

1 CITY COUNCIL RESOLUTION 2014-25

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY, COUNTY OF  
4 ALAMEDA, STATE OF CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO CREATE A  
5 PARCEL AT 1080 MONROE STREET FOR A RETAIL 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  
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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, 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, on July 16, 2012, the City Council approved a series of  
7 policy-level actions associated with the University Village Mixed Use project  
8 including zoning map amendments, zoning text amendments, planned unit  
9 development, density bonus to accommodate a senior housing project, grocery  
10 store, and retail space;

11  
12           WHEREAS, on May 6, 2013, the City Council, acting as lead agency,  
13 approved Resolution 2013-22 of the Albany City Council modifying mitigation  
14 measure GCC-1 and the mitigation monitoring and reporting program for the  
15 University Village Mixed Use development and adopted an EIR addendum;

16  
17           WHEREAS, beginning in 2013, the Planning & Zoning Commission held a  
18 series of study sessions on the Planning, Zoning and Subdivision actions  
19 associated with the project;

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

24  
25           WHEREAS, the formal application was filed by the applicant on August  
26 14, 2013;

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

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

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

14           WHEREAS, the Planning & Zoning Commission approved Resolution 2013-06  
15 approving the tentative map for the 1080 Monroe Street retail component of  
16 the project at its December 11, 2013 hearing;  
17

18           WHEREAS, per the Planning & Zoning Commission action on December 11,  
19 2014, the Commission specified that the property at 1080 Monroe shall remain  
20 as a park or open space and shall be maintained by the applicants to prevent  
21 accumulation of construction and/or other debris; and  
22

23           WHEREAS, an appeal of the Planning & Zoning Commission decision was  
24 filed with the City on December 19, 2013 by Albany Housing Advocates and  
25 Amber Whitson c/o Naomi Young; and  
26  
27  
28

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

3  
4           WHEREAS, a public hearing notice was mailed to property owners within  
5 300 ft. of the subject site and was posted in three public places on February  
6 21, 2014 for the City Council hearing pursuant to Government Code Section  
7 65090; and

8           WHEREAS, on March 5, 2014 the City Council held a public hearing,  
9 considered all public comments received, the presentation by City staff, the  
10 staff report, and all other pertinent documents regarding the proposed  
11 request;

12  
13           WHEREAS, the City Council approved Resolution 2014-21 denying the  
14 appeal by Albany Housing Advocates and Amber Whitson c/o Naomi Young; and

15  
16           WHEREAS, the City Council approved Resolution 2014-22 denying the  
17 appeal by Edward Fields; and

18  
19           WHEREAS supplementary information was added to the tentative map in  
20 response to issues raised in the appeals;

21  
22           WHEREAS modifications to the tentative map do no result in new or  
23 substantially more severe significant effects and no additional mitigation  
24 measures are required;

25  
26           NOW, THEREFORE, the City of Albany City Council does hereby RESOLVE as  
27 follows:

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

3  
4           *Explanation: The map as proposed is consistent with the Albany General*  
5 *Plan. Compliance with conditions of approval including location and width of*  
6 *public and private utilities and associated easements, and dedication and*  
7 *improvement of roadways, further insures consistency with City policies and*  
8 *applicable ordinances.*

9  
10           2. That the site is physically suitable for the type of development.

11  
12           *Explanation: The project site is generally flat, although grading is*  
13 *required to improve site drainage. The size of the site is sufficiently large*  
14 *to accommodate proposed buildings, adequate setbacks, on-site parking and*  
15 *landscaping.*

16  
17           3. That the site is physically suitable for the density of development  
18 proposed.

19  
20           *Explanation: The proposed floor area ratio for the proposed project is*  
21 *consistent with the development regulations contained in Chapter 20 "Planning*  
22 *and Zoning" of the Albany Municipal Code and policies contained in the Albany*  
23 *General Plan.*

24  
25           4.           That the design of the subdivision and proposed  
26 improvements are not likely to result in substantial environmental damage or  
27 substantially and avoidable injure fish or wildlife or their habitat.

