

1 CITY COUNCIL RESOLUTION 2014-28

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY, COUNTY OF  
4 ALAMEDA, STATE OF CALIFORNIA, APPROVING DESIGN REVIEW FOR RETAIL DEVELOPMENT  
5 AT 1095 MONROE STREET  
6

7 WHEREAS, On December 6, 2004, the City Council of the City of Albany  
8 adopted Ordinance #04-09 establishing Chapter XX "Planning and Zoning" of  
9 the Albany Municipal Code; and  
10

11 WHEREAS, Chapter XX established development standards and review  
12 procedures for new commercial and mixed use construction; and  
13

14 WHEREAS, the Albany City Council approved Resolution 93-4 adopting San  
15 Pablo Ave. Design Guidelines on January 19, 1993; and  
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17 WHEREAS, the San Pablo Ave. Design Guidelines specifically identify UC  
18 Village as having the greatest impact of any potential development on the  
19 Corridor and that the quality of buildings associated with the University of  
20 California should be directly related to the frontage of San Pablo Ave.; and  
21

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

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

13  
14           WHEREAS, on May 6, 2013, the City Council, acting as lead agency,  
15 approved Resolution 2013-22 of the Albany City Council modifying mitigation  
16 measure GCC-1 and the mitigation monitoring and reporting program for the  
17 University Village Mixed Use development and adopted an EIR addendum;

18  
19           WHEREAS, beginning in 2013, the Planning & Zoning Commission held a  
20 series of study sessions on the Planning, Zoning and Subdivision actions  
21 associated with the project;

22  
23           WHEREAS, the Planning & Zoning Commission held public hearings on May  
24 8, 2013, June 12, 2013, July 24, 2013, October 9, 2013, October 30, 2013,  
25 November 20, 2013 and December 11, 2013 to discuss the project design, scope,  
26 and improvements; and

1           WHEREAS, the formal application was filed by the applicant on August  
2 14, 2013;

3           WHEREAS, the application is for a retail use in the San Pablo  
4 Commercial Zoning District/University Village San Pablo Avenue Overlay  
5 District; and

6  
7           WHEREAS, an application for Design Review is being considered in a  
8 coordinated manner with other the other retail and senior housing elements of  
9 the of the proposed project;

10  
11           WHEREAS, the Planning & Zoning Commission held a public hearing on  
12 December 11, 2013 considered all public comments received, the presentation  
13 by City staff, the staff report, and all other pertinent documents regarding  
14 the proposed request;

15  
16           WHEREAS, the Planning & Zoning Commission approved Resolution 2013-09  
17 approving design review for the retail component of the project at 1095  
18 Monroe Street at its December 11, 2013 hearing;

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

23  
24           WHEREAS, an appeal of the Planning & Zoning Commission decision was  
25 filed with the City on December 20, 2013 by Edward Fields; and

26  
27           WHEREAS, a public hearing notice was mailed to property owners within  
28 300 ft. of the subject site and was posted in three public places on February

1 21, 2014 for the City Council hearing pursuant to Government Code Section  
2 65090; and

3  
4 WHEREAS, on March 5, 2014 the City Council held a public hearing,  
5 considered all public comments received, the presentation by City staff, the  
6 staff report, and all other pertinent documents regarding the proposed  
7 request; and

8  
9 WHEREAS, the City Council approved Resolution 2014-21 denying the  
10 appeal by Albany Housing Advocates and Amber Whitson c/o Naomi Young; and

11  
12 WHEREAS, the City Council approved Resolution 2014-22 denying the  
13 appeal by Edward Fields;

14  
15 WHEREAS supplementary information was added to the project plans in  
16 response to issues raised in the appeals;

17  
18 WHEREAS modifications to the project plans do no result in new or  
19 substantially more severe significant effects and no additional mitigation  
20 measures are required;

21  
22  
23 NOW, THEREFORE, THE CITY OF ALBANY CITY COUNCIL DOES HEREBY RESOLVE AS  
24 FOLLOWS:

25  
26 A. FINDINGS FOR APPROVAL CONSISTENT WITH SECTION 20.100.050 OF THE  
27 ALBANY MUNICIPAL CODE:  
28

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

4  
5           *Explanation: The City's General Plan ("General Plan") designates the*  
6 *Property as Residential/Commercial (RC) and Creek Conservation Zone. The*  
7 *Property is currently zoned San Pablo Commercial (SPC). The project meets*  
8 *City zoning standards for location, intensity and type of development.*

9  
10          2.           Approval of project design is consistent with the purpose  
11 and intent of this section.

12  
13          *Explanation: The proposal is in scale and harmony with existing*  
14 *development in the vicinity of the site. The architectural style, design and*  
15 *building materials are of high quality and appropriate for the setting and*  
16 *include corrugated steel and wood. The proposed project will provide safe*  
17 *and convenient access to the property. The building location at the San Pablo*  
18 *Ave. street face activates the street.*

19  
20          3.           Approval of the project is in the interest of the public  
21 health, safety and general welfare.

22  
23          *Explanation: The proposed project will result is the development of*  
24 *vacant land within a Priority Development Area and is expected to enhance the*  
25 *economic vitality of the San Pablo Avenue commercial district. The project*  
26 *represents a significant economic investment in the San Pablo Ave. corridor*  
27 *and includes uses that serves the needs of the surrounding community. In*  
28 *addition, the new business will support the health, safety, convenience and*

1 welfare of those that reside in the area and would help maintain property,  
2 improvements or potential future development in the area.

3  
4 4. The project is in substantial compliance with applicable  
5 general and specific Standards for Review stated in subsection 20.100.050D.

