LEED 2009 for New Construction and Major Renovations

Project Checklist — Albany Public Works Service Center

5-Mar-15

Y	?	N	d/C			
13	9	4		**Sustainable Sites**	Possible Points:	**26**
Y			C	Prereq 1	Construction Activity Pollution Prevention	
1			d	Credit 1	Site Selection	1
5			d	Credit 2	Development Density and Community Connectivity	5
1			d	Credit 3	Brownfield Redevelopment	1
	6		d	Credit 4.1	Alternative Transportation—Public Transportation Access	6
1			d	Credit 4.2	Alternative Transportation—Bicycle Storage and Changing Rooms	1
3			d	Credit 4.3	Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles	3
	2		d	Credit 4.4	Alternative Transportation—Parking Capacity	2
		1	C	Credit 5.1	Site Development—Protect or Restore Habitat	1
		1	d	Credit 5.2	Site Development—Maximize Open Space	1
		1	d	Credit 6.1	Stormwater Design—Quantity Control	1
1			d	Credit 6.2	Stormwater Design—Quality Control	1
		1	C	Credit 7.1	Heat Island Effect—Non-roof	1
1			d	Credit 7.2	Heat Island Effect—Roof	1
	1		d	Credit 8	Light Pollution Reduction	1

Y	?	N				
5	4	1		**Water Efficiency**	Possible Points:	**10**
Y			d	Prereq 1	Water Use Reduction—20% Reduction	
2	2		d	Credit 1	Water Efficient Landscaping	2 to 4
				X	Reduce by 50%	2
				?	No Potable Water Use or Irrigation	4
	2		d	Credit 2	Innovative Wastewater Technologies	2
3		1	d	Credit 3	Water Use Reduction	2 to 4
					Reduce by 30%	2
				X	Reduce by 35%	3
					Reduce by 40%	4

Y	?	N				
16	4	15		**Energy and Atmosphere**	Possible Points:	**35**
Y			C	Prereq 1	Fundamental Commissioning of Building Energy Systems	
Y			d	Prereq 2	Minimum Energy Performance	
Y			d	Prereq 3	Fundamental Refrigerant Management	
5	2	12	d	Credit 1	Optimize Energy Performance	1 to 19
				X	Improve by 12% for New Buildings or 8% for Existing Building Renovations	1
				X	Improve by 14% for New Buildings or 10% for Existing Building Renovations	2
				X	Improve by 16% for New Buildings or 12% for Existing Building Renovations	3
				X	Improve by 18% for New Buildings or 14% for Existing Building Renovations	4
				X	Improve by 20% for New Buildings or 16% for Existing Building Renovations	5
					Improve by 22% for New Buildings or 18% for Existing Building Renovations	6
					Improve by 24% for New Buildings or 20% for Existing Building Renovations	7
					Improve by 26% for New Buildings or 22% for Existing Building Renovations	8
					Improve by 28% for New Buildings or 24% for Existing Building Renovations	9
					Improve by 30% for New Buildings or 26% for Existing Building Renovations	10
					Improve by 32% for New Buildings or 28% for Existing Building Renovations	11
					Improve by 34% for New Buildings or 30% for Existing Building Renovations	12
					Improve by 36% for New Buildings or 32% for Existing Building Renovations	13
					Improve by 38% for New Buildings or 34% for Existing Building Renovations	14

					Improve by 40% for New Buildings or 36% for Existing Building Renovations	15
					Improve by 42% for New Buildings or 38% for Existing Building Renovations	16
					Improve by 44% for New Buildings or 40% for Existing Building Renovations	17
					Improve by 46% for New Buildings or 42% for Existing Building Renovations	18
					Improve by 48%+ for New Buildings or 44%+ for Existing Building Renovations	19
7			d	Credit 2	On-Site Renewable Energy	1 to 7
					X 1% Renewable Energy	1
					X 3% Renewable Energy	2
					X 5% Renewable Energy	3
					X 7% Renewable Energy	4
					X 9% Renewable Energy	5
					X 11% Renewable Energy	6
					X 13% Renewable Energy	7
2			C	Credit 3	Enhanced Commissioning	2
	2		d	Credit 4	Enhanced Refrigerant Management	2
		3	C	Credit 5	Measurement and Verification	3
2			C	Credit 6	Green Power	2

Materials and Resources — Possible Points: 14

Y	?	N				
Y			d	Prereq 1	Storage and Collection of Recyclables	
		3	C	Credit 1.1	Building Reuse—Maintain Existing Walls, Floors, and Roof	1 to 3
					Reuse 55%	1
					Reuse 75%	2
					Reuse 95%	3
		1	C	Credit 1.2	Building Reuse—Maintain 50% of Interior Non-Structural Elements	1
2			C	Credit 2	Construction Waste Management	1 to 2
					X 50% Recycled or Salvaged	1
					X 75% Recycled or Salvaged	2
		2	C	Credit 3	Materials Reuse	1 to 2
					Reuse 5%	1
					Reuse 10%	2
2			C	Credit 4	Recycled Content	1 to 2
					10% of Content	1
					20% of Content	2
1	1		C	Credit 5	Regional Materials	1 to 2
					X 10% of Materials	1
					? 20% of Materials	2
		1	C	Credit 6	Rapidly Renewable Materials	1
1			C	Credit 7	Certified Wood	1

Indoor Environmental Quality — Possible Points: 15

Y	?	N				
Y			d	Prereq 1	Minimum Indoor Air Quality Performance	
Y			d	Prereq 2	Environmental Tobacco Smoke (ETS) Control	
1			d	Credit 1	Outdoor Air Delivery Monitoring	1
1			d	Credit 2	Increased Ventilation	1
1			C	Credit 3.1	Construction IAQ Management Plan—During Construction	1
1			C	Credit 3.2	Construction IAQ Management Plan—Before Occupancy	1
1			C	Credit 4.1	Low-Emitting Materials—Adhesives and Sealants	1
1			C	Credit 4.2	Low-Emitting Materials—Paints and Coatings	1
1			C	Credit 4.3	Low-Emitting Materials—Flooring Systems	1
1			C	Credit 4.4	Low-Emitting Materials—Composite Wood and Agrifiber Products	1
1			d	Credit 5	Indoor Chemical and Pollutant Source Control	1
1			d	Credit 6.1	Controllability of Systems—Lighting	1
1			d	Credit 6.2	Controllability of Systems—Thermal Comfort	1

1			d	Credit 7.1	Thermal Comfort—Design	1
1			d	Credit 7.2	Thermal Comfort—Verification	1
1			d	Credit 8.1	Daylight and Views—Daylight	1
1			d	Credit 8.2	Daylight and Views—Views	1

5	1	0	**Innovation and Design Process**	Possible Points:	**6**

Y	?	N				
1			d/C	Credit 1.1	Innovation in Design: Renewable Power Exemplary	1
1			d/C	Credit 1.2	Innovation in Design: Public Information Exhibit	1
1			d/C	Credit 1.3	Innovation in Design: Green Housekeeping	1
1			d/C	Credit 1.4	Innovation in Design: Integrated Design Pilot Credit	1
	1		d/C	Credit 1.5	Innovation in Design: Specific Title	1
1			d/C	Credit 2	LEED Accredited Professional	1

2	0	2	**Regional Priority Credits**	Possible Points:	**4**

Y	?	N				
		1	d/C	Credit 1.1	Regional Priority: WE Cr 3	1
		1	d/C	Credit 1.2	Regional Priority: SS Cr. 7.1	1
1			d/C	Credit 1.3	Regional Priority: EA Cr.2	1
1			d/C	Credit 1.4	Regional Priority: IEQ Cr. 8.1	1

62	19	29	**Total**	Possible Points:	**110**

Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110

ALBANY SERVICE CENTER

540 CLEVELAND AVENUE, ALBANY, CA 94706

ZONING APPLICATION SUBMITTAL

11 MARCH 2015

INDEX OF DRAWINGS

VICINITY MAP

ZONING DISTRICS AND PERMITTED USERS

General Plan : Commercial / Service / Light Industrial
Zoning : CMX (Commercial Mixed Use) with Watercourse Overlay