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

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

8  
9           *Explanation: Conditions of project approval require installation of an*  
10 *upgraded sanitary sewer line through the site, an upgraded water line through*  
11 *the site and improvements to the on-site storm drain system. All site*  
12 *improvements are conditioned to meet City fire and building code*  
13 *requirements. With adherence to these and other conditions of project*  
14 *approval, public health problems would be minimal.*

15  
16           6.           That the design of the subdivision and type of improvements will  
17 not conflict with easements or access through or use of property within the  
18 proposed subdivision.

19  
20           *Explanation: Adherence to conditions of project approval will ensure*  
21 *that no conflicts with existing easements would occur.*

22  
23           NOW THEREFORE BE IT RESOLVED by the City Council of the City of Albany  
24 hereby approves the Tentative Map for University Village Mixed Use Project at  
25 1080 Monroe St. subject to Exhibit A Conditions of Approval, Exhibit B  
26 Tentative Parcel Map.

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

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

6 NOES: *none*

7  
8 ABSENT: *none*

9  
10 ABSTAIN: *none*

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14 \_\_\_\_\_  
15 MAYOR THOMSEN

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

19 Nicole Almaquer  
20 Albany City Clerk

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**EXHIBIT A**  
**CONSOLIDATED CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP AT 1080**  
**MONROE STREET**

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

SP-1            Development of the project shall be substantially in conformance with the following plans: the Tentative Parcel Map submitted by BKF Engineers on February 24, 2014 and approved December 11, 2013 by the Planning & Zoning Commission, and as modified by the City Council on March 5, 2014.

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

**SUSTAINABLE BUILDING REQUIREMENTS**

SP-3            Prior to approval of the final map by the City Engineer, the applicant shall submit an application to amend design review approval to



1 demonstrate progress towards LEED Gold certification in accordance with the  
2 City's Green Building program. The Sustainability Committee and the Planning  
3 and Zoning Commission shall review the amendment.

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

11  
12 **CREEK PROTECTION**

13  
14 SP-6 Project shall be constructed consistent with the Zoning  
15 Ordinance (Chapter XX Planning and Zoning, Section 20.12.080 Overlay  
16 Districts).

17  
18 SP-7 Prior to issuance of any grading permit or building permit  
19 for any component of the project, the project applicant and City of Albany  
20 shall ensure that the site and structure design of the proposed project,  
21 including final landscape and drainage plans, do not interfere with the  
22 implementation of the Lower Codornices Creek Improvements Plan, as currently  
23 designed. [MMRP - HYDRO-4]

24  
25  
26 SP-9 Not applicable (Codornices Creek)

27  
28 SP-10 Not applicable (Codornices Creek)



1 review and approval. The plan shall include provisions to ensure that outdoor  
2 lighting is designed so that potential glare or light spillover to  
3 surrounding properties, or the adjacent creeks, are minimized through  
4 appropriate site design and shielding of light standards and in compliance  
5 with California Green Building Code. The City will review the final site  
6 plans to ensure that all lighting is directed downward and away from  
7 surrounding properties. [MMRP AES-1a]

8  
9 **LANDSCAPING**

10  
11 SP-20 Prior to issuance of a building permit for any component of  
12 the project, the applicant shall submit revised landscape plans establishing  
13 a stronger connection between the proposed retail stores and the little  
14 league fields west of the project site, though streetscape treatments on  
15 Monroe Avenue such as outdoor seating, landscaping, and continuous pedestrian  
16 paths.

17  
18 SP-21 Prior to issuance of any grading permit or building permit  
19 for any component of the project, a final landscape and irrigation plan shall  
20 be submitted and approved by the City of Albany. The project shall comply  
21 with the requirements of Section 12-7 of the Albany Municipal Code "Water  
22 Efficient Landscaping" and the latest Bay Friendly Landscape policies.

23  
24 SP-22 Prior to issuance of a certificate of occupancy, the  
25 applicant shall install plantings and irrigations systems.