6  
7 *Explanation: As detailed in the accompanying staff report, the project*  
8 *as designed is in substantial compliance with the standards as stated,*  
9 *including access, architecture, natural features, coordination of design*  
10 *details, retention and maintenance of buildings, and privacy.*

11  
12 5. The City-adopted San Pablo Avenue Design Guidelines have  
13 been considered and incorporated in the project.

14  
15 *Explanation: The proposed project contributes to the retail boulevard*  
16 *and reflects the urban character of San Pablo Avenue with main entrances*  
17 *located on San Pablo Avenue.*

18  
19 **B. FINDINGS FOR APPROVAL ESTABLISHED IN PLANNED UNIT DEVELOPMENT**

20 **RESOLUTION #2011-52:**

21  
22 1. Provision of a high quality Senior Living Facility  
23 that addresses a clear need for senior housing and care options in the City  
24 of Albany, which currently has no senior assisted living facilities, and  
25 offers residents a full range of living accommodations, on-site services and  
26 recreational facilities so residents can remain in the community as they age.

27  
28 *Explanation: The project includes 175 units of senior assisted living.*

1  
2           2.     Provision of a full service grocery store and smaller  
3 retail shops in a location well served by public transit and convenient to a  
4 large number of Albany residents, by foot, bicycle, and public transit, as  
5 well as by car. This new commercial development will result in more retail  
6 spending in Albany and a corresponding increase in sales tax revenue to the  
7 City and will revitalize San Pablo Avenue and provide new jobs and other  
8 significant economic benefits to the city.

9  
10           *Explanation: The project includes 33,384 square feet of retail*  
11 *development on Parcel A.*

12  
13           3.     A network of enhanced shared bicycle and pedestrian  
14 pathways that link the project to the surrounding community, including the  
15 following specific elements:

16           •       Dedicated Bicycle and Pedestrian Crossing at the  
17 intersection of Dartmouth Avenue and San Pablo Avenue;

18           •       Approximately 1000 sq. ft. of shared bicycle and pedestrian  
19 pathways on site including paths bordering Codornices and Village Creeks,  
20 with potential for linkage to future off-site paths; and

21           •       Extensive on-site bicycle parking including covered parking  
22 adjacent to the grocery store and the community serving retail.

23  
24           *Explanation: Bicycle and pedestrian improvements are included in the*  
25 *project, including more than 1,200 linear feet of shared use paths.*

26  
27           4.     A Complete Streets approach that compliments the dedicated  
28 bike and pedestrian pathways, including traffic calming measures, back in

1 angled parking at Monroe Avenue, enhanced sidewalks, opportunities for  
2 outdoor sidewalk seating, extensive landscaping and storm water management  
3 measures, and planting of mature trees at key locations.

4  
5 *Explanation: The project incorporates complete street features with the*  
6 *exception that the retail developer requests that the back-in parking not be*  
7 *included in the project at this time due to their experience in other*  
8 *projects.*

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

15  
16 *Explanation: The senior housing project exterior ground level open*  
17 *space next to Codornices Creek, the adjacent University-owned property along*  
18 *Codornices Creek, and abutting bikeway and landscape open space along 10th*  
19 *Street exceed 30,000 square feet in area.*

20  
21 6. Creation of a publically accessible creek-side linear open  
22 space along Village Creek, through the provision of public path ways, benches  
23 and the on-going management of Village Creek enabling public enjoyment of  
24 approximately this 360 foot long riparian open space.

25  
26 *Explanation: The project includes a shared use path along Village Creek*  
27 *and requirement that the retail developer enter into a Village Creek*  
28 *Management Plan.*



1  
2           7.           Enabling the creation of approximately 900 linear feet of  
3 Class I bike path along Buchanan and Marin Streets through the delivery of  
4 necessary public ROW to the City at no cost.

5  
6           *Explanation: The City has successfully completed the project.*

7  
8           NOW THEREFORE BE IT RESOLVED by the City Council of the City of Albany  
9 hereby approves the Design Review for University Village Mixed Use Project at  
10 1095 Monroe St. subject to Exhibit A Conditions of Approval, Exhibit B  
11 Project Plans.

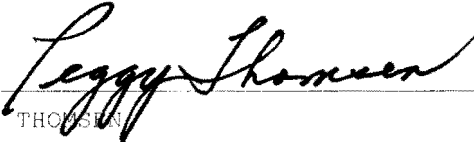
1 PASSED AND ADOPTED by the City Council of the City of Albany on the  
2 5<sup>th</sup> day of March 2014.


3  
4 AYES: *Council members: Atkinson, Barnes, Maass,*  
5 *Vice Mayor Wile + Mayor Thomsen*

6 NOES: *none*

7  
8 ABSENT: *none*

9  
10 ABSTAIN: *none*

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12  
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14 \_\_\_\_\_  
MAYOR THOMSEN

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16  
17 ATTEST:   
18 \_\_\_\_\_

19 Nicole Almaguer  
20 Albany City Clerk  
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1 EXHIBIT A

2 CONSOLIDATED CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP AND DESIGN  
3 REVIEW AT 1075/1095 MONROE STREET FOR A RETAIL 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 24, 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 Lowney Architects on February 20, 2014 and approved December 11, 2013 by the  
17 Planning & Zoning Commission, and as modified by the City Council on March 5,  
18 2014, 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

1                   **SUSTAINABLE BUILDING REQUIREMENTS**

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

8  
9           SP-4           Consist with MMRP, as modified in the EIR addendum  
10 (Resolution No. 2013-22), the applicant shall implement Mitigation Measure  
11 GCC-1 to incorporate into the design and construction of the project:  
12 resource-efficient construction and building materials, energy efficiency  
13 measures, water conservation and efficiency measures, alternative  
14 transportation measures. [MMRP GCC-1, as amended by 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 Gordon Huether to the Arts Committee. The  
20 public art is to be located near the southwest corner of the corner retail  
21 building (1095 Monroe). Prior to approval of the final map by the City  
22 Engineer, the applicant shall submit an application to amend design review  
23 approval to incorporate public art components of the project consistent with  
24 the City of Albany Municipal Code and the Public Arts Master Plan. The Arts  
25 Committee and the Planning and Zoning Commission shall review the  
26 installation, including specific design concept, materials, location,  
27 lighting, safety considerations, etc. as described in the Public Art Master  
28 Plan.

