

City of Albany
Planning and Zoning Commission
Study Session/Staff Report

Meeting Date: September 9, 2008

Prepared by: _____

Agenda Item: 6b

Reviewed by: _____

Subject: 904 Santa Fe. Planning Application 07-087. Design Review. Request for approval on an application for Design Review of a new mixed-use building, which includes two residential units and one commercial retail space.

**Applicant/
Owner:** Mina Moubedi

Recommendation

Staff recommends that the Planning and Zoning Commission provide direction to the applicant on any appropriate design changes and approve Planning Application 07-087, Design Review, subject to the attached findings and conditions of approval.

Project Description

The subject property has a single-story residence located on a 4,180sq.ft. lot. The applicant would like to demolish the existing home and construct a new three story mixed-use building that includes two residential units that are each approximately 1,200sq.ft. in area, and a commercial retail space that is approximately 1,075sq.ft. in area. There is a 5'-6" side yard setback on the south side and a zero, lot line setback on the north side. The third story is a partial story that steps in 11' from the rear property line. The building has a maximum height of 31'-11". The building is of a contemporary style with a tile roof and stucco finish. There are various divided light windows, balcony, roof top deck and variation in wall depths that articulate the elevations. The deck and balcony provide the required 100sq.ft. of private open space for each unit.

Planning and Zoning Code Section 20.28.040(B2) states that up to 1,500 sq. ft. of ground floor retail area is exempt from parking requirements. The retail area of the proposed project is 1,076 sq. ft. therefore, there no parking required for the one retail space. There is a four car parking garage for residents located below grade that is accessed from a driveway off Santa Fe. Municipal Code Section 20.24.050 (C1) states that enclosed parking that is completely below grade for mixed-use buildings are exempt in the Floor-Area-Ration calculations. In this case, the garage is as far below grade as practically possible to maintain safety and functionality.

Background on Application

The application was received on November 1, 2007 and was first heard at a study session of the Planning and Zoning Commission on December 11, 2007 where the Commission provided the applicant feedback and direction on appropriate changes. The applicant has maintained the

project's original concept but has made revisions to the architectural details, including changes to the roof, decks, windows, etc.

Environmental Analysis

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15332 of the CEQA Guidelines, which exempts infill development.

Summary of Key Issues

Land Use

The property is zoned SC (Solano Commercial), which allows mixed-use development. The property to the north is also zoned SC and the two parcels at the rear are zoned SC. There is, however, a small portion of the lot at the rear southwest corner, 907 Carmel, that is zoned R-1 (Single-family residential). This parcel is unique in that the General Plan Use designation is inconsistent with the Planning and Zoning Code. It is designated as "low density residential" in the General Plan and is zoned SC (Solano Commercial). In the case of a charter city such as Albany, the zoning ordinance generally takes precedence over the general plan in the event of an inconsistency.

Where a commercial zoned property abuts residential zoned property, a maximum of 20' high wall must be setback 10' from the property line with a 45-degree daylight plane. Alternatively, a maximum 12' high wall can be at the property line and a 45-degree daylight plane is required. Because a majority of the lot abuts an SC district, the daylight plane has not been provided. In addition, the southwest corner where the zoning districts differ is where there are no second or third stories.

It should also be noted that there is a slight change in grade with the subject property sitting approximately 1'-6" to 2' taller than the properties at the rear. The property to the south is a residential property so a 5' side yard setback and a 45-degree daylight plane from the 20' tall building is required. It should be noted that the roof eaves slightly encroach into the daylight plane area.

The commercial portion of the project is located in the first half of the building on the first floor. The residential units are located in the rear area of the first floor, span the entire length of the second-floor and up to a partial third story at the rear half of the building. There are 0' lot line setbacks on the north and west sides. The maximum height of the building is 31'-11" and the maximum height of the building at the rear property line is 14'. The rear wall is part of an open roof, 11' from the wall of the third story. The parking garage is located below grade and is accessed from a driveway that is located on the south end of the building.

Design Review and Changes from December 11, 2007 Study Session

The building is of a contemporary style with some Spanish style accents such as a tile roof and stucco finish. All the elevations, except for the north, are well articulated with various divided light windows that have a trim and ledge accenting them. Architectural details include:

- Extended beams under the decks and second-floor.
- Balconies and porches, which create a variation in wall depth and provides some architectural interest on the facades.
- The front elevation has the wall of full-length windows spanning almost the entire width. It has tile accents and an arched entrance, which are attractive.
- The south elevation is accented by all of the windows, variation in wall depth and porch railings.
- The northern elevation is plain with no openings on the wall since there is a 0', lot line setback proposed.
- There are number of gabled roofs that create a layered appearance. The third story has the only hipped roof, which is somewhat awkward since all of the other roofs are gabled.