26  
27 **SIGNAGE**



1  
2 SP-28 Prior to the approval of the final map by the City  
3 Engineer, the applicant must obtain determination from the City that the  
4 property owners and/or lessees have fulfilled obligations and cooperated  
5 fully in the timely delivery of all required deeds, dedications, and other  
6 documents associated with improvements at the Buchanan/Marin/San Pablo  
7 improvement projects. [PUD Requirement]

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

16  
17 **ACCESS**

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

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



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

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

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

**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

1 written confirmation from the California Department of Public Health that the  
2 Gill tract has been removed from the University's Radioactive Materials  
3 License and that the site is safe for unrestricted use. [MMRP HAZ-2]  
4

5 **GRADING AND DRAINAGE**

6  
7 SP-39 Prior to issuance of any grading permit or building permit  
8 for any component of the project, the project applicant shall submit a site-  
9 specific geotechnical report prepared by a qualified and licensed  
10 geotechnical engineer. [MMRP GEO-1]  
11

12 SP-40 Prior to approval of the final map by the City Engineer,  
13 the applicant shall submit and have approved by the City Engineer a grading  
14 and drainage plan.  
15

16 **FLOOD CONTROL**

17  
18 SP-41 Not applicable (flood zone)  
19

20 SP-42 Not applicable (flood zone).  
21

22 **UTILITIES, INFRASTRUCTURE, AND IMPROVEMENT PLANS**

23  
24 SP-43 Public improvements shall be designed and constructed by  
25 qualified licensed professional in accordance with the City's Standard  
26 Specifications and Standard Details, unless specifically waived in writing by  
27 the City Engineer. [PUD Requirement] Approval of non-standard design features  
28



1 requires a written justification containing a rationale or written evidence  
2 to support the use of the design exception.

3  
4 SP-44 Electrical, gas, telephone and all other services and  
5 utilities shall be provided underground. Utility vaults should be placed  
6 underground wherever feasible. If not feasible, they must be screened and  
7 situated such that they are architecturally compatible and do not obstruct  
8 bicycle, pedestrian, or transit facilities. The location of all utility  
9 infrastructure shall be approved by the Community Development Director prior  
10 to construction.

11  
12 SP-45 Prior to issuance of any grading permit or building permit  
13 for any component of the project, the project applicant shall indicate  
14 existing and proposed streetlights and whether any existing streetlights are  
15 being relocated. The location and design of streetlights and related  
16 facilities shall be located such that they do not obstruct the obstruct  
17 bicycle, pedestrian, or transit facilities, subject to approval by the  
18 Community Development Director.

19  
20 SP-46 Prior to issuance of any grading permit or building permit  
21 for any component of the project, the applicant shall complete the design of  
22 all of the public amenities. [PUD Requirement]

23  
24 SP-47 The applicant shall complete the public amenities prior to  
25 the occupancy of the first phase of the project. [PUD Requirement]

26  
27 SP-48 Prior to approval of the final map by the City Engineer,  
28 the applicant shall submit and have approved by the City improvement plans:

1 including curb, sidewalk, driveways, waterlines, fire hydrants, street  
2 lights, sanitary sewer laterals, storm drains, traffic medians, traffic signs  
3 and pavement striping and any improvement within the public right of way or  
4 easements dedicated to the public.

5  
6 SP-49 Prior to the final construction plan approval, the project  
7 applicant shall replace and/or rehabilitate existing sewer pipes within the  
8 project site to decrease groundwater infiltration and shall ensure any new  
9 wastewater collection systems for the project site are constructed to prevent  
10 I/I to the maximum extent feasible. [MMRP UTIL-2]

11  
12 **FIRE PROTECTION**

13  
14 SP-50 Prior to approval of the final map by the City Engineer,  
15 the Albany Fire Department and East Bay Municipal Utility District (EBMUD)  
16 shall review and approve plans to ensure the provision of adequate water fire  
17 flows. Should water infrastructure upgrades or installation be necessary to  
18 meet the requirements, the City and EBMUD shall require and approve  
19 infrastructure improvements by the applicant prior to the issuance of a  
20 grading permit. An occupancy permit for the proposed project shall not be  
21 issued until the City of Albany has confirmed adequate fire flow is  
22 available. [MMRP UTIL-1]

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



1 development and operation of an integrated mixed-use development project,  
2 prior to the City approval of the Final Parcel Map, the applicant shall  
3 provide the City for review and comment a draft Common Area Agreement with  
4 the property owner (UC Regents). The final form of the Common Area Agreement  
5 shall include the following provisions:

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

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

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

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

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

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

19           o           The Common Area Agreement shall specify responsibility for  
20 enforcement of parking regulations.

