision Map Act
15 supported by a cost estimate prepared by a Registered Civil Engineer.

16
17 SP-54 While the project is under development, the University
18 shall meet its commitments to existing policies, plans, and agreements
19 related to University Village, including Little League fields, Codornices
20 Creek, bicycle access, and CEQA mitigations. [PUD Requirement]

21
22 SP-55 Not applicable (Shared Retail Parking).

23
24 SP-56 The applicant shall obtain the necessary encroachment
25 permit from Caltrans before commencing any construction activities within San
26 Pablo Avenue.

1 **COMMON AREA AGREEMENT**

2

3 SP-57 To ensure compliance with the provisions of Albany

4 Municipal Code Chapter 22 (Subdivision) and to provide for the orderly

5 development and operation of an integrated mixed-use development project,

6 prior to the City approval of the Final Map, the applicant shall provide the

7 City for review and comment a draft Common Area Agreement with the property

8 owner (UC Regents). The final form of the Common Area Agreement shall include

9 the following provisions:

10 o Upon execution and recordation, a copy of the Common Area

11 Agreement shall be provided to the City.

12 o The Common Area Agreement shall run with the land.

13 o The Common Area Agreement shall clearly define the common

14 areas and improvements subject to the agreement.

15 o The Common Area Agreement shall be incorporated by

16 reference into any required improvements plans.

17 o The Common Area Agreement shall specify the parties

18 responsible for design, permitting, construction, and maintenance, including

19 performance criteria for timely construction in compliance with City or

20 Caltrans standards and adequate maintenance of the common area improvements.

21 o The Common Area Agreement shall specify cost sharing for

22 construction and maintenance of improvements associated with the project.

23 o The Common Area Agreement shall specify responsibility for

24 enforcement of parking regulations.

25 o The parties to the Common Area Agreement have the

26 obligation to enforce of all the provisions of the agreement. The City shall

27 be named as a third party beneficiary to the agreement, with the right, but

28 not the obligation to enforce the responsibilities of the Association.

1 include emissions control measures in construction specifications for the
2 project. [MMRP AIR-1b]

3
4 SP-61 Prior to issuance of any grading permit or building permit
5 for any component of the project, the applicant shall mitigate construction
6 noise as follows:

7 o All construction equipment must have appropriate sound
8 muffling devices, which shall be properly maintained and used at all times
9 such equipment is in operation. [MMRP NOISE-1a]

10 o Where feasible, the project contractor shall place all
11 stationary construction equipment so that emitted noise is directed away from
12 sensitive receptors nearest the project site. [MMRP NOISE-1b]

13 o The construction contractor shall locate on-site equipment
14 staging areas to maximize the distance between construction-related noise
15 sources and noise-sensitive receptors nearest the project site during. [MMRP
16 NOISE-1c]

17 o Except as otherwise permitted, construction activities
18 shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. weekdays and
19 Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and legal holidays. [MMRP
20 NOISE-1d]

21
22 SP-62 Best management practices (BMPs) shall be implemented
23 during all construction activities to prevent erosion and sedimentation into
24 the stream and to prevent the spill of contaminants around the stream. These
25 BMPs shall be described in a Stormwater Pollution Prevention Plan (SWPPP)
26 that shall be prepared in compliance with Regional Water Quality Control
27 Board requirements. [MMRP BIO-1b]

1 SP-63 Prior to issuance of any grading permit or building permit
2 for any component of the project, pre-construction surveys shall be conducted
3 by a qualified biologist during the months of March through August, no more
4 than 30 thirty days prior to the start of grading or vegetation removal. Pre-
5 construction surveys are not required if construction activities are
6 restricted to the non-nesting season (September through February). [MMRP BIO-
7 2]

8
9 SP-64 Prior to the start of creek de-watering (if necessary) and
10 outfall installation, Codornices Creek shall be surveyed by a qualified
11 biologist for the presence of western pond turtles. If present, the western
12 pond turtle individuals shall be relocated to suitable habitat upstream or
13 downstream of the project site to avoid killing or injuring such individuals.
14 [MMRP BIO-3]

15
16 SP-65 Prior to issuance of any grading permit or building permit
17 for any component of the project that will affect eucalyptus, pine, and
18 cypress groves on the project site during the period between September and
19 March, preconstruction surveys by a qualified biologist shall be conducted in
20 the tree groves. If Monarch butterflies are found to be utilizing any of the
21 trees as a winter colony site, construction in the vicinity of those trees
22 shall be avoided and the removal of trees around the colony shall be avoided
23 or postponed until after the butterflies have left for the breeding season.
24 [MMRP BIO-4]

