

1 CITY COUNCIL RESOLUTION 2014-26

2  
3 A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING A TENTATIVE PARCEL  
4 MAP TO CREATE A PARCEL AT 1100 SAN PABLO AVENUE FOR A SENIOR HOUSING  
5 DEVELOPMENT  
6

7 WHEREAS, in 1987 the City Council of the City of Albany adopted  
8 Ordinance #87-017 establishing Chapter XXII "Subdivision" of the Albany  
9 Municipal Code; and  
10

11 WHEREAS, Chapter XXII regulates and controls the division of land  
12 within the City and supplements the provisions of the Subdivision Map Act  
13 concerning the design, improvement, and survey data of subdivisions, the form  
14 and content of all required maps provided by the Subdivision Map Act and the  
15 procedure to be followed in securing the official approval of the City  
16 Engineer, Planning Department, Planning & Zoning Commission, and City Council  
17 regarding the maps; and  
18

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

25 WHEREAS, the City Council, acting as lead agency, prepared a draft and  
26 final Environmental Impact Report ("EIR") in accordance with the California  
27 Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et  
28 seq.;

1  
2           WHEREAS, on July 9, 2012 in Resolution #2011-51 certified that the EIR  
3 was completed in compliance with the requirements of CEQA and reflected the  
4 Council's independent judgment and analysis;

5  
6           WHEREAS, the City, in Resolution #2011-51 made certain findings in  
7 accordance with Public Resources Code section 21081 and section 15091 of the  
8 CEQA Guidelines regarding the Project's impacts on the environment.

9  
10           WHEREAS, the City, in Resolution #2011-51 adopted a Statement of  
11 Overriding Considerations for the Project, pursuant to Public Resources Code  
12 section 21081, subdivision (b).

13  
14           WHEREAS, the City, in Resolution #2011-51 adopted a Mitigation  
15 Monitoring and Reporting Program ("MMRP") for the Project, attached to  
16 Resolution #2011-51 as Exhibit A, pursuant to Public Resources Code section  
17 21081.6 and CEQA Guidelines section 15097.

18  
19           WHEREAS, on July 16, 2012, the City Council approved a series of  
20 policy-level actions associated with the University Village Mixed Use project  
21 including zoning map amendments, zoning text amendments, planned unit  
22 development, density bonus to accommodate a senior housing project, grocery  
23 store, and retail space;

24  
25           WHEREAS, on May 6, 2013, the City Council, acting as lead agency,  
26 approved Resolution 2013-22 of the Albany City Council modifying mitigation  
27 measure GCC-1 and the mitigation monitoring and reporting program for the  
28 University Village Mixed Use development and adopted an EIR addendum;

1  
2           WHEREAS, beginning in 2013, the Planning & Zoning Commission held a  
3 series of study sessions on the Planning, Zoning and Subdivision actions  
4 associated with tentative maps and design review for the project;

5  
6           WHEREAS, the Planning & Zoning Commission held public hearings on May  
7 8, 2013, June 12, 2013, July 24, 2013, October 9, 2013, October 30, 2013, and  
8 November 20, 2013 and December 11, 2013 to discuss the project design, scope,  
9 and improvements; and

10  
11           WHEREAS, the formal application for a tentative parcel map to create a  
12 parcel at 1100 San Pablo Avenue was filed by the applicant on August 14,  
13 2013;

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

17  
18           WHEREAS, an application for Design Review is being considered in a  
19 coordinated manner with other the other retail and senior housing elements of  
20 the of the proposed project;

21  
22           WHEREAS, the Planning & Zoning Commission held a public hearing on  
23 December 11, 2013 considered all public comments received, the presentation  
24 by City staff, the staff report, and all other pertinent documents regarding  
25 the proposed request;

1           WHEREAS, the Planning & Zoning Commission approved Resolution 2013-07  
2 approving the tentative map for the 1100 San Pablo Avenue senior housing  
3 component of the project 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;

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; and

1           WHEREAS supplementary information was added to the tentative map in  
2 response to issues raised in the appeals;

3  
4           WHEREAS modifications to the tentative map 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           NOW, THEREFORE, the City of Albany City Council does hereby RESOLVE as  
10 follows:

11           1. That the proposed tentative parcel map and design of improvements  
12 is consistent with the Albany General Plan.

13  
14           *Explanation: The map as proposed is consistent with the Albany General*  
15 *Plan. Compliance with conditions of approval including location and width of*  
16 *public and private utilities and associated easements, and dedication and*  
17 *improvement of roadways, further insures consistency with City policies and*  
18 *applicable ordinances.*

19  
20           2. That the site is physically suitable for the type of development.

21  
22           *Explanation: The project site is generally flat, although grading is*  
23 *required to improve site drainage. The size of the site is sufficiently large*  
24 *to accommodate proposed buildings, adequate setbacks, on-site parking and*  
25 *landscaping.*

26  
27           3. That the site is physically suitable for the density of development  
28 proposed.