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

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

28

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

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

6           o           In the event of default by the applicant, the property  
7 owner shall be responsible for performing the obligations of the Common Area  
8 Agreement.

9  
10           **CONSTRUCTION**

11  
12           SP-58           Prior to issuance of any grading permit or building permit  
13 for any component of the project, the applicant shall prepare a Construction  
14 Traffic Management and Routing Plan, subject to approval by the Public Works  
15 Director. [MMRP TRANS-13]

16  
17           SP-59           Prior to issuance of any grading permit or building permit  
18 for any component of the project, consistent with the guidance from the  
19 BAAQMD, the applicant shall require contractors to include dust control  
20 measures in construction specifications for the project, for demolition and  
21 construction phases. [MMRP AIR-1a]

22  
23           SP-60           Prior to issuance of any grading permit or building permit  
24 for any component of the project, the applicant shall require contractors to  
25 include emissions control measures in construction specifications for the  
26 project. [MMRP AIR-1b]

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

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

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

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

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

18  
19          SP-62           Best management practices (BMPs) shall be implemented  
20 during all construction activities to prevent erosion and sedimentation into  
21 the stream and to prevent the spill of contaminants around the stream. These  
22 BMPs shall be described in a Stormwater Pollution Prevention Plan (SWPPP)  
23 that shall be prepared in compliance with Regional Water Quality Control  
24 Board requirements. [MMRP BIO-1b]

25  
26          SP-63           Prior to issuance of any grading permit or building permit  
27 for any component of the project, pre-construction surveys shall be conducted  
28 by a qualified biologist during the months of March through August, no more

1 than 30 thirty days prior to the start of grading or vegetation removal. Pre-  
2 construction surveys are not required if construction activities are  
3 restricted to the non-nesting season (September through February). [MMRP BIO-  
4 2]

5  
6 SP-64 Not applicable (Codornices Creek)

7  
8 SP-65 Prior to issuance of any grading permit or building permit  
9 for any component of the project that will affect eucalyptus, pine, and  
10 cypress groves on the project site during the period between September and  
11 March, preconstruction surveys by a qualified biologist shall be conducted in  
12 the tree groves. If Monarch butterflies are found to be utilizing any of the  
13 trees as a winter colony site, construction in the vicinity of those trees  
14 shall be avoided and the removal of trees around the colony shall be avoided  
15 or postponed until after the butterflies have left for the breeding season.  
16 [MMRP BIO-4]

17  
18 SP-66 Prior to issuance of any grading permit or building permit  
19 for any component of the project, the project contractor shall comply with  
20 the City of Albany Municipal Code relating to grading projects, erosion  
21 control, and discharge regulations and requirements (Chapter XX, Section 15-  
22 4.7). In addition, the project applicant shall prepare a SWPPP designed to  
23 reduce potential impacts to surface water quality through the construction  
24 period of the project. [MMRP HYDRO-1]

25  
26 SP-67 the construction-period SWPPP shall include provisions for  
27 the proper management of construction-period dewatering effluent. [MMRP  
28 HYDRO-2]

1  
2 SP-68 Prior to issuance of any grading permit or building permit  
3 for any component of the project, the project applicant and City of Albany  
4 shall ensure that the proposed project drainage design meets all the  
5 requirements of the current Countywide NPDES Permit (NPDES Permit No.  
6 CAS0029831), as amended. [MMRP HYDRO-3]

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

10  
11 SP-70 During grading and construction, if paleontological  
12 resources are encountered, all work within 25 feet of the discovery shall be  
13 redirected until a qualified paleontologist has assessed the discoveries and  
14 made recommendations. [MMRP CULT-2]

