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2 **WHEREAS**, the Planning & Zoning Commission reviewed and approved
3 Design Review and a Parking Exception for 939 Evelyn Ave. at its March 23, 2016
4 hearing; and

5
6 **WHEREAS**, Sarah Woodard and Charles Keene filed an appeal of the
7 Planning & Zoning Commission decision on April 6, 2016; and

8
9 **WHEREAS**, the appeal cites significant and material effects on the quality of
10 life within Albany, an error or abuse of discretion by the Planning & Zoning
11 Commission, standard or review criteria was incorrectly applied, and the decision
12 creates an inconsistency with the Albany General Plan and the Albany Municipal
13 Code.; and

14
15 **WHEREAS**, the appeal hearing date was established pursuant to Section
16 20.100.080 (E) (1) which requires that a hearing date be set within 30 days of the
17 initial filing and that the hearing be held within 60 days of the original date of
18 approval when feasible and was scheduled for review on June 20, 2016 with the
19 applicant's consent; and

20
21 **WHEREAS**, Planning and Zoning Code Section 20.100.080.F establishes the
22 following standards for review of appeals:

23
24 *When reviewing any decision of the Planning and Zoning Commission on*
25 *appeal, the City Council shall use the same standards for decision making and*
26 *is required to make findings in accordance with the Municipal Code. The*
27 *Council may adopt the Planning and Zoning Commission's decision and*
28 *findings as its own. In either case, the City Council shall have the option to*
29 *prepare a resolution stating the council's decision or shall render its decision*
30 *by minute action.*

31

1 **WHEREAS**, on June 20, 2016 the City Council held a public hearing,
2 considered all public comments received, the presentation by City staff, the staff
3 report, and all other pertinent documents regarding the proposed request;
4

5 **WHEREAS**, a public hearing notice was mailed to property owners within
6 300 ft. of the subject site and was posted in three public places on Friday June 10,
7 2016 for the City Council appeal pursuant to Government Code Section 65090; and
8

9 **NOW THEREFORE BE IT RESOLVED**, that the City Council of the City
10 of Albany approves application request PA 15-057 and upholds the decision of the
11 Planning & Zoning Commission:
12

13 **1. FINDINGS FOR EXEMPTION FROM CEQA**
14

15 **Finding:** The project is Categorical Exempt from the California Environmental
16 Quality Act Guidelines pursuant to Section 15303 “New Construction or
17 Conversion of Small Structures”.
18

19 **Evidence:** The proposed application would result in construction of an addition to
20 a single-family residence in an R-1 Zoning District.
21

22 **2. FINDINGS FOR APPROVAL OF DESIGN REVIEW**
23

24 **Findings for Design Review approval (Per section 20.100.050.E of the AMC)**
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26 1. **Finding Required for Approval:** The project conforms to the General Plan,
27 any applicable specific plan, applicable design guidelines adopted by the City
28 of Albany, and all applicable provisions of this Chapter.
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Evidence: The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity, and type of development.

- 2. **Finding Required for Approval:** 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.”

Evidence: The proposal is in scale and harmony with existing development in the vicinity of the site. The architectural style, design and building materials are consistent with the City’s Residential Design Guidelines. The project will not require significant grading or excavation. The project will not create a visual detriment at the site or the neighborhood.

Finding Required for Approval: Approval of the project is in the interest of public health, safety and general welfare.

Evidence: 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.

- 3. **Finding Required for Approval:** The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.

1 **Evidence:** The project as designed is in substantial compliance with
2 the standards as stated, including harmonious materials, and well
3 proportioned massing.