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**CREEK PROTECTION**

SP-6 Project shall be constructed consistent with the Zoning Ordinance (Chapter XX Planning and Zoning, Section 20.12.080 Overlay Districts).

SP-7 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant and City of Albany shall ensure that the site and structure design of the proposed project, including final landscape and drainage plans, do not interfere with the implementation of the Lower Codornices Creek Improvements Plan, as currently designed. [MMRP - HYDRO-4]

SP-8 Prior to approval of the final map by the City Engineer, the applicant shall provide a stream management plan for the portion of Village Creek abutting the proposed project, including a monthly inspection and repair program including trash removal and erosion control, monitoring of plantings including seasonal trimming/clearing and protection of the 16 trees identified for preservation on the Tree Preservation and Removal Plan, and installation and maintenance of informational signage and public benches. The Plan shall be submitted to the Community Development Director for review and approval prior to issuance of a grading permit.[PUD Requirement].

SP-9 Not applicable (Codornices Creek)

SP-10 Not applicable (Codornices Creek)

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

6  
7           **BICYCLE FACILITIES**

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9           SP-12           Prior to issuance of a building occupancy permit, the  
10 applicant shall install a two-way bicycle path ("cycle track") in the  
11 Caltrans right-of-way on the west side of San Pablo Avenue with direct access  
12 to Codornices Creek bike path. See condition SP-31, if this improvement is  
13 deemed infeasible.

14  
15           SP-13           Prior to issuance of any certificate of occupancy, the  
16 applicant shall install a bicycle facility along northern edge of Parcel A,  
17 as shown on Sheet TM-5 (Tentative Map submittal dated 8/15/13).

18  
19           SP-14           Prior to issuance of a building occupancy permit, the  
20 applicant shall install at least 4 secure bike lockers for bus commuters  
21 adjacent to the relocated 72 AC Transit bus stop.

22  
23           SP-15           Prior to issuance of a building occupancy permit, the  
24 applicant shall provide on-site bicycle parking to accommodate at least 34  
25 bicycles adjacent to the grocery store and the community serving retail.

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**TRANSIT FACILITIES**

SP-16 The applicant shall relocate the AC Transit 72-line bus stop and 52/18 lines bus stops and install a bus shelter in a location close to the grocery store entrance. The new locations and design shall be subject to approval by AC Transit and the City. Prior to the approval of the Final Map, the specific design details shall be developed in consultation with AC Transit representatives and reviewed by the Traffic and Safety Commission and the Planning and Zoning Commission. Consideration shall be given to stop location and amenities, traffic signal timing/coordination, design of bus stop and bus layover area, turning radii, street parking orientation, and dimensions of turning lanes [PUD Requirement].

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

SP-18 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall demonstrate that trash enclosures shall be adequately sized to contain solid waste, recycling, and composting containers; sufficiently screened; well designed with architectural details; and treated with the same materials and/or colors

1 as the main building. [Also see SP-36 regarding trash enclosures in the  
2 Grading, Flooding, and Drainage section.]

3  
4 **LIGHTING**

5  
6 SP-19 Prior to issuance of a building permit for any component of  
7 the project, the project applicant shall submit a lighting plan for City  
8 review and approval. The plan shall include provisions to ensure that outdoor  
9 lighting is designed so that potential glare or light spillover to  
10 surrounding properties, or the adjacent creeks, are minimized through  
11 appropriate site design and shielding of light standards and in compliance  
12 with California Green Building Code. The City will review the final site  
13 plans to ensure that all lighting is directed downward and away from  
14 surrounding properties. [MMRP AES-1a]

15  
16 **LANDSCAPING**

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18 SP-20 Prior to issuance of a building permit for any component of  
19 the project, the applicant shall submit revised landscape plans establishing  
20 a stronger connection between the proposed retail stores and the little  
21 league fields west of the project site, though streetscape treatments on  
22 Monroe Avenue such as outdoor seating, landscaping, and continuous pedestrian  
23 paths.

24  
25 SP-21 Prior to issuance of any grading permit or building permit  
26 for any component of the project, a final landscape and irrigation plan shall  
27 be submitted and approved by the City of Albany. The project shall comply  
28



1 with the requirements of Section 12-7 of the Albany Municipal Code "Water  
2 Efficient Landscaping" and the latest Bay Friendly Landscape policies.

3  
4 SP-22 Prior to issuance of a certificate of occupancy, the  
5 applicant shall install plantings and irrigations systems.

6  
7 **SIGNAGE**

8  
9 SP-23 A revised signage plan shall be approved by the Community  
10 Development Director prior to the issuance of building permits for the  
11 project.

12  
13 **STREETS AND SIDEWALKS**

14  
15 SP-24 The applicant shall provide a mid-block pedestrian crossing  
16 on Monroe Street as shown on Sheet TM-5 (Tentative Map submittal dated  
17 8/15/13).