15  
16 SP-71 During grading and construction, if human remains are  
17 encountered, work within 25 feet of the discovery shall be redirected and the  
18 Alameda County Coroner notified immediately. At the same time, an  
19 archaeologist shall be contacted to assess the situation and consult with the  
20 appropriate agencies. [MMRP CULT-3]

21  
22 SP-72 Prior to issuance of any grading permit or building permit  
23 for any component of the project, the applicant shall submit post-  
24 construction best management practices (BMPs) for the project prior to  
25 initiating construction and final construction plan approval. The BMPs shall  
26 address long-term operation and management of the project to avoid water  
27 quality degradation and other potential adverse impacts to Codornices Creek.  
28 [MMRP - BIO-1c]





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

7  
8 Gen-3 Fees - The applicant shall pay all City and other related  
9 fees applicable to the property, as may be modified by conditions herein.  
10 Fees shall be based on the current fee structure in effect at the time the  
11 relevant permits are secured, and shall be paid prior to issuance of said  
12 permit. Notice shall be taken specifically of Plan Check, Engineering, Fire  
13 and Inspection Fees. The project developer shall also reimburse the City for  
14 direct costs of planning; building and engineering plan check and inspection,  
15 as mutually agreed between the City and developer.

16  
17 GEN-4 Appeals - The Albany Municipal Code provides that any  
18 action of the Planning staff may be appealed to the Planning and Zoning  
19 Commission, and any action of the Planning and Zoning Commission may be  
20 appealed to the City Council as per the procedures described in Section  
21 20.100.080.

22  
23 GEN-5 Requirement for Building Permit - Approval granted by  
24 the Planning and Zoning Commission does not constitute a building permit or  
25 authorization to begin any grading, construction or demolition. An  
26 appropriate permit issued by the Community Development Department must be  
27 obtained prior to constructing, enlarging, moving, converting, or demolishing  
28 any building or structure within the City.

1  
2           GEN-6                   Fire Department Approval - As part of a building  
3 permit application, the applicant shall submit written documentation that all  
4 requirements of the Albany Fire Department have, or will be, met to the  
5 satisfaction of the AFD.

6  
7           GEN-7                   Engineering Approval - As part of a building permit  
8 application, the applicant shall submit written documentation that all  
9 requirements of the Public Works Department have, or will be, met to the  
10 satisfaction of the City Engineer.

11  
12           GEN-8                   Construction Hours - Construction activity shall be  
13 restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays,  
14 and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise  
15 approved in writing by the City Engineer for general construction activity.  
16 Failure to comply with construction hours may result in stop work orders or  
17 other administrative actions.

18  
19           GEN-9                   Archeological Remains - In the event subsurface  
20 archeological remains are discovered during any construction or  
21 preconstruction activities on the site, all land alteration work within 100  
22 feet of the find shall be halted, the Community Development Department  
23 notified, and a professional archeologist, certified by the Society of  
24 California Archeology and/or the Society of Professional Archeology, shall be  
25 notified. Site work in this area shall not occur until the archeologist has  
26 had an opportunity to evaluate the significance of the find and to outline  
27 appropriate mitigation measures, if deemed necessary. If prehistoric  
28 archeological deposits are discovered during development of the site, local

1 Native American organizations shall be consulted and involved in making  
2 resource management decisions.

3  
4 GEN-10 Modifications to Approved Plans - The project shall be  
5 constructed as approved. Planning staff may approve minor modifications in  
6 the project design, but not the permitted land use (per Municipal Code  
7 Section 20.12). A change in an item requiring discretionary approval and any  
8 other changes deemed appropriate by the Planning staff shall require further  
9 Planning and Zoning Commission approval through the Design Review process.

10  
11 GEN-11 Hold Harmless Agreement - Pursuant to Government Code  
12 Section 66474.9, the applicant (including any agent thereof) shall defend,  
13 indemnify, and hold harmless, the City of Albany and its agents, officers and  
14 employees, from any claim, action, or proceeding against the City or its  
15 agents, officers or employees to attack, set aside, void, or annul the City's  
16 approval concerning this application, which action is brought within the time  
17 period provide for in Section 66499.37. The City will promptly notify the  
18 applicant of any such claim action or proceeding and cooperate fully in the  
19 defense.