4 **3. FINDINGS OF APPROVAL FOR PARKING EXCEPTION**

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6 **Findings for Parking Exceptions (Per Section 20.28.040 (5) of the AMC)**

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8
9 5. Parking in Required Yards. The City recognizes the existence of
10 residential properties whose historical development did not allow for present
11 day parking requirements. The City encourages off-street parking to be
12 located in the rear yard or side yard. In some cases the Planning and Zoning
13 Commission, after due consideration, may find that permitting required
14 parking in a front yard would be more in the public interest than would a
15 reduction in the off-street parking requirement. The Planning and Zoning
16 Commission may approve front yard parking upon making at least the
17 following findings as appropriate to the yard area in question:

18
19 **Findings:**

20
21 a. *Parking within a main building, a garage, carport or*
22 *other structure or in the rear or side yard is not feasible or will be*
23 *disruptive to landmark trees or will severely restrict private outdoor*
24 *living space on the site.*

25 **Finding: The existing garage is non-conforming with**
26 **respect to size and is proposed to be demolished.**

27
28 b. *The area proposed for parking in the front yard will not*
29 *exceed seven (7) feet six (6) inches in width, and twenty (20) feet in*
30 *length.*

1 **Finding: The proposed parking space will measure 7'6" w x**
2 **16' l.**

3
4 c. *The parking space is designed so that no part of any*
5 *vehicle will extend beyond the property line into the public right-of-*
6 *way or will come within one (1) foot of the back of the sidewalk, nor*
7 *permit a parked vehicle to constitute a visual obstruction exceeding*
8 *three (3) feet in height within twenty-five (25) feet of the intersection of*
9 *any two (2) street lines. The Planning and Zoning Commission shall*
10 *not approve a front yard parking space unless a finding is made that*
11 *visual obstructions are not a significant safety hazard.*

12 **Finding: There aren't any visual obstructions associated**
13 **with the front yard setback parking space.**

14
15 d. *Any required off-street parking spaces which are*
16 *permitted in front yard areas are so located as to minimize aesthetic*
17 *and noise intrusion upon any adjacent property.*

18
19 **Finding: The front yard will have extensive landscaping**
20 **and the parking space will be minimized by the**
21 **landscaping.**

22
23 **20.28.050 Parking Area Standards.**

24
25 **A. Dimensional Standards**

26
27 **1. Single-Family Residential Uses:**

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29 d. *Open or Covered Parking (Pre-1978). Where warranted*
30 *by spatial limitations related to construction approved prior to the*
31 *enactment of Measure D¹ in November 1978, the Planning and Zoning*

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Commission may permit an open or covered parking space measuring no less than seven (7) feet six (6) inches wide, by sixteen (16) feet long, to meet off-street parking requirements. The Commission may permit a minimum width dimension for a double-car open or covered parking space to be fourteen (14) feet. All minimum width dimensions shall be increased by one (1) foot of width adjacent to each wall, fence, property line or other fixed obstruction that restricts access abutting the long dimension of the parking space.

Finding: The existing driveway space measures 7'6"w x 16'l.

PASSED AND ADOPTED by the City Council of the City of Albany on the 20th day of June, 2016.

AYES: *Council members: Barnes, McGuaid, Nason, Pilch & Mayor Maass*

NOES:

ABSENT:

ABSTAIN:



PETER MAASS, MAYOR

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**EXHIBIT A
CONDITIONS OF APPROVAL
PLANNING APPLICATION 15-057
AS APPROVED BY THE PLANNING & ZONING COMMISSION**

Special Project Conditions

Special 1- The applicant shall install opaque glass on the windows on the southeast corner, second floor; (Per Planning & Zoning Commission review 3/23/16)

Special 2- The architect shall make an effort to reduce the height of the dormer by a couple of inches subject to approval by staff; (Per Planning & Zoning Commission review 3/23/16)

Special 3- The Floor Area Ratio (FAR) shall be verified by a third party as offered by the project architect; (Per Planning & Zoning Commission review 3/23/16)

Special 4- The pavers to be installed in the driveway shall be vehicle rated. (Per Planning & Zoning Commission review 3/23/16)

Special 5- Staff shall work with the applicant to include obscured glass on the north elevation dormer to prevent a direct line of site into the neighboring north property. (Per City Council 6/20/16)

Special 6- A supplemental exhibit shall be submitted at the time of building permit submittal verifying the floor area ratio calculations for compliance with the Albany Municipal Code. The exhibit shall be reviewed by a third party for compliance. (Per City Council 6/20/16)

GENERAL PROJECT CONDITIONS

Gen-1 **Project Approval.** This Design Review and Parking Exception approval is for 939 Evelyn, as substantially shown and described on

1 the project plans, except as may be modified by conditions herein.
2 Plans prepared by Jerri Holan date received February 26, 2016, as
3 presented to the Planning and Zoning Commission on March 23, 2016
4 and the Albany City Council on June 20, 2016. For any condition
5 herein that requires preparation of a Final Plan where the project
6 developer has submitted a conceptual plan, the project developer shall
7 submit final plan(s) in substantial conformance with the conceptual
8 plan, but incorporate the modifications required by the conditions
9 herein for approval by the City.