	PROPOSED	REQUIREMENT
Existing Lot Size	0.864 acre (37,636 SF)	5000 SF
Floor Area	Main Building : 1st Floor = 8,650 SF 2nd Floor = 8,420 SF Equipment bldg = 2,900 SF TOTAL = **19,970 SF**	
Maximum Height	35' - 2" (T.O. Parapet)	45' Max.
Parking	20 (+ 14 tandem) Total = **34**	20

NOTES:

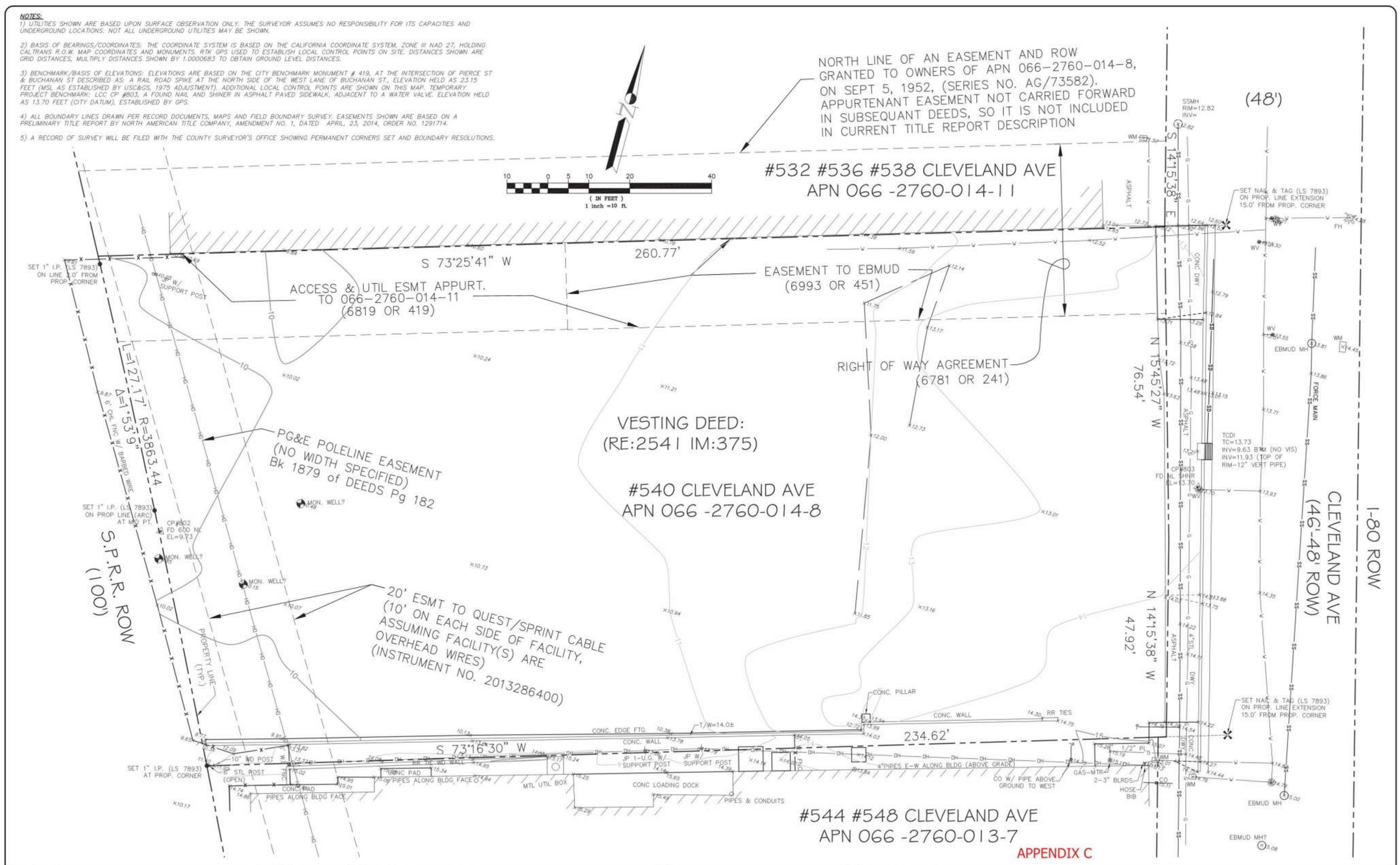
1) UTILITIES SHOWN ARE BASED UPON SURFACE OBSERVATION ONLY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR ITS CAPACITIES AND UNDERGROUND LOCATIONS. NOT ALL UNDERGROUND UTILITIES MAY BE SHOWN.

2) BASIS OF BEARINGS/COORDINATES: THE COORDINATE SYSTEM IS BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE III NAD 27, HOLDING CALTRANS R.O.W. MAP COORDINATES AND MONUMENTS. RTK GPS USED TO ESTABLISH LOCAL CONTROL POINTS ON SITE. DISTANCES SHOWN ARE GRID DISTANCES, MULTIPLY DISTANCES SHOWN BY 1.0000683 TO OBTAIN GROUND LEVEL DISTANCES.

3) BENCHMARK/BASIS OF ELEVATIONS: ELEVATIONS ARE BASED ON THE CITY BENCHMARK MONUMENT # 419, AT THE INTERSECTION OF PIERCE ST & BUCHANAN ST DESCRIBED AS: A RAIL ROAD SPIKE AT THE NORTH SIDE OF THE WEST LANE OF BUCHANAN ST., ELEVATION HELD AS 23.15 FEET (MSL AS ESTABLISHED BY USC&GS, 1975 ADJUSTMENT). ADDITIONAL LOCAL CONTROL POINTS ARE SHOWN ON THIS MAP. TEMPORARY PROJECT BENCHMARK: LCC CP #803, A FOUND NAIL AND SHINER IN ASPHALT PAVED SIDEWALK, ADJACENT TO A WATER VALVE. ELEVATION HELD AS 13.70 FEET (CITY DATUM), ESTABLISHED BY GPS.

4) ALL BOUNDARY LINES DRAWN PER RECORD DOCUMENTS, MAPS AND FIELD BOUNDARY SURVEY. EASEMENTS SHOWN ARE BASED ON A PRELIMINARY TITLE REPORT BY NORTH AMERICAN TITLE COMPANY, AMENDMENT NO. 1, DATED APRIL, 23, 2014, ORDER NO. 1291714.

5) A RECORD OF SURVEY WILL BE FILED WITH THE COUNTY SURVEYOR'S OFFICE SHOWING PERMANENT CORNERS SET AND BOUNDARY RESOLUTIONS.



DATE	MARK	REVISION	INIT.

Designed by:
Drawn by: KPT
Checked by: AEL
Reviewed by: CMP
Date (of Survey): 6/03/2014