20  
21 GEN-12 Public Improvements Standards - Public improvements shall  
22 be designed and constructed in accordance with the City's Standard  
23 Specifications and Standard Details, unless specifically waived in writing by  
24 the City Engineer. Licensed design professional shall identify non-standard  
25 design features and provides a written justification containing a rationale  
26 or written evidence to support the use of the design exception.

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28 **DESIGN CONDITIONS**

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**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**

LNDS-1 Pesticide/Fertilizer Application. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration

1 where appropriate, and minimize the use of fertilizers and pesticides that  
2 can contribute to stormwater pollution. If a landscaping plan is required as  
3 part of a development project application, the plan shall meet the following  
4 conditions related to reduction of pesticide use on the project site:

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

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

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

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

20  
21 **GENERAL ENGINEERING CONDITIONS**

22  
23 ENGR-1 Title Report. A recent preliminary title report for the  
24 property, prepared within six months of the date of application, shall be  
25 submitted to the City Engineer for review. If any interior lot line(s) exist,  
26 the applicant must obtain approval of a minor lot line adjustment from the  
27 City to remove the interior lot line(s), and cause that lot line adjustment  
28 to be recorded before any building permits will be issued.

1  
2 ENGR-3 Backflow Device. Any required water service for fire  
3 protection purposes shall be equipped with a City approved backflow device.  
4 Services for irrigation purposes also require a separate City approved  
5 backflow prevention device.

6  
7 **GRADING CONDITIONS**

8  
9 GRAD-1 Grading Permit. Any grading required in association with  
10 the project shall require a grading permit from the Community Development  
11 Department. To obtain this permit, the applicant shall submit a grading plan,  
12 indicating the extent and volumes of earth proposed to be moved.

13  
14 GRAD-2 Demolition Permit. Site demolition shall not occur until  
15 construction permits are issued for the development project. All demolition  
16 shall be in accordance with permits issued by the City and Bay Area Air  
17 Quality Management District (BAAQMD).

18  
19 GRAD-3 Water on Site. The site shall be graded to prevent rainfall  
20 runoff originating from improved areas on the project site from crossing onto  
21 adjoining private property. Building floor elevations shall be above the  
22 FEMA-mapped 100-year flood plain as established by a licensed civil engineer.  
23 Provide the elevation and compaction certificates during and upon the  
24 completion of grading required by the Uniform Building Code and in  
25 conformance with the recommendations of the geotechnical engineer's report.  
26 Shore and dewater all excavations in accordance with the requirements of the  
27 geotechnical engineer's report.





1 and conducted via an approved drainage system through the project site to an  
2 approved storm drain facility, as determined by the City Engineer.

3 Development that contributes additional water to the existing drainage system  
4 shall be required to complete a hydraulic study and make improvements to the  
5 system as required to accommodate the expected ultimate peak water flow and  
6 to stabilize erosive banks that could be impacted by additional storm water  
7 flow.

8  
9 INFR-4 Roof Drainage. Roof drainage from the structure shall be  
10 collected via a closed pipe and conveyed to an approved storm drain system  
11 off the street curb. No concentrated drainage of surface flow across  
12 sidewalks shall be permitted. Alternative natural treatment measures are  
13 subject review and approval by the City Engineer.

14  
15 INFR-5 Hydraulic Calculations. The applicant shall submit  
16 hydraulic calculations, prepared by a California licensed civil engineer,  
17 necessary to determine if the existing water and sewer mains that serve this  
18 lot have available capacity for the addition of the proposed development. If  
19 capacity is not available, sewer and water mains of adequate size shall be  
20 designed and secured prior to issuance of building permits and constructed in  
21 a manner acceptable to the City Engineer prior to occupancy release, unless  
22 determined otherwise by the City Engineer.

23  
24 INFR-6 Completion of Off-Site Improvements. Off-site improvements  
25 necessitated by the proposed project, as determined by the City Engineer,  
26 shall be complete before issuance of a Certificate of Occupancy unless  
27 alternatives are approved in writing by the Albany City Engineer.