10
11 GEN-2

Project Approval Expiration. This Design Review and Parking
12 Exception approval expires on June 20, 2017 (one year from the date
13 on which this approval becomes effective) or at an alternate time
14 specified as a condition of approval, unless a building permit has been
15 issued and construction diligently pursued. The approval may be
16 renewed by the Community Development Director for a period up to
17 an additional two (2) years, provided that, at least ten (10) days before
18 expiration of one (1) year from the date when the approval becomes
19 effective, an application for renewal of the approval is filed with the
20 Community Development Department. The Community Development
21 Director may grant a renewal of an approval where there is no change
22 in the original application, or there is no request to change any
23 condition of approval.

24
25 Gen-3

Fees. The applicant shall pay any and all City and other related fees
26 applicable to the property, as may be modified by conditions herein.
27 Fees shall be based on the current fee structure in effect at the time the
28 relevant permits are secured, and shall be paid before issuance of said
29 permit or before any City Council final action approval. Notice shall
30 be taken specifically of Plan Check, Engineering, Fire and Inspection
31 Fees. The project developer shall also reimburse the City for direct

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

3
4 GEN-4

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

10
11 GEN-5

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

18
19 GEN-6

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

23
24 GEN-7

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

28
29 GEN-8

Construction Hours. Construction activity shall be restricted to the
30 hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays, and 10:00
31 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise

1 approved in writing by the City Engineer for general construction
2 activity. Failure to comply with construction hours may result in stop
3 work orders or other administrative actions.
4

5 GEN-9

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

18 GEN-10

Modifications to Approved Plans. The project shall be constructed
19 as approved. Planning staff may approve minor modifications in the
20 project design, but not the permitted land use (per MC 20.12). A
21 change in an item requiring discretionary approval and any other
22 changes deemed appropriate by the Planning staff shall require further
23 Planning and Zoning Commission approval through the Design
24 Review process.
25

26 GEN-11

Hold Harmless Agreement. Pursuant to Albany Municipal Code
27 Section 20.100.010 (N), the applicant (including any agent thereof)
28 shall defend, indemnify, and hold harmless, the City of Albany and its
29 agents, officers and employees, from any claim, action, or proceeding
30 against the City or its agents, officers or employees to attack, set aside,
31 void, or annul the City's approval concerning this application. The City

1 will promptly notify the applicant of any such claim action or
2 proceeding and cooperate fully in the defense.

3
4 GEN-12 **Public Improvements Standards.** Public improvements shall be
5 designed and constructed in accordance with the City's Standard
6 Specifications and Standard Details, unless specifically waived in
7 writing by the City Engineer.

8
9 GEN-13 **Title 24 Standards.** All construction shall be designed and built in
10 accordance with California Title 24 handicap accessibility standards.
11 Appropriate details and specifications shall be incorporated into the
12 plans and submitted at time of building permit application.

13
14 GEN-14 **Energy Conservation Standards.** All buildings shall be designed in
15 accordance with the State of California energy conservation standards
16 for non-residential buildings. The necessary plans and documentation
17 shall be submitted at time of building permit application.

18
19 **ARCHITECTURE CONDITION**

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

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

29
30 ARCH-3 **Window Recess.** All new windows shall be recessed two inches from
31 face of building to provide adequate shade and shadow and to promote

1 visual relief. Final window details shall be submitted for review and
2 approval at the time of building permit application.

3
4 ARCH-4 **Non-Reflective Glazing.** Any glazing material shall be non-
5 reflective.