18  
19 SP-25 The applicant shall provide a left-turn lane from eastbound  
20 Monroe Street onto northbound San Pablo, of a length specified by the City of  
21 Engineer.

22  
23 SP-26 The applicant shall work with Caltrans to optimize traffic  
24 signal timing parameters (i.e., allocation of green time for each  
25 intersection approach and coordination with adjacent signals along San Pablo  
26 Avenue). [MMRP TRANS-1]

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

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

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

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

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

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

23  
24 SP-28 Prior to the approval of the final map by the City  
25 Engineer, the applicant must obtain determination from the City that the  
26 property owners and/or lessees have fulfilled obligations and cooperated  
27 fully in the timely delivery of all required deeds, dedications, and other  
28

1 documents associated with improvements at the Buchanan/Marin/San Pablo  
2 improvement projects. [PUD Requirement]

3  
4 SP-29 Prior to the issuance of a certificate of occupancy, the  
5 property owners and/or lessees shall deposit funds with the City sufficient  
6 to fund the cost of independent post-construction traffic monitoring, which  
7 shall be initiated 6 to 10 months after completion of each phase of the  
8 project, conducted while schools are in session, and continued periodically  
9 if the Traffic and Safety Commission makes a determination that the project  
10 is creating traffic capacity or safety issues. [PUD Requirement]

11  
12 **ACCESS**

13  
14 SP-30 The applicant shall implement one of the following four  
15 improvements (as shown on Figures IV.A-16a and IV.A-16b of the University  
16 Village at San Pablo Avenue Draft EIR) to improve pedestrian and bicycle  
17 access across San Pablo Avenue between the proposed Class I path along  
18 Codornices Creek and Dartmouth Street. [MMRP TRANS-12]

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

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

10  
11 SP-34 Prior to approval of the final map by the City Engineer,  
12 the applicant shall provide a written statement from the University of  
13 California accepting the configuration of the remainder parcel is required  
14 before action is taken on the tentative parcel map and confirming that the  
15 applicant or the property owner will take responsibility for design and  
16 construction and maintenance of all improvements within the identified  
17 boundary.

18  
19 SP-35 Prior to approval of the final map by the City Engineer,  
20 please provide detail on the route, condition, and capacity of existing and  
21 proposed sanitary sewer lines from the project site the EBRMUD interceptor  
22 line located near I-80.

23  
24 SP-36 Prior to approval of the final map by the City Engineer,  
25 the applicant shall submit information showing the final location of all  
26 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.

**FLOOD CONTROL**

SP-41 Not applicable (flood zone)

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SP-42 Not applicable (flood zone).

**UTILITIES, INFRASTRUCTURE, AND IMPROVEMENT PLANS**

SP-43 Public improvements shall be designed and constructed by qualified licensed professional in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer. [PUD Requirement] Approval of non-standard design features requires a written justification containing a rationale or written evidence to support the use of the design exception.

SP-44 Electrical, gas, telephone and all other services and utilities shall be provided underground. Utility vaults should be placed underground wherever feasible. If not feasible, they must be screened and situated such that they are architecturally compatible and do not obstruct bicycle, pedestrian, or transit facilities. The location of all utility infrastructure shall be approved by the Community Development Director prior to construction.

SP-45 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall indicate existing and proposed streetlights and whether any existing streetlights are being relocated. The location and design of streetlights and related facilities shall be located such that they do not obstruct the obstruct bicycle, pedestrian, or transit facilities, subject to approval by the Community Development Director.



1 SP-46 Prior to issuance of any grading permit or building permit  
2 for any component of the project, the applicant shall complete the design of  
3 all of the public amenities. [PUD Requirement]

4  
5 SP-47 The applicant shall complete the public amenities prior to  
6 the occupancy of the first phase of the project. [PUD Requirement]

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

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

20  
21 **FIRE PROTECTION**

22  
23 SP-50 Prior to approval of the final map by the City Engineer,  
24 the Albany Fire Department and East Bay Municipal Utility District (EBMUD)  
25 shall review and approve plans to ensure the provision of adequate water fire  
26 flows. Should water infrastructure upgrades or installation be necessary to  
27 meet the requirements, the City and EBMUD shall require and approve  
28 infrastructure improvements by the applicant prior to the issuance of a

1 grading permit. An occupancy permit for the proposed project shall not be  
2 issued until the City of Albany has confirmed adequate fire flow is  
3 available. [MMRP UTIL-1]

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

8  
9 **EASEMENTS AND AGREEMENTS**

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

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

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

24  
25 SP-55 The applicant shall enter into a shared parking  
26 arrangement, granting Parcel B an easement on Parcel A to allow Parcel B  
27 users to park on Parcel A.

1           SP-56           The applicant shall obtain the necessary encroachment  
2 permit from Caltrans before commencing any construction activities within San  
3 Pablo Avenue.

4  
5           **COMMON AREA AGREEMENT**  
6

7           SP-57           To ensure compliance with the provisions of Albany  
8 Municipal Code Chapter 22 (Subdivision) and to provide for the orderly  
9 development and operation of an integrated mixed-use development project,  
10 prior to the City approval of the Final Parcel Map, the applicant shall  
11 provide the City for review and comment a draft Common Area Agreement with  
12 the property owner (UC Regents). The final form of the Common Area Agreement  
13 shall include the following provisions:

14           o           Upon execution and recordation, a copy of the Common Area  
15 Agreement shall be provided to the City.

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

17           o           The Common Area Agreement shall clearly define the common  
18 areas and improvements subject to the agreement.

19           o           The Common Area Agreement shall be incorporated by  
20 reference into any required improvements plans.