25
26 SP-66 Prior to issuance of any grading permit or building permit
27 for any component of the project, the project contractor shall comply with
28 the City of Albany Municipal Code relating to grading projects, erosion

1 control, and discharge regulations and requirements (Chapter XX, Section 15-
2 4.7). In addition, the project applicant shall prepare a SWPPP designed to
3 reduce potential impacts to surface water quality through the construction
4 period of the project. [MMRP HYDRO-1]

5
6 SP-67 the construction-period SWPPP shall include provisions for
7 the proper management of construction-period dewatering effluent. [MMRP
8 HYDRO-2]

9
10 SP-68 Prior to issuance of any grading permit or building permit
11 for any component of the project, the project applicant and City of Albany
12 shall ensure that the proposed project drainage design meets all the
13 requirements of the current Countywide NPDES Permit (NPDES Permit No.
14 CAS0029831), as amended. [MMRP HYDRO-3]

15 SP-69 During grading and construction, should an archaeological
16 resource be encountered, the construction contractor shall halt construction
17 in the vicinity of the find and shall notify the City. [MMRP CULT-1]

18
19 SP-70 During grading and construction, if paleontological
20 resources are encountered, all work within 25 feet of the discovery shall be
21 redirected until a qualified paleontologist has assessed the discoveries and
22 made recommendations. [MMRP CULT-2]

23
24 SP-71 During grading and construction, if human remains are
25 encountered, work within 25 feet of the discovery shall be redirected and the
26 Alameda County Coroner notified immediately. At the same time, an
27 archaeologist shall be contacted to assess the situation and consult with the
28 appropriate agencies. [MMRP CULT-3]

1
2 SP-72 Prior to issuance of any grading permit or building permit
3 for any component of the project, the applicant shall submit post-
4 construction best management practices (BMPs) for the project prior to
5 initiating construction and final construction plan approval. The BMPs shall
6 address long-term operation and management of the project to avoid water
7 quality degradation and other potential adverse impacts to Codornices Creek.
8 [MMRP - BIO-1c]

9
10 SP-73 Prior to issuance of any grading permit or building permit
11 for any component of the project, the applicant shall demonstrate that trash
12 enclosures shall comply with Best Management Practices, in accordance with
13 the Clean Water Act, and shall include roof, impervious floor surface which
14 drains to an inlet, direct connection to the sanitary sewer, adjacent grades
15 to prevent run-on/run-off, and grease trap and/or oil and water separator.

16
17 **PARKLAND DEDICATIONS**

18
19 SP-74A The applicant shall satisfy fulfillment of the parkland
20 dedication requirement, per Planning and Zoning Code Section 22-8.4, by
21 providing an easement for the Codornices Creek Restoration project. The
22 easement shall be substantially in conformance with the extent of the area in
23 the Open Space Exhibit (Sheet EXH-1) submitted by HKIT on August 2, 2013.

24
25 **GENERAL PROJECT CONDITIONS**

26
27 Gen-1 Project Approval - This approval for Tentative Parcel Map
28 and Design Review, as substantially provided in the staff report, may be

1 modified by conditions herein. Plans include the report and project
2 correspondence, as presented to the Planning and Zoning Commission on
3 November 20, 2013 and December 11, 2013. For any condition herein that
4 requires preparation of a Final Plan where the project developer has
5 submitted a conceptual plan, the project developer shall submit final plan(s)
6 in substantial conformance with the conceptual plan, but incorporate the
7 modifications required by the conditions herein for approval by the City.

8
9 GEN-2 Project Approval Expiration. - This Tentative Map approval
10 will expire pursuant to the provisions of the California Subdivision Map Act
11 and the Subdivision Chapter of the Albany Municipal Code unless a building
12 permit has been issued and construction diligently pursued. The Design Review
13 approval will expire one year after final approval unless a building permit
14 has been issued and construction diligently pursued. The approval may be
15 renewed by the Community Development Director for a period up to an
16 additional two (2) years, provided that, at least ten (10) days prior to
17 expiration of one (1) year from the date when the approval becomes effective,
18 an application for renewal of the approval is filed with the Community
19 Development Department. The Community Development Director may grant a
20 renewal of an approval where there is no change in the original application,
21 or there is no request to change any condition of approval.