LICENSED LAND SURVEYOR — CATHERINE M. LEPTIEN — No. 7893 — STATE OF CALIFORNIA — 6/16/14

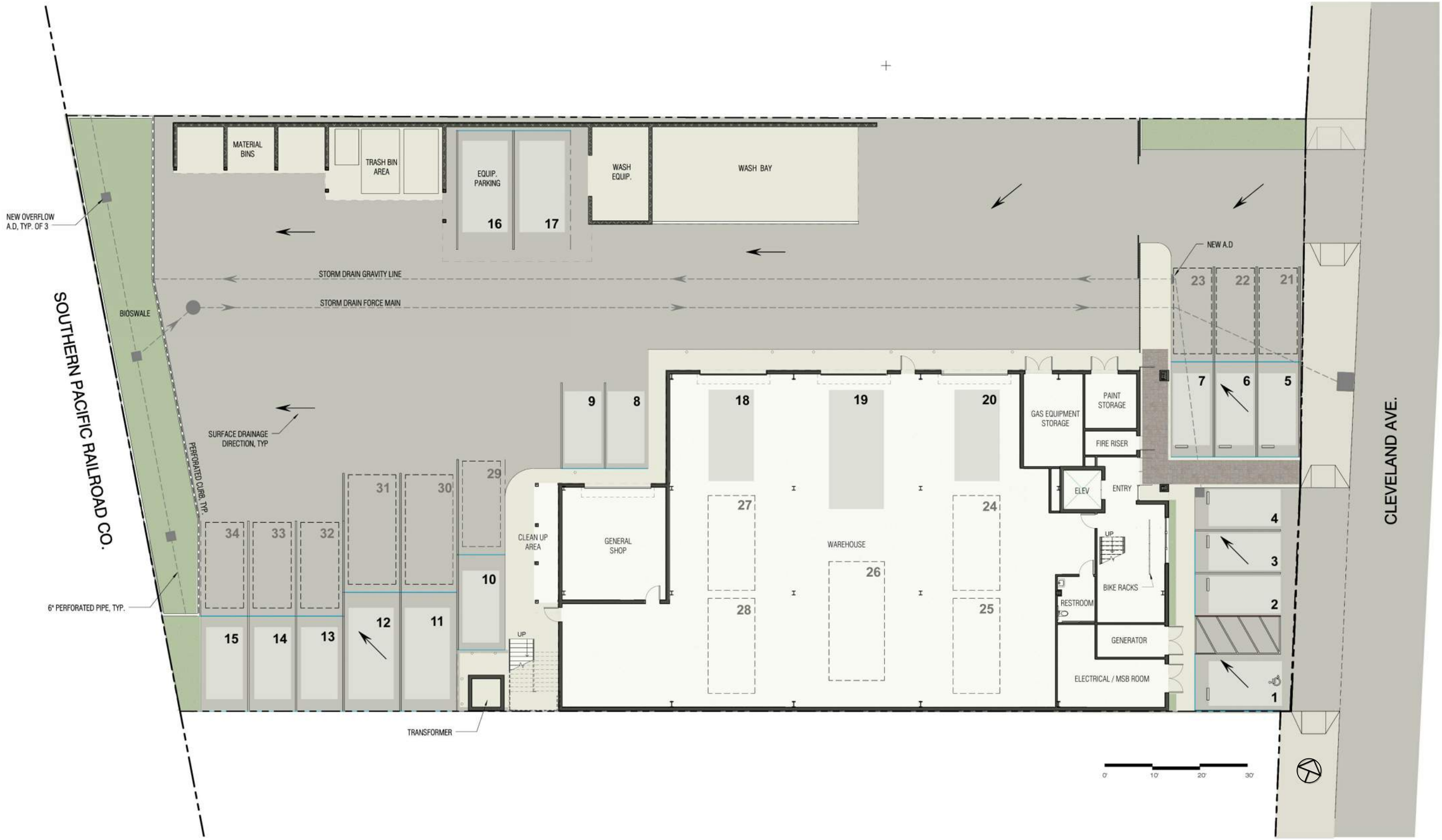
Leptien, Cronin, Cooper, Morris & Poore, Inc.
dba LCC, Inc.
Civil Engineering • Land Surveying
930 Estudillo Street
Martinez, California 94553-1620
(925) 228-4218 Fax (925) 228-4638
SCALE: 1"=10'

REVIEWED BY:
Date:

City of Albany
PROPOSED MAINTENANCE CENTER
#540 CLEVELAND AVENUE
AP No. 066-2760-014-8
Alameda County California

TOPOGRAPHIC AND BOUNDARY SURVEY

File: 2014.042.00 SHEET No. 1 OF 1



SITE PLAN
1" = 10'-0"

City of Albany
ALBANY SERVICE CENTER

SITE PLAN

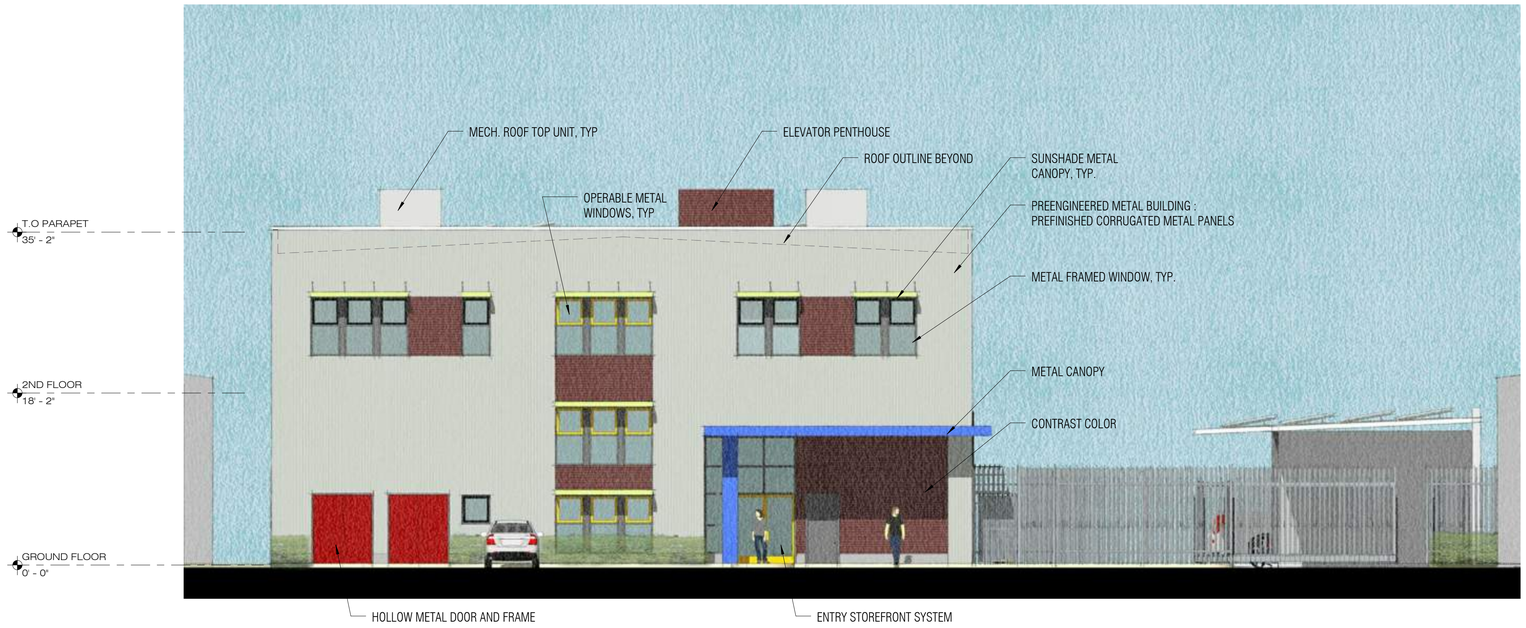
SD 02
03/11/2015

noll&tam architects and planners

FIRST FLOOR PLAN

1/8" = 1'-0"

SECOND FLOOR PLAN
1/8" = 1'-0"

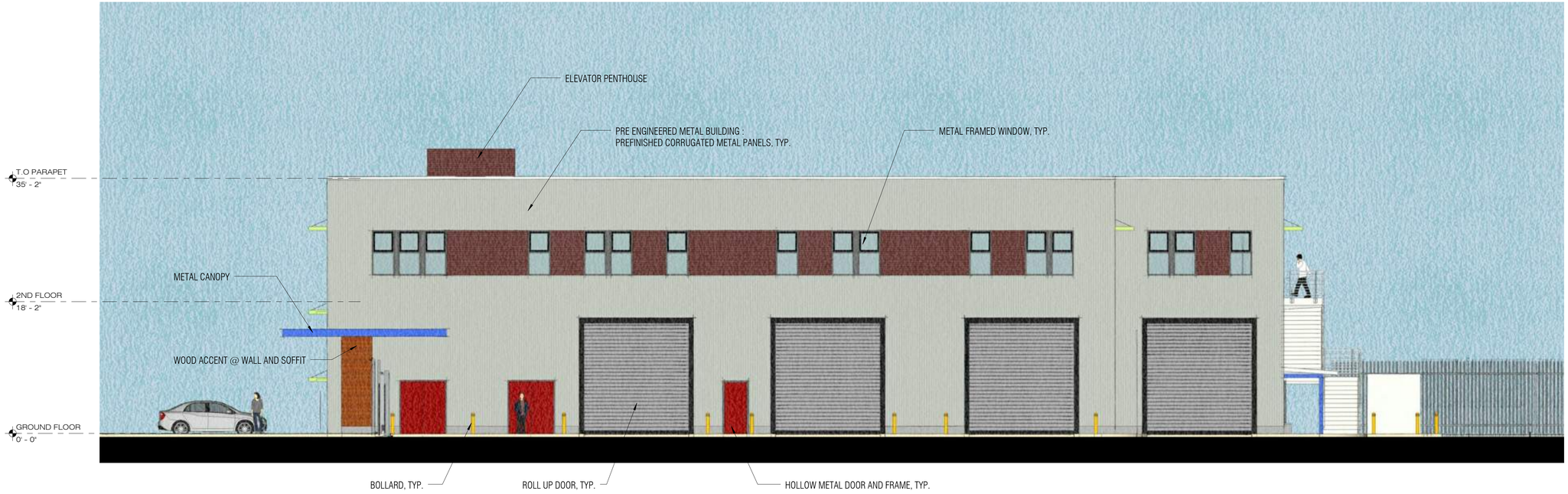


EAST ELEVATION

1/8" = 1'-0"