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*Explanation: The proposed floor area ratio for the proposed project is consistent with the development regulations contained in Chapter 20 "Planning and Zoning" of the Albany Municipal Code and policies contained in the Albany General Plan.*

4. That the design of the subdivision and proposed improvements are not likely to result in substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

*Explanation: Based on information contained in the certified Environmental Impact Report and certified addendum, the proposed project would not result in significant impacts to either Codornices Creek or Village Creek, including fish or wildlife and their respective habitats.*

5. That the design of the subdivision and type of improvements is not likely to result in serious public health problems.

*Explanation: Conditions of project approval require installation of an upgraded sanitary sewer line through the site, an upgraded water line through the site and improvements to the on-site storm drain system. All site improvements are conditioned to meet City fire and building code requirements. With adherence to these and other conditions of project approval, public health problems would be minimal.*

6. That the design of the subdivision and type of improvements will not conflict with easements or access through or use of property within the proposed subdivision.

1  
2           *Explanation: Adherence to conditions of project approval will ensure*  
3 *that no conflicts with existing easements would occur.*  
4

5           FINDINGS RE COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT:

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

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

19           NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the  
20 City of Albany hereby approves the Tentative Map for University Village Mixed  
21 Use Project at 1100 San Pablo Ave. subject to Exhibit A Conditions of  
22 Approval, Exhibit B Tentative Parcel Map.  
23  
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28

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

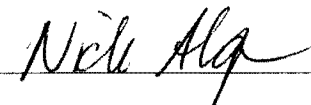
3  
4 AYES: *Council members: Atkinson, Barnes, Maass,*  
5 *Vice Mayor Wile + Mayor Thomsen*

6 NOES: *none*

7  
8 ABSENT: *none*

9  
10 ABSTAIN: *none*

11  
12  
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14   
MAYOR THOMSEN

15  
16  
17 ATTEST:   
18

19 Nicole Almaguer  
20 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.

1           **CREEK PROTECTION**

2  
3           SP-6           Project shall be constructed consistent with the Zoning  
4 Ordinance (Chapter XX Planning and Zoning, Section 20.12.080 Overlay  
5 Districts).

6  
7           SP-7           Prior to issuance of any grading permit or building permit  
8 for any component of the project, the project applicant and City of Albany  
9 shall ensure that the site and structure design of the proposed project,  
10 including final landscape and drainage plans, do not interfere with the  
11 implementation of the Lower Codornices Creek Improvements Plan, as currently  
12 designed. [MMRP - HYDRO-4]

13  
14          SP-8           Not applicable (Village Creek).

15  
16          SP-9           Prior to approval of the final map by the City Engineer,  
17 applicant shall demonstrate fulfillment of obligations and cooperated fully  
18 with the implementation of the approved Codornices Creek Restoration project  
19 abutting the proposed project. [PUD Requirement]

20  
21          SP-10          All grading and construction activities outside the parcel  
22 within the Codornices Creek right-of-way shall be completed between June 15  
23 and October 15 (i.e., outside the steelhead migration period). Should the  
24 project proponent demonstrate a need to conduct activities outside this time  
25 period, the Corps may authorize such activities after obtaining approval from  
26 NOAA Fisheries. During temporary de-watering of the stream (if required),  
27 pre-construction surveys by a qualified biologist shall be conducted. [MMRP  
28 BIO-1a]

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

7  
8 **BICYCLE FACILITIES**

9  
10 SP-12 Not applicable (Cycle Track).

11  
12 SP-13 Prior to issuance of any certificate of occupancy, the  
13 applicant shall install a bicycle facility on 10th Street from Monroe Street  
14 to Codornices Creek, as shown on Sheet TM-5 (Tentative Map submittal dated  
15 8/15/13).

16  
17 SP-14 Not applicable (bike lockers).

18  
19 SP-15 Not applicable (retail bike parking).

20  
21 **TRANSIT FACILITIES**

22  
23 SP-16 Not applicable (Transit Stops).

24  
25 **BUILDING DESIGN**

26  
27 SP-17 Prior to issuance of any grading permit or building permit  
28 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                   **LANDSCAPING**

2

3           SP-20           Not applicable (connection between retail and little league  
4 fields).

5

6           SP-21           Prior to issuance of any grading permit or building permit  
7 for any component of the project, a final landscape and irrigation plan shall  
8 be submitted and approved by the City of Albany. The project shall comply  
9 with the requirements of Section 12-7 of the Albany Municipal Code "Water  
10 Efficient Landscaping" and the latest Bay Friendly Landscape policies.

11

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

14

15                   **SIGNAGE**

16

17           SP-23           A revised signage plan shall be approved by the Community  
18 Development Director prior to the issuance of building permits for the  
19 project.