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8 **LIGHTING CONDITIONS**

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

15
16 LGHT-2 **Shielding of Lighting.** Prior to the certificate of occupancy, all accent
17 lighting shall be directed downward and, if necessary, fixed with cut-
18 off lenses to ensure that no glare spills onto neighboring properties.

19
20 **LANDSCAPING CONDITIONS**

21 LNDSC-1 **Street Tree Requirement.** The applicant shall apply for one street
22 tree before the issuance of the building permit. The City’s
23 Environmental Resource Assistance will determine the type and
24 location of the tree and may waive this requirement if site conditions
25 will not reasonably support establishment of a new tree.

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27 **PUBLIC WORKS DEPARTMENT CONDITIONS**

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29 **GENERAL ENGINEERING CONDITIONS**

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

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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

1 shall be above the FEMA-mapped 100-year flood plain as established
2 by a licensed civil engineer. Provide the elevation and compaction
3 certificates during and upon the completion of grading required by the
4 Uniform Building Code and in conformance with the
5 recommendations of the geotechnical engineer's report. Shore and
6 dewater all excavations in accordance with the requirements of the
7 geotechnical engineer's report.
8

9 GRAD-4

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

24 GRAD-5

Dust Control Program. A dust control program shall be prepared by
25 the project developer and approved by the Community Development
26 Department and City Engineer before issuance of a grading permit.
27 The dust control plan shall address such items as covering stockpiled
28 material, frequent watering of graded areas, revegetating graded areas,
29 speed limits for grading equipment and similar items.
30

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

12
13 **INFRASTRUCTURE CONDITIONS**

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

18
19 INFR-2 **Two-Way Cleanout.** Installation of a two-way curbside cleanout
20 shall be required per Chapter 15 of the Albany City Code. This
21 applies to all properties, including properties with a valid upper sewer
22 lateral certificate of compliance. All 2-way curbside clean outs shall
23 be fitted with a loose cap in accordance with the City's standard detail
24 SS6.

25
26 INFR-3 **Property Run-off Requirements.** All runoff from impervious
27 surfaces shall be intercepted at the project boundary and shall be
28 collected and conducted via an approved drainage system through the
29 project site to an approved storm drain facility, as determined by the
30 City Engineer. Development that contributes additional water to the
31 existing drainage system shall be required to complete a hydraulic

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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

1 materials shall be discharged onto a sidewalk, street, gutter, storm
2 drain or creek.

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

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

17
18 **FIRE DEPARTMENT CONDITIONS**

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

- 22 a) This dwelling will be required install an Automatic Fire
23 Extinguishing System throughout the entire dwelling. Ordinance
24 No. 94-010, Albany Municipal Code, Chapter 11, Section 11-
25 2.3a(3)(a).
- 26 b) Plans, information sheets on all sprinkler components and
27 hydraulic calculations are required.
- 28 c) A 110-volt interconnected smoke alarm system with a 10-year
29 lithium battery back-up is acceptable with a fire suppression
30 system.

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

4
5 FIRE-3 **Gallons-per-Minute Requirement.** The water system for fire
6 protection shall comply with City of Albany Fire Department
7 standards. Fire flow test data and water system plans must be provided
8 at time of building plan check. The plans must include all equipment,
9 components and layout of the system. Private fire protection water
10 systems shall be supplied through an approved backflow device per
11 City Engineering Division standards.

12
13 FIRE-5 **Distance From Fire Hydrant.** Before building permit issuance the
14 distance from existing fire hydrants to the building shall be verified
15 and if necessary, a new hydrant shall be shown on the plans and
16 installed prior to combustible construction.

17
18 **Structural Control Measures**

19
20 STRUC-1 **Illegal Dumping to Storm Drain Inlets and Waterways.** On-site
21 storm drain inlets shall be clearly marked with the words “No
22 Dumping! Flows to Bay,” or equivalent, using methods approved by
23 the City of Albany.