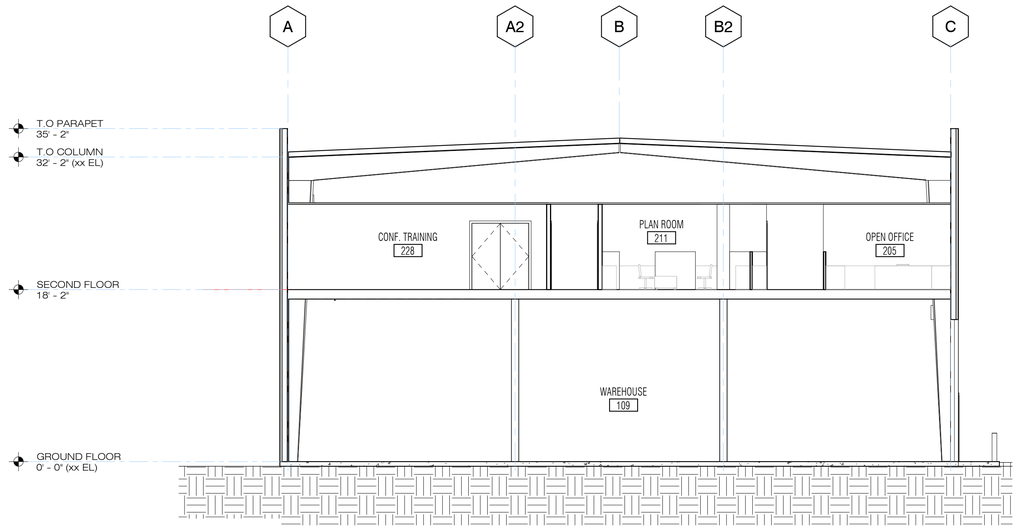
WEST ELEVATION

1/8" = 1'-0"



NORTH ELEVATION

1/8" = 1'-0"



BUILDING SECTION

1/8" = 1'-0"

WOOD SIDING

METAL SUNSHADES

CORRUGATED
METAL PANEL

OPERABLE WINDOWS

MATERIAL IMAGES

City of Albany
ALBANY SERVICE CENTER

BUILDING ELEVATION & SECTION

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3D PERSPECTIVE

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3D PERSPECTIVE

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3D PERSPECTIVE

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OPTION 1

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3D PERSPECTIVE

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ALBANY SERVICE CENTER

3D PERSPECTIVE

SD 11
03/11/2015

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architects and planners

City of Albany

TO: ALBANY PLANNING & ZONING COMMISSION

FROM: JEFF BOND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PA-15-014 Design Review & Conditional Use Permit for 540 Cleveland Avenue

DATE: March 11, 2015

Property Owner:	**Architect:**	**Project Developer:**
City of Albany, CA 1000 San Pablo Ave. Albany, CA 94706	Janet Tam & Elizabeth McLeod Noll & Tam Architects 729 Heinz Ave #7 Berkeley, CA 94710 Karen Burks, Burks-Toma Architects 814 Camelia Street Berkeley, CA 94710	Overaa Construction

PROJECT: City of Albany Public Works Maintenance Center GP LU: Commercial/Service/Light Industrial ZONING: CMX PLANNER: Jeff Bond	Original filing: N/A Date Deemed Complete: N/A Date of Notice Posted/Mailed: September 12, 2014 Date of Study Sessions: September 24, 2014 & March 26, 2014

REQUEST

The City is proposing a new 17,070 square foot facility on a 0.864 acre parcel to serve the City of Albany Public Works Dept. The site, previously occupied by Western Flange and Forge, is currently vacant. The project includes a two-story building containing ground level maintenance shop space and vehicle storage and second level office and storage area. An environmental review pursuant to the California Environmental Quality Act was approved by the City Council on December 15, 2014.

STAFF RECOMMENDATION

Approve subject to the attached findings and conditions of approval.

SITE LOCATION

The proposed building is sited is in the City's industrial area, bound by railroad tracks and I-580 to the west, to the east by Cleveland Avenue and I-80, and to the north and south by industrial buildings in active use. The most notable architectural presence in the area are the high-rise condominiums at 555 Pierce across the freeway to the east. The site is relatively small for the required program, and as a result, the design has given careful consideration to placement and organization of the function of both the building itself and the surrounding yard space, both of which are critical to the Public Works Department.

BACKGROUND

The City of Albany Public Works Department consists of two divisions: Engineering and Maintenance. The Engineering division includes professional and administrative staff that plan, organize, and manage the design, construction, and renovation of all City-owned facilities and infrastructure. In addition, staff provides general oversight of infrastructure maintenance functions. The engineering division is currently staffed with five full-time staff people plus two to three interns and part-time staff/consultants.

The maintenance division is responsible for most of the routine maintenance, repair, and regulatory compliance of City streets, street trees, parks and open space, public buildings, sanitary sewers, and storm drains. The maintenance division currently has seven permanent staff people plus four to five interns and part time staff.

The development of a permanent Public Works facility has been the goal of the City for a number of years. The City's existing facility next door at 544 Cleveland Ave. is relatively expensive to rent, is undersized for the required activities, and does not meet contemporary standards for employee productivity and sustainability.

On October 21, 2013, the City Council authorized a series of steps related to the acquisition of a 0.864 acre parcel property at 540 Cleveland. At one point, the potential for a digital billboard was incorporated into the project. In 2014, the ordinance authorizing the digital billboard was rescinded, and no digital billboard is included in the final plans.

In 2014, the City retained Gillis + Panichapan Architects of Costa Mesa who specialize in municipal facilities of this type. The firm prepared "bridging documents," which is a preliminary design and specifications for the building. The bridging documents were incorporated into a request for proposals distributed to development firms to finance and construct the facility for the City in a joint venture public private partnership. At the completion of the RFP process, a team led by Overaa Construction, was selected. The Overaa team will be responsible for final design, project financing, and construction.

The City is expecting to make lease payments to the developer until the project financing is paid off, at which time the City would acquire the property, at nominal cost, for continued use. The staff reports provided to the City Council on December 15, 2014 details the process leading to the selection (Attachment 1).

Changes to Scope

Since the planning review for the project began, there have been several changes to the program.

1. The digital billboard that was previously identified in the project scope has been eliminated, and the code changes that enabled its consideration have been rescinded.
2. On-site vehicle maintenance has been eliminated from the original program, allowing the building footprint to be reduced. Currently the City contracts out all vehicle maintenance. This practice will continue into the future.
3. To reduce construction costs, the building structural system and exterior materials have changed from cinderblock wall to steel frame and corrugated metal finish. In addition, floor to ceiling heights have been reduced.
4. To reduce construction costs, the mezzanine has been eliminated and the storage space moved to the second floor, which has been built-out to match the footprint of the ground floor. This expansion of the second floor footprint is relatively inexpensive given the structure of the building.

The corresponding iterations in design are summarized in Images 1-3. The proposed design for Commission approval is detailed in Attachment 3.