21           o           The Common Area Agreement shall specify the parties  
22 responsible for design, permitting, construction, and maintenance, including  
23 performance criteria for timely construction in compliance with City or  
24 Caltrans standards and adequate maintenance of the common area improvements.

25           o           The Common Area Agreement shall specify cost sharing for  
26 construction and maintenance of improvements associated with the project.

27           o           The Common Area Agreement shall specify responsibility for  
28 enforcement of parking regulations.

1           o           The parties to the Common Area Agreement have the  
2 obligation to enforce of all the provisions of the agreement. The City shall  
3 be named as a third party beneficiary to the agreement, with the right, but  
4 not the obligation to enforce the responsibilities of the Association.

5           o           The parties to the Common Area Agreement shall obtain  
6 approval from the City of Albany before any modifications or termination of  
7 the development agreement.

8           o           The City of Albany shall receive notice of assignment,  
9 transfer, or default by any of the parties to the Common Area Agreement.

10           o           The City shall have the right of immediate entry to all  
11 common areas at all times for the purpose of preserving health, safety, and  
12 public welfare.

13           o           In the event of default by the applicant, the property  
14 owner shall be responsible for performing the obligations of the Common Area  
15 Agreement.

16  
17           **CONSTRUCTION**

18  
19           SP-58           Prior to issuance of any grading permit or building permit  
20 for any component of the project, the applicant shall prepare a Construction  
21 Traffic Management and Routing Plan, subject to approval by the Public Works  
22 Director. [MMRP TRANS-13]

23  
24           SP-59           Prior to issuance of any grading permit or building permit  
25 for any component of the project, consistent with the guidance from the  
26 BAAQMD, the applicant shall require contractors to include dust control  
27 measures in construction specifications for the project, for demolition and  
28 construction phases. [MMRP AIR-1a]

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SP-60 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall require contractors to include emissions control measures in construction specifications for the project. [MMRP AIR-1b]

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

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

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

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

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

SP-62 Best management practices (BMPs) shall be implemented during all construction activities to prevent erosion and sedimentation into the stream and to prevent the spill of contaminants around the stream. These BMPs shall be described in a Stormwater Pollution Prevention Plan (SWPPP)

1 that shall be prepared in compliance with Regional Water Quality Control  
2 Board requirements. [MMRP BIO-1b]

3  
4 SP-63 Prior to issuance of any grading permit or building permit  
5 for any component of the project, pre-construction surveys shall be conducted  
6 by a qualified biologist during the months of March through August, no more  
7 than 30 thirty days prior to the start of grading or vegetation removal. Pre-  
8 construction surveys are not required if construction activities are  
9 restricted to the non-nesting season (September through February). [MMRP BIO-  
10 2]

11  
12 SP-64 Not applicable (Codornices Creek)

13  
14 SP-65 Prior to issuance of any grading permit or building permit  
15 for any component of the project that will affect eucalyptus, pine, and  
16 cypress groves on the project site during the period between September and  
17 March, preconstruction surveys by a qualified biologist shall be conducted in  
18 the tree groves. If Monarch butterflies are found to be utilizing any of the  
19 trees as a winter colony site, construction in the vicinity of those trees  
20 shall be avoided and the removal of trees around the colony shall be avoided  
21 or postponed until after the butterflies have left for the breeding season.  
22 [MMRP BIO-4]

23  
24 SP-66 Prior to issuance of any grading permit or building permit  
25 for any component of the project, the project contractor shall comply with  
26 the City of Albany Municipal Code relating to grading projects, erosion  
27 control, and discharge regulations and requirements (Chapter XX, Section 15-  
28 4.7). In addition, the project applicant shall prepare a SWPPP designed to

1 reduce potential impacts to surface water quality through the construction  
2 period of the project. [MMRP HYDRO-1]

3  
4 SP-67 the construction-period SWPPP shall include provisions for  
5 the proper management of construction-period dewatering effluent. [MMRP  
6 HYDRO-2]

7  
8 SP-68 Prior to issuance of any grading permit or building permit  
9 for any component of the project, the project applicant and City of Albany  
10 shall ensure that the proposed project drainage design meets all the  
11 requirements of the current Countywide NPDES Permit (NPDES Permit No.  
12 CAS0029831), as amended. [MMRP HYDRO-3]

13  
14 SP-69 During grading and construction, should an archaeological  
15 resource be encountered, the construction contractor shall halt construction  
16 in the vicinity of the find and shall notify the City. [MMRP CULT-1]

17  
18 SP-70 During grading and construction, if paleontological  
19 resources are encountered, all work within 25 feet of the discovery shall be  
20 redirected until a qualified paleontologist has assessed the discoveries and  
21 made recommendations. [MMRP CULT-2]

22  
23 SP-71 During grading and construction, if human remains are  
24 encountered, work within 25 feet of the discovery shall be redirected and the  
25 Alameda County Coroner notified immediately. At the same time, an  
26 archaeologist shall be contacted to assess the situation and consult with the  
27 appropriate agencies. [MMRP CULT-3]

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

8  
9           SP-73           Prior to issuance of any grading permit or building permit  
10 for any component of the project, the applicant shall demonstrate that trash  
11 enclosures shall comply with Best Management Practices, in accordance with  
12 the Clean Water Act, and shall include roof, impervious floor surface which  
13 drains to an inlet, direct connection to the sanitary sewer, adjacent grades  
14 to prevent run-on/run-off, and grease trap and/or oil and water separator.