24
25 STRUC-2 **Pesticide/Fertilizer Application.** Landscaping shall be designed to
26 minimize irrigation and runoff, promote surface infiltration where
27 appropriate, and minimize the use of fertilizers and pesticides that can
28 contribute to stormwater pollution. If a landscaping plan is required as
29 part of a development project application, the plan shall meet the
30 following conditions related to reduction of pesticide use on the
31 project site:

- 1 a) Where feasible, landscaping shall be designed and operated to
2 treat stormwater runoff by incorporating elements that collect,
3 detain, and infiltrate runoff. In areas that provide detention of
4 water, plants that are tolerant of saturated soil conditions and
5 prolonged exposure to water shall be specified.
- 6 b) Plant materials selected shall be appropriate to site specific
7 characteristics such as soil type, topography, climate, amount and
8 timing of sunlight, prevailing winds, rainfall, air movement,
9 patterns of land use, ecological consistency and plant interactions
10 to ensure successful establishment.
- 11 c) Existing native trees, shrubs, and ground cover shall be
12 retained and incorporated into the landscape plan to the maximum
13 extent practicable.
- 14 d) Proper maintenance of landscaping, with minimal pesticide
15 use, shall be the responsibility of the property owner.

16
17 **OPERATIONAL BEST MANAGEMENT PRACTICES (BMPs)**

18
19 **BMP-GEN1 Stormwater Pollution Prevention Control Measures.** The project
20 plans shall include stormwater pollution prevention and control
21 measures for the operation and maintenance of the project during and
22 after construction for the review and approval of the City or County
23 Engineer. The project plan shall identify Best Management Practices
24 (BMPs) appropriate to the uses conducted on-site in order to limit to
25 the maximum extent practicable the entry of pollutants into stormwater
26 runoff.

27
28 **BMP-GEN2 Erosion Control Measures.** The project plan shall also include
29 erosion control measures to prevent soil, dirt and debris from entering
30 the storm drain system, in accordance with the practices outlined in the
31 *ABAG Erosion and Sediment Control Handbook, California Storm*

1 Water Best Management Practice Handbooks, and Regional Water
2 Quality Control Board's *Erosion and Sediment Control Field Manual*

3
4 **BMP-GEN3 Responsibility of Contractors.** The applicant is responsible for
5 ensuring that all contractors and subcontractors are aware of and
6 implement all stormwater quality control measures. Failure to comply
7 with the approved construction BMPs shall result in the issuance of
8 correction notices, citations and/or a project stop order.

9
10 **BMP-1 Paved Sidewalks and Parking Lots.** Sidewalks and parking lots
11 shall be swept regularly to prevent the accumulation of litter and
12 debris. Debris resulting from pressure washing shall be trapped and
13 collected to prevent entry into the storm drain system. Washwater
14 containing any soap, cleaning agent or degreaser shall be collected and
15 discharged to the sanitary sewer and shall not be discharged to a storm
16 drain. The applicant shall contact the City Engineer for specific
17 connection and discharge requirements.

18
19 **BMP-2A Private Streets, Utilities and Common Areas.** The owner of private
20 streets and storm drains shall prepare and implement a plan for street
21 sweeping of paved private roads and cleaning of all storm drain inlets.

22
23 **GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs)**

24
25 **BMP-CNST1 Construction Access Routes.** Construction access routes shall be
26 limited to those approved by the City Engineer and shall be shown on
27 the approval grading plan.

28
29 **BMP-CNST2 Collection of Construction Debris.** Gather all construction debris on
30 a regular basis and place them in a dumpster or other container that is
31 emptied or removed on a weekly basis. When appropriate, use tarps on

1 the ground to collect fallen debris or splatters that could contribute to
2 stormwater pollution.

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

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

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

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

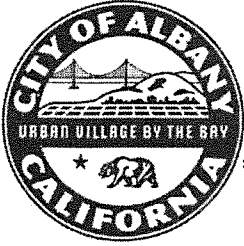
23 Filter materials shall be maintained and/or replaced as necessary to
24 ensure effectiveness and prevent street flooding. Dispose of filter
25 particles in the trash.

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

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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.



City of Albany

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

RESOLUTION NO. 2016-47

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

the 20th day of June, 2016, by the following votes:

AYES: Council Members Barnes, McQuaid, Nason, Pilch and Mayor Maass

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

21st day of June, 2016.

Eileen Harrington
DEPUTY CITY CLERK