Image 1. Rendering March 26, 2014

Image 2. Rendering September 2014

Image 3. Bridging Documents Design, December 2014

Commission Review

The Planning & Zoning Commission reviewed preliminary plans at the March 26, 2014 and September 24, 2014 meetings. These plans were prepared for purposes of the RFP, and thus in advance of the selection of the Overaa team. With respect to the program, the Commission has expressed support for the project, including support for the use of tandem parking. With respect to the architectural design of the building, the direction from the Commission has evolved over time. The Commission endorsed the initial design, which featured an earth-tone cinderblock structure with large circular graphics evoking railroad signage. At the September meeting, the Commission suggested a more industrial theme may be appropriate.

Following the Commission's September discussion, the Overaa team was selected and advised that a metal frame building would be more flexible and more cost effective. In addition, the design process has now been transferred from the City's consulting Architect to a collaboration of Noll and Tam and Burks-Toma, both Berkeley-based architectural firms.

ANALYSIS

Design Review

The proposed building is a two story rectangular structure. The building is proposed to be built with steel frame, and a flat roof.

The entrance lobby for the public would be on the east side lower level and would have stairs and an elevator to a second level reception area. The entry area would have a colorful metal awning and be detailed with wood siding. Interior secured bike storage will be provided in the ground floor lobby. Although the facility is not expected to receive a high volume of public visitors, it will be much more welcoming than the City's current facility.

A variety of special considerations goes into the design of the facility, including security for valuable equipment, environmental and safety protection for certain supplies and activities, and productivity of staff. The building will have 16 foot floor to ceiling on the first level for maintenance activities and vehicle access. Openings on the lower level would be a series of roll-up doors.

The upper level would feature operable windows facing to the north and to the west for Bay views. Windows would be detailed with metal color-accented metal sunshades on the east and west sides of the building. The south side of the building would be next to the property line, and thus not have any openings.

Due to the intensity of the use of the site, there is limited amount of landscaping. There will be a vegetated bio-swale on the west side of the site to capture and filter rainwater. After filtering through the bio-swale, rainawater will be pumped back up to Cleveland Avenue and into the City's storm water network.

Sustainability

The project is being designed to meet the City's LEED gold standard for new public buildings. Attached is the proposed LEED worksheet (Attachment 4)

Parking

Employee parking is provided in both the front of the building and in the back of the site towards the west. Section 20.28.030 of the Planning and Zoning Code requires one parking space for every thousand square feet of building and open use area, which translates to 18 required parking spaces.

Type of Parking	***Number of Spaces***
Visitors	4
Tandem Staff Parking	14
Exterior Equipment Parking (tandem)	4
Interior Equipment Parking (tandem)	8
Covered (canopy structure) parking	3
Total	33
Total Non-Tandem Exterior	17
Total Non-Tandem Interior, Covered & Exterior	20

Tandem parking is proposed to allow more efficient use of the site. Planning and Zoning Code Section 20.28.050 B.3., however, limits tandem parking to certain residential parking. In this case, assuming the Commission accepts the interior and covered parking spaces as counting towards the required parking, then non-tandem on-site parking is sufficient to comply with code requirements.

Public Art

The project is planned to comply with the City's Public Art ordinance. Specific art selection process and installation details have not yet been developed. Initial concepts will be presented to the Arts Committee before final approval by the Planning and Zoning Commission.

Watercourse Overlay

The Watercourse Overlay designation on the zoning map is intended to promote the preservation of creeks and to protect properties from flood damage. In this case, the property has the overlay designation because FEMA has mapped a small portion of the parcel on the northwest corner as being in the "AE" 1% annual chance flood zone (e.g., 100-year flood zone) and a larger portion in the "X" 0.2% annual chance (e.g., 500 year flood zone).

It should be noted that there is no actual history of flooding on this parcel. In addition, the reality is that FEMA flood mapping in Albany does not match actual expected

areas of flooding. Thus, as part of the engineering design of the project, a letter of map revision (LOMR) will be submitted to FEMA.

Deferred Items for Future Review

The City and the Overaa team is moving as quickly as possible to implement the project. In order to be efficient in the management of the design of the project, several design review related items are proposed to be submitted as a supplemental package for Commission review before the start of construction. Deferred items include:

- Signage –Design, including size, font, and location of signage and graphics. As a general concept, simple clean signage and graphics will be developed.
- Landscape Materials – There will be limited amount of landscaping in the project. The final design, including location and plantings will be provided after the engineering of the bio-swale is completed.
- Lighting – Due to the visibility of this project from condominiums to the east and proximity to shoreline wetlands, careful consideration will be given to the exterior lighting program.
- Rooftop screening – Once the final mechanical design is completed, the associated roof screening will be presented for Commission review. It is recognized that screening is important to residents on Pierce Street.
- Fencing and gates – The selection of fencing materials and size are going to be important to the appearance of the project. Fencing and gates will be selected to complement the architecture and entry signage.
- Amendment to LEED Checklist – The attached LEED checklist indicates anticipated sustainable building features. Additional information on building systems will be required to confirm compliance.
- Public Art – the project is subject to the City's Art in Public Places requirements. The details of the public art program are under development, and will be presented to the Arts Committee for review prior to future Planning and Zoning Commission action.
- Solar Panel Installation Details – The City is exploring various financing programs and implementation strategies associated with installation of solar panels.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act, the City prepared a mitigated negative declaration (MND) for the construction of the Public Works facility. The City Council, which is the ultimate decision-making authority for the overall project, approved the MND on December 15, 2014 when they authorized staff to begin negotiations with the Overaa team.

Several environmental factors were identified as potentially affected by this project, including: aesthetics; air quality; cultural resources; geology; hazardous materials and hydrology. Mitigated measures are required to be incorporated into the project conditions of approval to ensure the potential impacts are less than significant. The

mitigation measures are described in the attached mitigated negative declaration (Attachment 5)

ATTACHMENTS

1. Analysis of Zoning Requirements, Findings & Conditions of Approval
2. December 15, 2014 City Council staff report
3. Proposed Project Plans
4. Proposed LEED Checklist
5. CEQA Mitigated Negative Declaration

ATTACHMENT 1 – ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts and Permitted Uses

General Plan: Commercial/Service/Light Industrial
Zoning: CMX (Commercial Mixed Use) with Watercourse Overlay

20.16 Land Use Classifications

Surrounding facility) North- CMX (Albany Steel)
East – I-80
South- CMX (light industrial including existing City maintenance
West – I-80 Freeway

20.20.080 Secondary Residential Units.
Not applicable.

20.24.020 Table Of Site Regulations By District.

	Existing (approx.)	Proposed (approx.)	Requirement
Setbacks			
Front (east)	N/A	26’	0’
Side (north)	N/A	54’	0’
Side (south)	N/A	0’	0’
Rear (east)	N/A	80’	0’

Proposed		Requirement
Existing Lot Size	0.864 acre (37,636 sq. ft.)	5000 sq. ft.
Floor Area	17,070 main building 250 sq ft Washbay Equipment Room 2,650 open canopy 17,320 total building area	
Floor Area Ratio	0.46	0.50
Lot Coverage	31%	80%
Maximum Height	35’	45’ max.
Parking	33 total	18
Signs	forthcoming	Per P&Z Commission

20.24.030 Overlay District Regulations.
See Discussion of Issues

20.24.040 Hillside Residential Regulations.
Not applicable.

20.24.050 Floor-Area-Ratio.
See Analysis.

20.24.060 Setback Areas, Encroachments.
Not applicable.

20.24.100 Distances Between Structures.
Not applicable.

20.24.110 Fences, Landscaping, Screening.
See Discussion of Issues.

20.24.130 Accessory Buildings.
Not applicable.

20.28 Off-Street Parking Requirement.

See Discussion of Issues.

20.40 Housing Provisions
Not applicable.

20.44 Non-conforming Uses, Structures and Lot
Not applicable.

20.48 Removal of Trees
Not applicable.

20.52 Flood Damage Prevention Regulations
See Discussion of Issues.

20.100.030 Use Permits.
See Analysis.

20.100.040 Variances.
Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on February 27, 2015 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.
See Analysis.