22
23 Gen-3 Fees - The applicant shall pay all City and other related
24 fees applicable to the property, as may be modified by conditions herein.
25 Fees shall be based on the current fee structure in effect at the time the
26 relevant permits are secured, and shall be paid prior to issuance of said
27 permit. Notice shall be taken specifically of Plan Check, Engineering, Fire
28 and Inspection Fees. The project developer shall also reimburse the City for

1 direct costs of planning; building and engineering plan check and inspection,
2 as mutually agreed between the City and developer.

3
4 GEN-4 Appeals - The Albany Municipal Code provides that any
5 action of the Planning staff may be appealed to the Planning and Zoning
6 Commission, and any action of the Planning and Zoning Commission may be
7 appealed to the City Council as per the procedures described in Section
8 20.100.080.

9
10 GEN-5 Requirement for Building Permit - Approval granted by
11 the Planning and Zoning Commission does not constitute a building permit or
12 authorization to begin any grading, construction or demolition. An
13 appropriate permit issued by the Community Development Department must be
14 obtained prior to constructing, enlarging, moving, converting, or demolishing
15 any building or structure within the City.

16
17 GEN-6 Fire Department Approval - As part of a building
18 permit application, the applicant shall submit written documentation that all
19 requirements of the Albany Fire Department have, or will be, met to the
20 satisfaction of the AFD.

21
22 GEN-7 Engineering Approval - As part of a building permit
23 application, the applicant shall submit written documentation that all
24 requirements of the Public Works Department have, or will be, met to the
25 satisfaction of the City Engineer.

26
27 GEN-8 Construction Hours - Construction activity shall be
28 restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays,

1 and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise
2 approved in writing by the City Engineer for general construction activity.
3 Failure to comply with construction hours may result in stop work orders or
4 other administrative actions.

5
6 GEN-9 Archeological Remains - In the event subsurface
7 archeological remains are discovered during any construction or
8 preconstruction activities on the site, all land alteration work within 100
9 feet of the find shall be halted, the Community Development Department
10 notified, and a professional archeologist, certified by the Society of
11 California Archeology and/or the Society of Professional Archeology, shall be
12 notified. Site work in this area shall not occur until the archeologist has
13 had an opportunity to evaluate the significance of the find and to outline
14 appropriate mitigation measures, if deemed necessary. If prehistoric
15 archeological deposits are discovered during development of the site, local
16 Native American organizations shall be consulted and involved in making
17 resource management decisions.

18
19 GEN-10 Modifications to Approved Plans - The project shall be
20 constructed as approved. Planning staff may approve minor modifications in
21 the project design, but not the permitted land use (per Municipal Code
22 Section 20.12). A change in an item requiring discretionary approval and any
23 other changes deemed appropriate by the Planning staff shall require further
24 Planning and Zoning Commission approval through the Design Review process.

25
26 GEN-11 Hold Harmless Agreement - Pursuant to Government Code
27 Section 66474.9, the applicant (including any agent thereof) shall defend,
28 indemnify, and hold harmless, the City of Albany and its agents, officers and

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

7
8 GEN-12 Public Improvements Standards - Public improvements shall
9 be designed and constructed in accordance with the City's Standard
10 Specifications and Standard Details, unless specifically waived in writing by
11 the City Engineer. Licensed design professional shall identify non-standard
12 design features and provides a written justification containing a rationale
13 or written evidence to support the use of the design exception.

14
15 **DESIGN CONDITIONS**

16
17 **ARCHITECTURE CONDITIONS**

18
19 ARCH-1 Material Samples - Samples of final exterior materials and
20 the proposed color palette shall be submitted for review and approval by the
21 Community Development Department as part of building permit application.

22
23 ARCH-2 Final Architectural Drawings. The applicant shall submit
24 final architectural elevations, details and revisions for the review and
25 approval of the Community Development Department as part of building permit
26 application.

27
28 **LIGHTING CONDITIONS**

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

7
8 LGHT-2 Shielding of Lighting. - All accent lighting shall be
9 directed downward and, if necessary, fixed with cut-off lenses to ensure that
10 no glare spills onto neighboring properties.

11
12 **LANDSCAPING CONDITIONS**

13
14 LNDS-1 Pesticide/Fertilizer Application. Landscaping shall be
15 designed to minimize irrigation and runoff, promote surface infiltration
16 where appropriate, and minimize the use of fertilizers and pesticides that
17 can contribute to stormwater pollution. If a landscaping plan is required as
18 part of a development project application, the plan shall meet the following
19 conditions related to reduction of pesticide use on the project site:

20 a) Where feasible, landscaping shall be designed and operated
21 to treat stormwater runoff by incorporating elements that collect, detain,
22 and infiltrate runoff. In areas that provide detention of water, plants that
23 are tolerant of saturated soil conditions and prolonged exposure to water
24 shall be specified.