15  
16           SP-74           Prior to the commencement of construction activity, the  
17 applicant must work with an ISA-certified arborist to establish the tree  
18 protection zone (TPZ) and critical root zone (CRZ) of all trees to be  
19 preserved. The ISA-certified arborist is to provide a tree protection plan  
20 and mitigation measures for all preserved trees that may potentially be  
21 impacted during construction. Prior to any grading work, the applicant must  
22 protect all existing trees being retained from damage due to soil compaction  
23 or construction activities. All trees to be retained within the grading or  
24 construction area shall be protected with chain link fencing or other rigid  
25 fence enclosure (minimum 5-foot high) acceptable by the Planning Director.  
26 Fenced enclosures for trees to be protected shall be erected at the dripline  
27 of trees or as established by an ISA-certified arborist to establish the CRZ  
28 in which no soil disturbance is permitted and activities are restricted.



1 Construction traffic and material storage must be kept away from tree root  
2 areas. If compaction to the upper 12-inch soil within the TPZ is proposed,  
3 then the applicant must apply at least a 4-inch layer of wood chips around  
4 all protected trees within the fenced area to reduce compaction from vehicles  
5 that inadvertently cross the barricades. Paving and other soil compacting  
6 material that encroaches within the TPZ should include an aeration system  
7 designed by an ISA-certified arborist. The applicant shall plan locations of  
8 trenching—including for utilities, cable TV and roof drains—to avoid all  
9 possible cuts beneath tree canopies.

10  
11 **GENERAL PROJECT CONDITIONS**

12  
13 Gen-1 Project Approval - This approval for Tentative Parcel Map  
14 and Design Review, as substantially provided in the staff report, may be  
15 modified by conditions herein. Plans include the report and project  
16 correspondence, as presented to the Planning and Zoning Commission on  
17 November 20, 2013 and December 11, 2013. For any condition herein that  
18 requires preparation of a Final Plan where the project developer has  
19 submitted a conceptual plan, the project developer shall submit final plan(s)  
20 in substantial conformance with the conceptual plan, but incorporate the  
21 modifications required by the conditions herein for approval by the City.

22  
23 GEN-2 Project Approval Expiration. - This Tentative Map approval  
24 will expire pursuant to the provisions of the California Subdivision Map Act  
25 and the Subdivision Chapter of the Albany Municipal Code unless a building  
26 permit has been issued and construction diligently pursued. The Design Review  
27 approval will expire one year after final approval unless a building permit  
28 has been issued and construction diligently pursued. The approval may be

1 renewed by the Community Development Director for a period up to an  
2 additional two (2) years, provided that, at least ten (10) days prior to  
3 expiration of one (1) year from the date when the approval becomes effective,  
4 an application for renewal of the approval is filed with the Community  
5 Development Department. The Community Development Director may grant a  
6 renewal of an approval where there is no change in the original application,  
7 or there is no request to change any condition of approval.

8  
9           Gen-3           Fees - The applicant shall pay all City and other related  
10 fees applicable to the property, as may be modified by conditions herein.  
11 Fees shall be based on the current fee structure in effect at the time the  
12 relevant permits are secured, and shall be paid prior to issuance of said  
13 permit. Notice shall be taken specifically of Plan Check, Engineering, Fire  
14 and Inspection Fees. The project developer shall also reimburse the City for  
15 direct costs of planning; building and engineering plan check and inspection,  
16 as mutually agreed between the City and developer.

17  
18           GEN-4           Appeals - The Albany Municipal Code provides that any  
19 action of the Planning staff may be appealed to the Planning and Zoning  
20 Commission, and any action of the Planning and Zoning Commission may be  
21 appealed to the City Council as per the procedures described in Section  
22 20.100.080.

23  
24           GEN-5           Requirement for Building Permit - Approval granted by  
25 the Planning and Zoning Commission does not constitute a building permit or  
26 authorization to begin any grading, construction or demolition. An  
27 appropriate permit issued by the Community Development Department must be  
28

1 obtained prior to constructing, enlarging, moving, converting, or demolishing  
2 any building or structure within the City.

3  
4 GEN-6 Fire Department Approval - As part of a building  
5 permit application, the applicant shall submit written documentation that all  
6 requirements of the Albany Fire Department have, or will be, met to the  
7 satisfaction of the AFD.

8  
9 GEN-7 Engineering Approval - As part of a building permit  
10 application, the applicant shall submit written documentation that all  
11 requirements of the Public Works Department have, or will be, met to the  
12 satisfaction of the City Engineer.

13  
14 GEN-8 Construction Hours - Construction activity shall be  
15 restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays,  
16 and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise  
17 approved in writing by the City Engineer for general construction activity.  
18 Failure to comply with construction hours may result in stop work orders or  
19 other administrative actions.

20  
21 GEN-9 Archeological Remains - In the event subsurface  
22 archeological remains are discovered during any construction or  
23 preconstruction activities on the site, all land alteration work within 100  
24 feet of the find shall be halted, the Community Development Department  
25 notified, and a professional archeologist, certified by the Society of  
26 California Archeology and/or the Society of Professional Archeology, shall be  
27 notified. Site work in this area shall not occur until the archeologist has  
28 had an opportunity to evaluate the significance of the find and to outline

1 appropriate mitigation measures, if deemed necessary. If prehistoric  
2 archeological deposits are discovered during development of the site, local  
3 Native American organizations shall be consulted and involved in making  
4 resource management decisions.

5  
6 GEN-10 Modifications to Approved Plans - The project shall be  
7 constructed as approved. Planning staff may approve minor modifications in  
8 the project design, but not the permitted land use (per Municipal Code  
9 Section 20.12). A change in an item requiring discretionary approval and any  
10 other changes deemed appropriate by the Planning staff shall require further  
11 Planning and Zoning Commission approval through the Design Review process.