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

Required Finding	Explanation
1. *The project conforms to the General Plan, any applicable specific plan, applicable design guidelines adopted by the City of Albany, and all applicable provisions of this Chapter.*	The General Plan designates this area for commercial-mixed use development. Additionally, the project meets City zoning standards for location, intensity and type of development.
2. *Approval of project design is consistent with the purpose and intent of this section, which states "designs of projects…will result in improvements that are visually and functionally appropriate to their site conditions and harmonious with their surroundings, including natural landforms and vegetation. Additional purposes of design review include (but are not limited to): that retention and maintenance of existing buildings and landscape features are considered; and that site access and vehicular parking are sufficient."*	The proposal is in scale and harmony with existing development in the vicinity of the site, which are primarily metal industrial buildings adjacent to two freeways and the railroad tracks. The project will not require significant grading or excavation. The project will not create a visual detriment at the site or the neighborhood.
3. *Approval of the project is in the interest of public health, safety and general welfare.*	The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. New construction and operations will comply with all applicable regulations related to management of potentially hazardous materials.
4. *The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.*	The project as designed is in substantial compliance with the standards as stated, including harmonious materials, and well proportioned massing.

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

Required Finding	Explanation
5. ***Necessity, Desirability, Compatibility.*** *The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.*	The General Plan designates this area for Commercial/Service/Light Industrial. Additionally, the project meets City zoning standards for location, intensity and type of development. The site is an existing vacant commercial parcel. The public works activities caters to Albany residents, and it will be beneficial to the Albany community.
6. ***Adverse Impacts.*** *The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:* a. *The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;* b. *The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;* c. *The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;* *d. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;*	a. The proposal is in scale and harmony with existing development near the site. It is an already developed site. b. At the proposed hours of operation, on-street parking is often available and parking is provided on-site. c. No noxious or offensive emission such as noise, glare or dust will occur from the granting of conditional use permit. d. New construction is subject to Design review approval.

7. ***Consistency with Zoning Ordinance, General Plan and Specific Plan.*** *That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.*	The proposed project will not be detrimental to the health, safety, convenience and welfare of those in the area and would not adversely impact property, improvements or potential future development in the area. The proposed public facilities will not create an excessive amount of noise and should have little to no impact on surrounding neighbors.

Draft Conditions of Approval

Special Project Conditions

All of the mitigation measures identified in the Mitigated Negative Declaration, including those in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as Conditions of Approval for the project.

- Mitigation Measure AES-1: Prior to issuance of a building permit, an exterior lighting plan including fixture and standard design, coverage and intensity, shall be reviewed and approved by the Community Development Department to ensure that any outdoor night lighting proposed for the project is in compliance with City standards and is directed downward and shielded to prevent light spill onto surrounding properties, sky glow, and glare.
- Mitigation Measure AQ-1: The construction contractor shall institute construction vehicle emissions and dust control programs, which shall be submitted to the Community Development Department and approved prior to any construction activity. Air quality measures shall be consistent with Best Management Practices recommended by Bay Area Air Quality Management District (BAAQMD).
- Mitigation Measure CULT-1: Should an archaeological resource be encountered during project construction activities, the construction contractor shall halt construction in the vicinity of the find and immediately notify the City of Albany Community Development Director. Construction activities shall be redirected and a qualified archaeologist shall evaluate the archaeological deposit to determine if it meets the CEQA definition of a historical or unique archaeological resource and make recommendations about the treatment of the deposit.
- Mitigation Measure CULT-2: If paleontological resources are encountered during site preparation or grading activities, all work within 25 feet of the discovery shall be halted until a qualified paleontologist has assessed the discoveries and made recommendations. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks.

GENERAL PROJECT CONDITIONS

Gen-1 **Project Approval**. This Design Review approval is for 540 Cleveland, as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans prepared by Noll & Tam Architects, date received March 5, 2015, as presented to the Planning and Zoning Commission on March 11, 2015. For any condition herein that requires preparation of a Final Plan where the project developer has submitted a conceptual plan, the project developer shall submit final

plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.

GEN-2 **Project Approval Expiration**. This Design Review approval expire on March 25, 2016 (one year from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval.

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

GEN-4 **Appeals**. The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080. The City Clerk will then schedule the matter for the next available City Council meeting.

GEN-5 **Requirement for Building Permit**. Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

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

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

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

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

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

GEN-11 **Hold Harmless Agreement**. Pursuant to Albany Municipal Code Section 20.100.010 (N), the applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.

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

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

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

ARCHITECTURE CONDITION

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

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

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

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

LIGHTING CONDITIONS

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

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

LANDSCAPING CONDITIONS

LNDSC-1 **Street Tree Requirement**. The applicant shall apply for one street tree before the issuance of the building permit. The City's Environmental Resource Assistance will determine the type and location of the tree and

may waive this requirement if site conditions will not reasonably support establishment of a new tree.

PUBLIC WORKS DEPARTMENT CONDITIONS

GENERAL ENGINEERING CONDITIONS

ENGR-1 **Title Report**. n/a.

ENGR-2 **Geo-Technical Report**. The applicant shall submit, as part of a building permit application, a geotechnical investigation report prepared by a California certified engineering geologist and geotechnical engineer, if determined necessary by the City Engineer. The investigation shall specifically address any hazards of surface fault rupture in accordance with the Alquist-Priolo Special Study Zones Act. Any mitigation measures or conditions requiring further review noted during the Planning process shall be fully addressed prior to plan check.

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

GRADING CONDITIONS

GRAD-1 **Grading Permit**. Any grading required in association with the project shall require a grading permit from the Community Development Department. To obtain this permit, the applicant shall submit a grading plan, indicating the extent and volumes of earth proposed to be moved. A grading permit is subject to 2001 California Building, Appendix 33.

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

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

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

GRAD-5 **Dust Control Program**. A dust control program shall be prepared by the project developer and approved by the Community Development Department and City Engineer before issuance of a grading permit. The dust control plan shall address such items as covering stockpiled material, frequent watering of graded areas, revegetating graded areas, speed limits for grading equipment and similar items.

GRAD-6 **Stormwater Pollution Prevention Plan**. The project developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review by the City before the issuance of a building or grading and/or building permit. The SWPPP shall be consistent with standards adopted by the Regional Water Quality Control Board and the City of Albany Clean Water Program and implemented by the project general contractor, all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction shall also be addressed in the SWPPP. The project developer shall be responsible for SWPPP compliance. A copy of the SWPPP shall be kept at the construction site at all times.

INFRASTRUCTURE CONDITIONS

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

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

INFR-3 **Property Run-off Requirements**. All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage system through the project site to

an approved storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

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

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

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

PUBLIC IMPROVEMENTS CONDITIONS

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

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

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

PUBIM-4 **Right-of-Way Construction Standards**. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be reconstructed in accordance with approved standards

and/or plans and shall comply with the standard plans and specification of the Community Development Department and Chapter 14 of the City Code.

FIRE DEPARTMENT CONDITIONS

FIRE-1 **Construction of 1,500 Square Feet or Greater**. 1500 sq. ft. or more or any addition, remodel, rehabilitation, etc. is 50% of the existing sq. ft.:

a) This dwelling will be required install an Automatic Fire Extinguishing System throughout the entire dwelling. Ordinance No. 94-010, Albany Municipal Code, Chapter 11, Section 11-2.3a(3)(a).
b) Plans, information sheets on all sprinkler components and hydraulic calculations are required.
c) A 110-volt interconnected smoke alarm system with a 10-year lithium battery back-up is acceptable with a fire suppression system.

FIRE-2 **Fire Rated Construction**. Any portion of a building five (5) feet or less from the property line shall comply with fire-rating requirements of the CBC.

FIRE-3 **Gallons-per-Minute Requirement**. The water system for fire protection shall comply with City of Albany Fire Department standards. Fire flow test data and water system plans must be provided at time of building plan check. The plans must include all equipment, components and layout of the system. Private fire protection water systems shall be supplied through an approved backflow device per City Engineering Division standards.

FIRE-5 **Distance From Fire Hydrant**. Before building permit issuance the distance from existing fire hydrants to the building shall be verified and if necessary, a new hydrant shall be shown on the plans and installed prior to combustible construction.

Structural Control Measures

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

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

a) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that

are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.