25 b) Plant materials selected shall be appropriate to cite
26 specific characteristics such as soil type, topography, climate, amount and
27 timing of sunlight, prevailing winds, rainfall, air movement, patterns of
28

1 land use, ecological consistency and plant interactions to ensure successful
2 establishment.

3 c) Existing native trees, shrubs, and ground cover shall be
4 retained and incorporated into the landscape plan to the maximum extent
5 practicable.

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

8

9 **GENERAL ENGINEERING CONDITIONS**

10

11 ENGR-1 Title Report. A recent preliminary title report for the
12 property, prepared within six months of the date of application, shall be
13 submitted to the City Engineer for review. If any interior lot line(s) exist,
14 the applicant must obtain approval of a minor lot line adjustment from the
15 City to remove the interior lot line(s), and cause that lot line adjustment
16 to be recorded before any building permits will be issued.

17

18 ENGR-3 Backflow Device. Any required water service for fire
19 protection purposes shall be equipped with a City approved backflow device.
20 Services for irrigation purposes also require a separate City approved
21 backflow prevention device.

22

23 **GRADING CONDITIONS**

24

25 GRAD-1 Grading Permit. Any grading required in association with
26 the project shall require a grading permit from the Community Development
27 Department. To obtain this permit, the applicant shall submit a grading plan,
28 indicating the extent and volumes of earth proposed to be moved.

1
2 GRAD-2 Demolition Permit. Site demolition shall not occur until
3 construction permits are issued for the development project. All demolition
4 shall be in accordance with permits issued by the City and Bay Area Air
5 Quality Management District (BAAQMD).

6
7 GRAD-3 Water on Site. The site shall be graded to prevent rainfall
8 runoff originating from improved areas on the project site from crossing onto
9 adjoining private property. Building floor elevations shall be above the
10 FEMA-mapped 100-year flood plain as established by a licensed civil engineer.
11 Provide the elevation and compaction certificates during and upon the
12 completion of grading required by the Uniform Building Code and in
13 conformance with the recommendations of the geotechnical engineer's report.
14 Shore and dewater all excavations in accordance with the requirements of the
15 geotechnical engineer's report.

16
17 GRAD-4 Flooding Damages. The project developer shall execute an
18 assumption of risk, indemnification and hold harmless agreement as required
19 by the City. The agreement, in substance, shall state that the project
20 developer, and any successor in interest, shall assume all risk for damages
21 to the project and to project improvements, flooding caused by surface water
22 intrusion, stormwater runoff, or water under the ground surface pressing on
23 or flowing or seeping through foundations, walls, floors, or paved surfaces,
24 basements, whether paved or not, or windows, doors or other openings, and
25 shall indemnify and hold the City harmless from any claims of such damages,
26 including third-party claims, of such damage or of such damages or of damages
27 arising from rainfall runoff which is not prevented from leaving the project
28 site in violation of Condition GRAD-3.

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

7
8 PUBIM-4 Right-of-Way Construction Standards. All improvements
9 within the public right-of-way, including curb, gutter, sidewalks, driveways,
10 paving and utilities, shall be reconstructed in accordance with approved
11 standards and/or plans and shall comply with the standard plans and
12 specification of the Community Development Department and Chapter 14 of the
13 City Code.

14
15 **FIRE DEPARTMENT CONDITIONS**

16
17 FIRE-1 California Fire Code. The project shall comply with the
18 California Fire Code requirements, as amended by the City of Albany, in
19 effect at the time of application for building permit.

20
21 FIRE-2 Gallons-per-Minute Requirement. The water system for fire
22 protection shall comply with City of Albany Fire Department standards. Fire
23 flow test data and water system plans must be provided at time of building
24 plan check. The plans must include all equipment, components and layout of
25 the system. Private fire protection water systems shall be supplied through
26 an approved backflow device per City Engineering Division standards.

1 FIRE-3 Distance from Fire Hydrant. Prior to approval of the final
2 map by the City Engineer, the distance from existing fire hydrants to the
3 building shall be verified and if necessary, a new hydrant shall be shown on
4 the plans and installed prior to combustible construction.

5
6 FIRE-4 Fire Access. Prior to issuance of the final map, the
7 applicant shall obtain approval from the Fire Marshal for fire apparatus
8 access to all buildings.