1           **PUBLIC IMPROVEMENTS CONDITIONS**

2  
3           PUBIM-1       Encroachment Permit. The applicant shall obtain an  
4 encroachment permit from the Engineering Division before commencing any  
5 construction activities within any public right-of-way or easement.

6  
7           PUBIM-2       Debris Removal. All mud, dirt or construction debris  
8 carried off the construction site onto adjacent streets shall be removed each  
9 day. No materials shall be discharged onto a sidewalk, street, gutter, storm  
10 drain or creek.

11  
12          PUBIM-3       Damage to Street Improvements. Any damage to street  
13 improvements now existing, done during construction on, or adjacent to the  
14 subject property, shall be repaired to the satisfaction of the City Engineer  
15 at the full expense of the applicant. This shall include sidewalk repair,  
16 slurry seal, street reconstruction or others, as may be required by the City  
17 Engineer.

18  
19          PUBIM-4       Right-of-Way Construction Standards. All improvements  
20 within the public right-of-way, including curb, gutter, sidewalks, driveways,  
21 paving and utilities, shall be reconstructed in accordance with approved  
22 standards and/or plans and shall comply with the standard plans and  
23 specification of the Community Development Department and Chapter 14 of the  
24 City Code.

25  
26           **FIRE DEPARTMENT CONDITIONS**

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

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

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

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

21 **STORMWATER CONDITIONS**  
22

23 **STRUCTURAL CONTROL MEASURES**  
24

25 STRUC-1 Illegal Dumping to Storm Drain Inlets and Waterways. On-  
26 site storm drain inlets shall be clearly marked with the words "No Dumping!  
27 Flows to Bay," or equivalent, using methods approved by the City of Albany.  
28



1  
2 BMP-CNST3 Removal of Waste. Remove all dirt, gravel, rubbish, refuse  
3 and green waste from the sidewalk, street pavement, and storm drain system  
4 adjoining the project site. During wet weather, avoid driving vehicles off  
5 paved areas and other outdoor work.

6  
7 BMP-CNST4 Sweeping of Public Right-of-Way. Broom sweep the sidewalk  
8 and public street pavement adjoining the project site on a daily basis. Caked  
9 on mud or dirt shall be scraped from these areas before sweeping.

10  
11 BMP-CNST5 Filter Materials at Storm Drain Inlet. Install filter  
12 materials (such as sandbags, filter fabric, etc.) at the storm drain inlet  
13 nearest the downstream side of the project site prior to:

- 14 a) start of the rainy season (October 1);  
15 b) site dewatering activities;  
16 c) street washing activities;  
17 d) saw cutting asphalt or concrete; and  
18 e) order to retain any debris or dirt flowing into the City  
19 storm drain system.

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

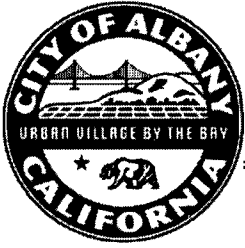
23  
24 BMP-CNST6 Containment of Materials. Create a contained and covered  
25 area on the site for the storage of bags of cement, paints, flammables, oils,  
26 fertilizers, pesticides, or any other materials used on the project site that  
27 have the potential for being discharged to the storm drain system by wind or  
28 in the event of a material spill.

1  
2 BMP-CNST7 Cleaning of Equipment. Never clean machinery, tools,  
3 brushes, etc., rinse containers into a street, gutter, storm drain, or  
4 stream. See the Building Maintenance/ Remodeling flyer for more information.  
5

6 BMP-CNST8 Minimize Removal of Natural Vegetation. Minimize removal of  
7 natural vegetation or ground cover from the site in order to minimize the  
8 potential for erosion and sedimentation problems. Replant the area as soon as  
9 possible. All cut and fill slopes shall be stabilized as soon as possible  
10 after grading is completed. No site grading shall occur between October 1 and  
11 April 15 unless approved erosion and sedimentation control measures are in  
12 place.  
13

14 **PARKING CONDITIONS**  
15

16 PARK-1 - All parking solutions shall conform to the approved plans as  
17 shown in the plans, as described in condition GEN-1 and maintained available  
18 for parking as shown on approved plans.  
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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. 2014-25

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