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

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

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

OPERATIONAL BEST MANAGEMENT PRACTICES (BMPS)

BMP-GEN1 **Stormwater Pollution Prevention Control Measures**. The project plans shall include stormwater pollution prevention and control measures for the operation and maintenance of the project during and after construction for the review and approval of the City or County Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.

BMP-GEN2 **Erosion Control Measures**. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the practices outlined in the ABAG *Erosion and Sediment Control Handbook*, California Storm Water Best Management Practice Handbooks, and Regional Water Quality Control Board's *Erosion and Sediment Control Field Manual*

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

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

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

GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPS)

BMP-CNST1 **Construction Access Routes**. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approval grading plan.

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

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

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

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

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

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

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

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

BMP-CNST8 **Minimize Removal of Natural Vegetation**. Minimize removal of natural vegetation or ground cover from the site in order to minimize the potential

for erosion and sedimentation problems. Replant the area as soon as possible. All cut and fill slopes shall be stabilized as soon as possible after grading is completed. No site grading shall occur between October 1 and April 15 unless approved erosion and sedimentation control measures are in place.

Appeals:

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 calendar days of the date of action. Appeals may be filed in the Community Development Department by completing the required form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT

Agenda Date: December 15, 2014
Reviewed by: PL

SUBJECT: Public Works Service Center

REPORT BY: Penelope Leach, City Manager
Ray Chan Public Works Director
Patrick O'Keeffe, Project Manager

SUMMARY

This item recommends the City Council approve the Negative Declaration, select Overaa Construction as the developer/contractor, authorize staff to negotiate a construction agreement and financing agreement for City Council consideration and approval, and approve design modifications and funding sources, for the development of a new Public Works Service Center at 540 Cleveland Avenue.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. Adopt Resolution No. 2014-108 Adopting the Initial Study - Mitigated Negative Declaration for the development of a new public works maintenance center at 540 Cleveland Avenue;

2. Authorize staff to commence negotiations for a design – build construction agreement with Overaa Construction, and an agreement with ABAG for the creation of a financing structure, to be brought back for City Council consideration and approval;

3. Approve the cost reduction modifications to the design; and

4. Approve the allocation of Sewer Fund revenues for a portion of the lease payments.

BACKGROUND

The existing Public Works service center at 548 Cleveland Avenue is located in a leased facility that is inadequately sized and poorly configured for the public works operations. The lease will expire in January 2015, and it is appropriate for the City to consider other options for housing this critical facility. The City entered into a Purchase and Sale Agreement on May 6, 2013 for the acquisition of a parcel at 540 Cleveland Avenue on which to construct the new facility. In October 2013 the City Council approved a number of recommendations for the design, financing and construction of the facility, including use of the design build method for construction and the development of design specifications to be used as the basis for negotiating a design/build contract with a developer. Pursuant to that conceptual approval, the Council and staff have taken the following steps in the interim to implement the project:

- In November 2013, the Council approved the solicitation of proposals from design teams to prepare the plans and specifications that would be required for the design build proposals. The design team of Gillis + Panichapan Architects Inc. (GPa) was selected to create these documents for the developer/contractor solicitation.

- In January 2014, the Council approved an ordinance establishing the design build method as an alternate means of public works facility procurement allowing the request for proposals to be issued for developer/contractor solicitation.

- In February 2014, The Council approved the issuance of a Request for Qualifications for design build developer/contractor teams and received ten submittals in response. Council approved a short list of five teams for further consideration, and to respond to the RFP.

- In March 2014, the City's design firm, Gills + Panichapan Architects Inc. (GPa), completed the preliminary design and specifications for the RFP for the developer/contractor team solicitation.

- In April - May 2014 the seller of the 540 Cleveland parcel obtained a certification from Alameda County for the soil contamination cleanup, the City closed escrow to acquire the site, and the City obtained seller financed environmental insurance for potential future clean up liability.

- In May and June, 2014 the City Council considered the RFP for release to developers/contractors and a potential lease with Clear Channel Inc. for an advertising sign that could pay for a portion of the project cost. The ad sign was deemed to be unacceptable and the Council approved two adjustments to the project to offset the loss of ad sign revenues: 1) the size of the project was reduced by approximately 6,000 square feet to reduce project cost; and, 2) the Council committed $1million in reserves to pay for a portion of the reduced cost. The draft RFP was approved for release with the completion of the detailed design and contract specifications by staff.

- In July through September, 2014 staff completed the detailed documents for the specifications and draft construction contract to be attached to the RFP, which was distributed to the five firms that were selected to respond. The firms were given 60 days to respond.

- In November the City received four proposals in response to the RFP.

DISCUSSION

Selection/Evaluation Criteria

The following criteria were set forth in the Council approved RFP and were used by staff to evaluate the proposals:

- Completeness of response to the RFP.
- Experience with construction of similar design build projects utilizing information obtained from reference checks.
- Proposed project cost and long-term lease or financing costs.
- Experience with long-term lease or other equivalent forms of financing.
- Best value including price, features and function.
- Demonstration of financial capacity to complete the project including obtaining short term construction financing and long term ownership financing, and capacity to obtain bonding and liability insurance.
- Evidence of professional licenses and business insurance (general liability and errors and omissions) for professional designers on the team.
- Ownership entity of facility during lease period, and ownership property portfolio.
- Oral and written communication skills.
- History, if any, of disqualification or removal from governmental construction contracts.

Responses to the Request for Proposals

Pursuant to the process set forth in the Council approved design build ordinance, the initial solicitation for development construction firms was in the form of a Request for Qualifications. Ten firms responded to this solicitation and a short list of the five most qualified firms were then approved by Council to receive the Request for Proposals. This two step process was used as the work involved in responding to the RFP was substantial, and required the teams to receive construction estimates from subcontractors based on the plans and specifications that were included in the RFP.

The following five teams were selected to respond to the RFP:

- Griffin Swinerton
- Scannell Properties
- Diede Construction

- Linked Development
- Overaa Construction

One firm, Diede Construction, decided not to respond to the RFP, and staff evaluated the four proposals received using the above criteria. The staff team that undertook the evaluation consisted of City Manager Penelope Leach, City Attorney Craig Labadie, Public Works Director Ray Chan, Community Development Director Jeff Bond, project artchitect Jack Panichipan (GPa), and consulting project manager Patrick O'Keeffe. After an initial analysis it was clear that one proposal, by Overaa Construction, was substantially better than the other three. Staff did, however, interview the top two teams (including Scannell Properties) to have two different approaches to the project fully vetted. After concluding the interviews, the initial ranking of the top two proposals remained the same and staff is recommending that the Council approve the selection of the Overaa team for the project's development.

Overaa Proposal

The Overaa proposal and team (see attached excerpt on team composition and experience) was rated strongest, and is recommended by staff, for the following reasons:

- The overall proposal was the most complete in fulfilling the selection criteria.
- The design team of Burkes Toma and Noll & Tam Architects are the most familiar with Albany since both have worked on City facility projects. Burkes Toma prepared the original concept plan for this project that illustrated how the public works program could fit the site, which gave the City confidence to proceed with the site acquisition. Noll & Tam was the architect for the Civic Center renovation.
- Overaa Construction has substantial east bay experience with public facilities construction and a strong reputation for working with public entities including cities and school districts.
- The financing proposal was the strongest, with low interest tax exempt financing that allows a more expensive building within the annual lease payments budget that the City can afford.
- The team includes legal counsel for the public tax-exempt financing structure and the RFP response included sample leases for a similar public facility financing in El Cerrito.
- The team includes local Mechanics Bank who is ready to assist with an exploration of financing alternatives, and provided a letter of recommendation for long-term client Overaa construction.
- Modifications that were suggested to reduce the cost of the facility (discussed in more detail below) retained the original design intent in the RFP specifications.
- The schedule is consistent with the City's objectives of occupancy in approximately one year.
- The teams' approach is the most collaborative with the City and the extensive public sector experience creates an understanding of the public decision process.

- The long-term ownership of the facility will be a public entity with no likelihood of the facility being sold to a new owner/landlord that has different financial capacity and/or experience with a public lessee than the original developer/owner.