9
10 **STORMWATER CONDITIONS**

11
12 **STRUCTURAL CONTROL MEASURES**

13
14 STRUC-1 Illegal Dumping to Storm Drain Inlets and Waterways. On-
15 site storm drain inlets shall be clearly marked with the words "No Dumping!
16 Flows to Bay," or equivalent, using methods approved by the City of Albany.

17
18
19 **OPERATIONAL BEST MANAGEMENT PRACTICES (BUMPS)**

20
21 BMP-1 Paved Sidewalks and Parking Lots. Sidewalks and parking
22 lots shall be swept regularly to prevent the accumulation of litter and
23 debris. Debris resulting from pressure washing shall be trapped and collected
24 to prevent entry into the storm drain system. Wash water containing any soap,
25 cleaning agent or degreaser shall be collected and discharged to the sanitary
26 sewer and shall not be discharged to a storm drain. The applicant shall
27 contact the City Engineer for specific connection and discharge requirements.

1 BMP-2A Private Streets, Utilities and Common Areas. The owner of
2 private streets and storm drains shall prepare and implement a plan for
3 street sweeping of paved private roads and cleaning of all storm drain
4 inlets.

5
6 **GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES (BUMPS)**

7
8 BMP-GEN3 Responsibility of Contractors. The applicant is responsible
9 for ensuring that all contractors and subcontractors are aware of and
10 implement all stormwater quality control measures. Failure to comply with the
11 approved construction Bumps shall result in the issuance of correction
12 notices, citations and/or a project stop order.

13
14 BMP-CNST2 Collection of Construction Debris. Gather all construction
15 debris on a regular basis and place them in a dumpster or other container
16 that is emptied or removed on a weekly basis. When appropriate, use tarps on
17 the ground to collect fallen debris or splatters that could contribute to
18 stormwater pollution.

19
20 BMP-CNST3 Removal of Waste. Remove all dirt, gravel, rubbish, refuse
21 and green waste from the sidewalk, street pavement, and storm drain system
22 adjoining the project site. During wet weather, avoid driving vehicles off
23 paved areas and other outdoor work.

24
25 BMP-CNST4 Sweeping of Public Right-of-Way. Broom sweep the sidewalk
26 and public street pavement adjoining the project site on a daily basis. Caked
27 on mud or dirt shall be scraped from these areas before sweeping.

1 BMP-CNST5 Filter Materials at Storm Drain Inlet. Install filter
2 materials (such as sandbags, filter fabric, etc.) at the storm drain inlet
3 nearest the downstream side of the project site prior to:

- 4 a) start of the rainy season (October 1);
- 5 b) site dewatering activities;
- 6 c) street washing activities;
- 7 d) saw cutting asphalt or concrete; and
- 8 e) order to retain any debris or dirt flowing into the City
9 storm drain system.

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

13
14 BMP-CNST6 Containment of Materials. Create a contained and covered
15 area on the site for the storage of bags of cement, paints, flammables, oils,
16 fertilizers, pesticides, or any other materials used on the project site that
17 have the potential for being discharged to the storm drain system by wind or
18 in the event of a material spill.

19
20 BMP-CNST7 Cleaning of Equipment. Never clean machinery, tools,
21 brushes, etc., rinse containers into a street, gutter, storm drain, or
22 stream. See the Building Maintenance/ Remodeling flyer for more information.

23
24 BMP-CNST8 Minimize Removal of Natural Vegetation. Minimize removal of
25 natural vegetation or ground cover from the site in order to minimize the
26 potential for erosion and sedimentation problems. Replant the area as soon as
27 possible. All cut and fill slopes shall be stabilized as soon as possible
28 after grading is completed. No site grading shall occur between October 1 and

1 April 15 unless approved erosion and sedimentation control measures are in
2 place.

3

4 **PARKING CONDITIONS**

5

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

9

10 **ADDITIONAL CONDITION OF APPROVAL ADDED BY CITY COUNCIL ACTION**

11

12 Any deviation from design review plans and materials as approved shall
13 be reviewed by Planning and Zoning prior to issuance of a building permit.

14

15

16

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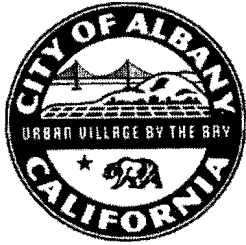
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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2014-29

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of March, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 6th
day of March, 2014.

Eileen Harrington
DEPUTY CITY CLERK