12  
13 GEN-11 Hold Harmless Agreement - Pursuant to Government Code  
14 Section 66474.9, the applicant (including any agent thereof) shall defend,  
15 indemnify, and hold harmless, the City of Albany and its agents, officers and  
16 employees, from any claim, action, or proceeding against the City or its  
17 agents, officers or employees to attack, set aside, void, or annul the City's  
18 approval concerning this application, which action is brought within the time  
19 period provide for in Section 66499.37. The City will promptly notify the  
20 applicant of any such claim action or proceeding and cooperate fully in the  
21 defense.

22  
23 GEN-12 Public Improvements Standards - Public improvements shall  
24 be designed and constructed in accordance with the City's Standard  
25 Specifications and Standard Details, unless specifically waived in writing by  
26 the City Engineer. Licensed design professional shall identify non-standard  
27 design features and provides a written justification containing a rationale  
28 or written evidence to support the use of the design exception.

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**DESIGN CONDITIONS**

**ARCHITECTURE CONDITIONS**

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

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

**LIGHTING CONDITIONS**

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

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

**LANDSCAPING CONDITIONS**

1 LNDSC-1 Pesticide/Fertilizer Application. Landscaping shall be  
2 designed to minimize irrigation and runoff, promote surface infiltration  
3 where appropriate, and minimize the use of fertilizers and pesticides that  
4 can contribute to stormwater pollution. If a landscaping plan is required as  
5 part of a development project application, the plan shall meet the following  
6 conditions related to reduction of pesticide use on the project site:

7 a) Where feasible, landscaping shall be designed and operated  
8 to treat stormwater runoff by incorporating elements that collect, detain,  
9 and infiltrate runoff. In areas that provide detention of water, plants that  
10 are tolerant of saturated soil conditions and prolonged exposure to water  
11 shall be specified.

12 b) Plant materials selected shall be appropriate to cite  
13 specific characteristics such as soil type, topography, climate, amount and  
14 timing of sunlight, prevailing winds, rainfall, air movement, patterns of  
15 land use, ecological consistency and plant interactions to ensure successful  
16 establishment.

17 c) Existing native trees, shrubs, and ground cover shall be  
18 retained and incorporated into the landscape plan to the maximum extent  
19 practicable.

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

22  
23 **GENERAL ENGINEERING CONDITIONS**

24  
25 ENGR-1 Title Report. A recent preliminary title report for the  
26 property, prepared within six months of the date of application, shall be  
27 submitted to the City Engineer for review. If any interior lot line(s) exist,  
28 the applicant must obtain approval of a minor lot line adjustment from the

1 City to remove the interior lot line(s), and cause that lot line adjustment  
2 to be recorded before any building permits will be issued.

3  
4 ENGR-3 Backflow Device. Any required water service for fire  
5 protection purposes shall be equipped with a City approved backflow device.  
6 Services for irrigation purposes also require a separate City approved  
7 backflow prevention device.

8  
9 **GRADING CONDITIONS**

10  
11 GRAD-1 Grading Permit. Any grading required in association with  
12 the project shall require a grading permit from the Community Development  
13 Department. To obtain this permit, the applicant shall submit a grading plan,  
14 indicating the extent and volumes of earth proposed to be moved.

15  
16 GRAD-2 Demolition Permit. Site demolition shall not occur until  
17 construction permits are issued for the development project. All demolition  
18 shall be in accordance with permits issued by the City and Bay Area Air  
19 Quality Management District (BAAQMD).

20  
21 GRAD-3 Water on Site. The site shall be graded to prevent rainfall  
22 runoff originating from improved areas on the project site from crossing onto  
23 adjoining private property. Building floor elevations shall be above the  
24 FEMA-mapped 100-year flood plain as established by a licensed civil engineer.  
25 Provide the elevation and compaction certificates during and upon the  
26 completion of grading required by the Uniform Building Code and in  
27 conformance with the recommendations of the geotechnical engineer's report.

1 Shore and dewater all excavations in accordance with the requirements of the  
2 geotechnical engineer's report.

3  
4 GRAD-4 Flooding Damages. The project developer shall execute an  
5 assumption of risk, indemnification and hold harmless agreement as required  
6 by the City. The agreement, in substance, shall state that the project  
7 developer, and any successor in interest, shall assume all risk for damages  
8 to the project and to project improvements, flooding caused by surface water  
9 intrusion, stormwater runoff, or water under the ground surface pressing on  
10 or flowing or seeping through foundations, walls, floors, or paved surfaces,  
11 basements, whether paved or not, or windows, doors or other openings, and  
12 shall indemnify and hold the City harmless from any claims of such damages,  
13 including third-party claims, of such damage or of such damages or of damages  
14 arising from rainfall runoff which is not prevented from leaving the project  
15 site in violation of Condition GRAD-3.

16  
17 **INFRASTRUCTURE CONDITIONS**

18  
19 INFR-1 Sewer System Requirements. The sewer system for the subject  
20 building shall comply with Chapter 15 of the Albany Municipal Code and to the  
21 satisfaction of the City Engineer before Final Inspection approval of the  
22 construction permit.

23  
24 INFR-2 Two-Way Cleanout. Installation of a two-way curbside  
25 cleanout shall be required per Chapter 15 of the Albany City Code. This  
26 applies to all properties, including properties with a valid upper sewer  
27 lateral certificate of compliance. All 2-way curbside clean outs shall be  
28 fitted with a loose cap in accordance with the City's standard detail SS6.