It should be noted that this design build construction method is not the typical public works low bid approach to construction where the City prepares a complete set of plans, bids the project and then is required to select the lowest bidder. The design build method allows the City to select the best proposal based on a number of different factors that are set forth in the above selection criteria. This method was chosen for two reasons:

1. The majority of the project cost is being financed over time through lease payments similar to the lease payments the City is currently making at the existing facility at 548 Cleveland, which reduces the amount of funds the City must commit to the project at the front end; and

2. This method allows for the design to be fined tuned to meet budget constraints, with the assistance of the design build team, before the cost and time is incurred for the development of complete construction drawings. This latter advantage eliminates the rigid bid process of having to develop a complete set of construction plans, bid and then reject all bids if the project bids are substantially higher than estimated, requiring a new set of bid documents to be developed and re-bid. Instead, the scope of the development can be adjusted as the design development proceeds to construction drawings and we obtain cost estimates from the team's sub-contractors along the way.

Possible Facility Modifications

The first set of City plans presented to the Council on May 19th outlined a facility of approximately 20,000 square feet. The size of the facility was the result of extensive discussions between Public Works staff and the City's architect (GPa) concerning space needs for the department, and storage needs for the entire city. It was recognized from the outset that the current facility is too small and that a larger facility would be needed.

With the elimination of one of the contemplated funding sources for the lease payments, it was necessary for the size of the facility to be reduced. Staff and GPa revised the plans to eliminate space from the program to reduce the overall cost of the facility. The revised GPa plans presented to Council, and approved in June for the RFP, reduced the size of the facility by approximately 6,000 s.f. to approximately 14,000 s.f. The following items were reduced or eliminated in the RFP plans:

- The truck bay for servicing public works vehicles was eliminated on the first floor. The current practice of contracting the vehicle servicing will continue.
- Eliminated compressor room, mechanical room and parts storage room on first floor. These spaces supported the truck bay and the hydraulic vehicle lift.

- The elimination of the ground floor space allows the building to be 30 feet shorter in length, which then also reduces mezzanine storage space and second floor staff space.
- The two restrooms on the second floor for the public were reduced to one uni-sex restroom.
- One conference room was eliminated on the second floor.
- The large conference/training room on the second floor was reduced in size.
- The men's and women's second floor locker rooms for the maintenance crews were reduced in size.
- The second floor crew lunchroom was reduced in size.
- One of the second floor circulation hallways was eliminated.
- The second floor storage room was reduced in size.

The reduced space program lowered the estimated project cost by approximately $1 million to $5.5 million. The amount to be financed was reduced by a $1 million cash contribution from reserves that Council approved in concept, lowering the amount to be financed to $4.5 million that resulted in a lease payment of approximately $292,000 annually. This was recommended to be funded by committing funds used for existing lease payments ($184,000) plus an additional $108,000 in General Fund monies. The RFP was issued on the basis of this reduced facility size and financing assumptions.

The estimated construction cost in the Overaa proposal is approximately $7.1 million, or $1.6 million more than the GPa estimate. The Overaa estimated lease cost at a 30 year term, after reducing the project finance amount by the City's $1 million cash payment, is approximately $344,000 annually, which is $ 52,000 higher than the $292,000 previously estimated. In order to make the facility financially feasible with the Overaa pricing, it will be necessary to look at a combination of further cost reductions as well as increased revenues for the lease payment. As part of its proposal Overaa suggested design revisions that could reduce the project cost by an additional $400,000. These revisions include the following modifications:

1. **Change the Material of the Exterior Walls** - from concrete block to a combination of block and metal siding. The first 6 feet of the ground floor would remain block for foundation purposes and durability with equipment storage, the balance of the exterior would be a less expensive metal siding similar to the other industrial buildings on Cleveland. This is a major cost reduction measure that will alter the appearance of the facility. Attached are elevations showing the 100% block exterior originally approved by Council.

2. **Reduce the Height of the First Floor –** The GPa design included a first floor height of 18 feet to allow sufficient vertical clearance to house large vehicles/equipment such as the vector truck. It may be possible to reduce the height by four feet to 14 feet and still have sufficient clearance. This will reduce the amount of wall materials needed.

3. **Reduce or Eliminate the Mezzanine Storage Space –** This space was designed for both public works storage as well as city-wide departmental storage. It will be necessary to replace this capacity with electronic conversion of paper files that will require future operating budget appropriations.

4. **Revise Plaster, Electrical, Tile and Window Shade Scopes –** These are all smaller savings individually but could collectively add up to a six figure savings. Additional smaller revisions of this nature may be possible during the design development process.

FINANCIAL CONSIDERATIONS

Project Cost and Lease Payment Required

The cost of the project could be negotiated as follows:

ITEM	AMOUNT	COMMENTS
Overaa Price	$7,100,000	Rounded
Design Modifications	$400,000	Final amount to be negotiated
Net Cost	$6,700,000	
City Cash Contribution	$1,000,000	From reserves
Net Amount Financed	$5,700,000	
Annual Lease Payment	$ 320,000	3.77% interest / 30 year term

A portion of the lease cost reduction also results from the favorable tax-exempt interest rates of the current market. Even with the favorable tax exempt financing structure and the lower cost of the project with the above modifications, the resulting lease payment of approximately $320,000 is still $28,000 more annually than estimated at the time of the RFP release. This revised lease requirement could be funded as follows:

REVENUE SOURCE	AMOUNT
Currently Budgeted FY14/15	$244,500
Additional Storm Drain Fund	$20,000
Additional Sewer Fund	$ 55,500
Total Revenues for Lease	$320,000
Lease Payment Required	$320,000

The difference from this suggested revenue structure from the previous funding recommendation is the inclusion of additional funds from the Sewer Fund and the Storm Drain fund. This is appropriate as a significant amount of the engineering and maintenance functions that will be housed in the facility are devoted to sewer and storm drain maintenance, and facility replacement required to meet federal clean water standards.

Financing, Lease and Construction Contract Structure

Pursuant to the attached diagram, the City will create a new entity in conjunction with the Association of Bay Area Governments (ABAG) Finance Authority that will own the facility, lease it to the City, and use the lease payments to pay for the construction financing. This financing will be provided by a bank (most likely Mechanics Bank) through the issuance of Certificates of Participation (COPS) that are interests in the City's lease payments. In addition to being the lessor, the new entity will contract with the Overaa team for the construction of the facility. This structure creates tax-exempt interest rates that are approximately 2-3% lower than taxable rates. The lower interest rate allows a more expensive facility to be constructed, thereby making up a portion of the cost differential between the GPa cost estimate at time of RFP issuance, and the actual Overaa price estimate.

SUSTAINABILITY IMPACT

It is anticipated that the building will be designed to a LEED gold standard that will result in sustainable construction practices, building materials and lower operating costs. The design continues to accommodate solar roof panels to generate energy for the facility which will reduce energy costs as well as green house gas creation. It is not recommended that the City obtain LEED certification however, as this will involve a six figure cost that is beyond the budget.

CEQA ACTION REQUIRED

The proposed facility, because it will result in a physical change to the environment, is considered a "project" under the California Environmental Quality Act (CEQA). An Initial Study and draft Mitigated Negative Declaration (see attached) was prepared by the City staff and made available to the public on November 10th, 2014. Several environmental factors were identified as potentially affected by this project, including: aesthetics; air quality; cultural resources; geology; hazardous materials and hydrology. Mitigated measures are proposed to be incorporated into the project conditions of approval to ensure the potential impacts are less than significant. As of the date of the preparation of this staff report, no written comments have been submitted on the environmental analysis.

CONCLUSION

Staff recommends the City Council adopt the resolution approving the Mitigated Negative Declaration, approve the selection of the Overaa construction team, and authorize staff to commence negotiations for a construction agreement with the design modifications listed above for Council approval, and authorize staff to negotiate the creation of a financing entity with ABAG for Council approval. Subsequent steps to advance this project will include:

1. Final approval of the design by the Planning and Zoning Commission in January

2. Council approval of the construction contract in January-February.
3. Council approval of the financing structure and lease agreement in January - February.

Attachments

1. Overaa Qualifications
2. GPa block elevation
3. Overaa Financing and Development Structure Diagram
4. Initial Study/Mitigated Negative Declaration
5. Resolution Approving Mitigated Negative Declaration