20

21                   **STREETS AND SIDEWALKS**

22

23           SP-24           Not applicable (Monroe mid-block crossing).

24

25           SP-25           Not applicable (eastbound Monroe turn lane).

26

27           SP-26           The applicant shall work with Caltrans to optimize traffic  
28 signal timing parameters (i.e., allocation of green time for each

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 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**

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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.

1           **HAZARDOUS MATERIALS**

2

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

8

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

14

15           **GRADING AND DRAINAGE**

16

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

21

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

1 **FLOOD CONTROL**

2

3 SP-41 Prior to issuance of any grading permit or building permit  
4 for any component of the project, the project applicant shall retain a  
5 qualified engineering or surveying professional to prepare a determination,  
6 including appropriate site plan sheet, of the precise location of the 100-  
7 year special flood hazard area boundaries for creeks in the vicinity of the  
8 project site. Based on this determination, if the project encroaches into the  
9 floodplain, consistent with the City of Albany Flood Damage Prevention  
10 Regulations, the applicant shall obtain a flood zone permit. The applicant  
11 shall comply with all requirements of the flood zone permit as imposed by the  
12 City. These recommendations and requirements are to be implemented in the  
13 planning and construction of the proposed project, to assure that the project  
14 will not impede or redirect flood flows, or present a significant risk of  
15 flood-related loss to people or structures. [MMRP - HYDRO-5]

16

17 SP-42 Prior to approval of the final map by the City Engineer,  
18 the applicant shall submit a request, to the satisfaction of the City  
19 Engineer, to the Federal Emergency Management Agency (FEMA) for a Letter of  
20 Map Revision (LOMR). The LOMR must show that the project would, upon  
21 construction, affect the hydrologic or hydraulic characteristics of a  
22 flooding source and thus result in the modification of the existing  
23 regulatory floodway, the effective base flood elevations, or Special Flood  
24 Hazard Area.



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

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

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

9 o In the event of default by the applicant, the property  
10 owner shall be responsible for performing the obligations of the Common Area  
11 Agreement.

12  
13 **CONSTRUCTION**

14  
15 SP-58 Prior to issuance of any grading permit or building permit  
16 for any component of the project, the applicant shall prepare a Construction  
17 Traffic Management and Routing Plan, subject to approval by the Public Works  
18 Director. [MMRP TRANS-13]

19  
20 SP-59 Prior to issuance of any grading permit or building permit  
21 for any component of the project, consistent with the guidance from the  
22 BAAQMD, the applicant shall require contractors to include dust control  
23 measures in construction specifications for the project, for demolition and  
24 construction phases. [MMRP AIR-1a]

25  
26 SP-60 Prior to issuance of any grading permit or building permit  
27 for any component of the project, the applicant shall require contractors to

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]

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

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

**PARKLAND DEDICATIONS**

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

**GENERAL PROJECT CONDITIONS**

Gen-1 Project Approval - This approval for Tentative Parcel Map 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.

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**INFRASTRUCTURE CONDITIONS**

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

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

INFR-3 Property Run-off Requirements. All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage system through the project site to an approved storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

INFR-4 Roof Drainage. Roof drainage from the structure shall be collected via a closed pipe and conveyed to an approved storm drain system off the street curb. No concentrated drainage of surface flow across

1 sidewalks shall be permitted. Alternative natural treatment measures are  
2 subject review and approval by the City Engineer.

3  
4 INFR-5 Hydraulic Calculations. The applicant shall submit  
5 hydraulic calculations, prepared by a California licensed civil engineer,  
6 necessary to determine if the existing water and sewer mains that serve this  
7 lot have available capacity for the addition of the proposed development. If  
8 capacity is not available, sewer and water mains of adequate size shall be  
9 designed and secured prior to issuance of building permits and constructed in  
10 a manner acceptable to the City Engineer prior to occupancy release, unless  
11 determined otherwise by the City Engineer.

12  
13 INFR-6 Completion of Off-Site Improvements. Off-site improvements  
14 necessitated by the proposed project, as determined by the City Engineer,  
15 shall be complete before issuance of a Certificate of Occupancy unless  
16 alternatives are approved in writing by the Albany City Engineer.

17  
18 **PUBLIC IMPROVEMENTS CONDITIONS**

19  
20 PUBIM-1 Encroachment Permit. The applicant shall obtain an  
21 encroachment permit from the Engineering Division before commencing any  
22 construction activities within any public right-of-way or easement.

23  
24 PUBIM-2 Debris Removal. All mud, dirt or construction debris  
25 carried off the construction site onto adjacent streets shall be removed each  
26 day. No materials shall be discharged onto a sidewalk, street, gutter, storm  
27 drain or creek.

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.

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

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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.

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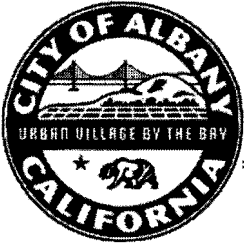
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# City of Albany

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

**RESOLUTION NO. 2014-26**

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