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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 necessitated by the proposed project, as determined by the City Engineer,

1 shall be complete before issuance of a Certificate of Occupancy unless  
2 alternatives are approved in writing by the Albany City Engineer.

3  
4 **PUBLIC IMPROVEMENTS CONDITIONS**

5  
6 PUBIM-1 Encroachment Permit. The applicant shall obtain an  
7 encroachment permit from the Engineering Division before commencing any  
8 construction activities within any public right-of-way or easement.

9  
10 PUBIM-2 Debris Removal. All mud, dirt or construction debris  
11 carried off the construction site onto adjacent streets shall be removed each  
12 day. No materials shall be discharged onto a sidewalk, street, gutter, storm  
13 drain or creek.

14  
15 PUBIM-3 Damage to Street Improvements. Any damage to street  
16 improvements now existing, done during construction on, or adjacent to the  
17 subject property, shall be repaired to the satisfaction of the City Engineer  
18 at the full expense of the applicant. This shall include sidewalk repair,  
19 slurry seal, street reconstruction or others, as may be required by the City  
20 Engineer.

21  
22 PUBIM-4 Right-of-Way Construction Standards. All improvements  
23 within the public right-of-way, including curb, gutter, sidewalks, driveways,  
24 paving and utilities, shall be reconstructed in accordance with approved  
25 standards and/or plans and shall comply with the standard plans and  
26 specification of the Community Development Department and Chapter 14 of the  
27 City Code.

1           **FIRE DEPARTMENT CONDITIONS**

2  
3           FIRE-1           California Fire Code. The project shall comply with the  
4 California Fire Code requirements, as amended by the City of Albany, in  
5 effect at the time of application for building permit.  
6

7           FIRE-2           Gallons-per-Minute Requirement. The water system for fire  
8 protection shall comply with City of Albany Fire Department standards. Fire  
9 flow test data and water system plans must be provided at time of building  
10 plan check. The plans must include all equipment, components and layout of  
11 the system. Private fire protection water systems shall be supplied through  
12 an approved backflow device per City Engineering Division standards.  
13

14           FIRE-3           Distance from Fire Hydrant. Prior to approval of the final  
15 map by the City Engineer, the distance from existing fire hydrants to the  
16 building shall be verified and if necessary, a new hydrant shall be shown on  
17 the plans and installed prior to combustible construction.  
18

19           FIRE-4           Fire Access. Prior to issuance of the final map, the  
20 applicant shall obtain approval from the Fire Marshal for fire apparatus  
21 access to all buildings.  
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**STORMWATER CONDITIONS**

**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.

**OPERATIONAL BEST MANAGEMENT PRACTICES (BUMPS)**

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

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

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

BMP-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

1 approved construction Bumps shall result in the issuance of correction  
2 notices, citations and/or a project stop order.

3  
4 BMP-CNST2 Collection of Construction Debris. Gather all construction  
5 debris on a regular basis and place them in a dumpster or other container  
6 that is emptied or removed on a weekly basis. When appropriate, use tarps on  
7 the ground to collect fallen debris or splatters that could contribute to  
8 stormwater pollution.

9  
10 BMP-CNST3 Removal of Waste. Remove all dirt, gravel, rubbish, refuse  
11 and green waste from the sidewalk, street pavement, and storm drain system  
12 adjoining the project site. During wet weather, avoid driving vehicles off  
13 paved areas and other outdoor work.

14  
15 BMP-CNST4 Sweeping of Public Right-of-Way. Broom sweep the sidewalk  
16 and public street pavement adjoining the project site on a daily basis. Caked  
17 on mud or dirt shall be scraped from these areas before sweeping.

18  
19 BMP-CNST5 Filter Materials at Storm Drain Inlet. Install filter  
20 materials (such as sandbags, filter fabric, etc.) at the storm drain inlet  
21 nearest the downstream side of the project site prior to:

- 22 a) start of the rainy season (October 1);  
23 b) site dewatering activities;  
24 c) street washing activities;  
25 d) saw cutting asphalt or concrete; and  
26 e) order to retain any debris or dirt flowing into the City  
27 storm drain system.

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

4  
5 BMP-CNST6 Containment of Materials. Create a contained and covered  
6 area on the site for the storage of bags of cement, paints, flammables, oils,  
7 fertilizers, pesticides, or any other materials used on the project site that  
8 have the potential for being discharged to the storm drain system by wind or  
9 in the event of a material spill.

10  
11 BMP-CNST7 Cleaning of Equipment. Never clean machinery, tools,  
12 brushes, etc., rinse containers into a street, gutter, storm drain, or  
13 stream. See the Building Maintenance/ Remodeling flyer for more information.

14  
15 BMP-CNST8 Minimize Removal of Natural Vegetation. Minimize removal of  
16 natural vegetation or ground cover from the site in order to minimize the  
17 potential for erosion and sedimentation problems. Replant the area as soon as  
18 possible. All cut and fill slopes shall be stabilized as soon as possible  
19 after grading is completed. No site grading shall occur between October 1 and  
20 April 15 unless approved erosion and sedimentation control measures are in  
21 place.

22  
23 **PARKING CONDITIONS**

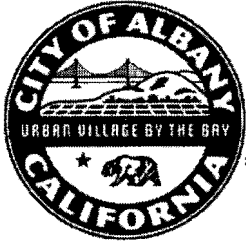
24  
25 PARK-1 - All parking solutions shall conform to the approved plans as  
26 shown in the plans, as described in condition GEN-1 and maintained available  
27 for parking as shown on approved plans.

1           ADDITIONAL CONDITION OF APPROVAL ADDED BY CITY COUNCIL ACTION

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

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# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

**RESOLUTION NO. 2014-28**

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