At the study session, the Commission generally liked the project design and concept. One Commissioner recommended that the second floor patio be reduced or moved. Another recommendation was to increase the articulation on the east elevation. A three-dimensional or model was requested, with the neighboring properties included. Finally, the Commission requested that the applicant work with neighbors to the rear to address their concerns above loss of privacy, shading and visual mass.

The applicant has brought in the roof deck at the rear, approximately 3' from the property line where originally it abutted the property line. A tile roof has been added as a result and creates a more attractive rear elevation. The applicant has brought in the balcony on the south elevation 4' from towards the east and railings have been added to both areas to increase privacy for the neighbors. The roof on the rear has been change from a hipped to a gable. Staff believes that the original proposal of a gabled roof is preferable because it brings down the visual mass of the top floor. No changes have been made to the front elevation and staff concurs with one of the Commission's recommendation that some addition architectural detail be added to the front elevation.

Some of the neighbors at the rear have reviewed the revised plans but continue to have concerns about privacy, even with the revisions in the balcony and roof deck. The applicant has provided renderings to provide a visual of how they may affect their privacy (see attachment ____). Ideally, the neighbors would like the mass of the building to be moved towards the front (eastern) portion of the lot.

Landscaping and Fencing

Staff recommends that if the Planning and Zoning Commission wishes to approve the project that a conceptual landscape plan be provided for Commission review before issuance of a building

permit. In addition, there is an existing fence along the side and rear property line. Staff recommends that any damaged or aged fencing be replaced by the applicant.

Signs and Lighting

The applicant has provided samples of the type of signage that they would like for the building. The examples are essentially externally lit, raised letter wall signs (attached to project plans).

Green Building

The applicant has provided the multi-family green points checklist. A total of 56 green points have been provided. The applicant has stated that bicycle storage shall be provided to attain green points. Staff recommends that the applicant clarify location of the bicycle parking. Insulated wall panels, solar panels and FSC-certified wood are just some of the measures proposed to meet the green building requirements.

Conclusion

Overall, staff believes that there are some very attractive features of the project, and based on the project's compliance with the City's Planning and Zoning Code, recommends approval of the project. Staff, however, also recognizes neighbor concerns about the loss of privacy and increased mass on an adjacent property. The Commission's authority to address bulk and privacy is incorporated into the design review standards of review, and specifically whether an application is harmonious with its surroundings and whether balanced attention has been given to the benefits of the proposed project and the privacy of residential occupants of adjacent properties.

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 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.

Attachments:

1. Analysis of Zoning Requirements
2. Application, Project Plans
3. Renderings provided by Neighbor

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts And Permitted Uses

General Plan: Low Density Residential
 Zoning: SC (Solano Commercial)

20.16 Land Use Classifications

Restaurant with drive-through

Surrounding North - Office (SC) East - SFR (SC & R-1)
 Property Use South - SFR (R-1) West - SFR (SC & R-1)

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table Of Site Regulations By District.

	Existing (approx.)	Proposed	Requirement
Setbacks			
Front (east)	20'	15'	15'
Side (south)	5'-6"	5'-6"	5'
Side (north)	4'	0'	0'
Rear (west)	33'	0'	0'
Area			
Lot Size	4,180	No change	--
Lot Coverage	40%	80%	100%
Maximum Height	--	31'-11"	35'

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.050 Floor-Area-Ratio.

	Proposed	Requirement
Lot Size	4,180	--
Floor Area		
Garage	2564	--
First Floor	2397	
Second Floor	2097	
Third Floor	722	
Total	7780	--
Total Counted	5216*	--
Floor Area Ratio	1.25%	1.25%

* Municipal Code Section 20.24.050 (C1) states that parking that is completely below grade for mixed-use buildings are exempt in the Floor-Area-Ration calculations.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances Between Structures.

See discussion of key issues.

20.24.110 Fences, Landscaping, Screening.

See discussion of key issues.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See discussion of key issues.

20.40 Housing Provisions

The project is not subject to inclusionary housing requirements since there are fewer than five units.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

Not applicable.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on August 29, 2008 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 Summary of Key Issues

Green Building

See attachment

ATTACHMENT 2 - FINDINGS

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

<i>Required Finding</i>	Explanation
<p>1. <i>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.</i></p>	<p>The General Plan designates this area for residential development. The project, however, meets City zoning standards for location, intensity and type of development.</p>
<p>2. <i>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."</i></p>	<p>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 Design Standards. The proposed project will provide safe and convenient access to the property for both vehicles and pedestrians. The project will not remove any significant vegetation. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The building is of a contemporary style with some Spanish style accents such as a tile roof and stucco finish. All the elevations, except for the north, are well articulated and attractive. The applicant has made a conscious effort to add architectural details such as wood railings and tile details, which enhance the appearance of the building. A master sign plan and landscape plan will also increase the aesthetic quality of the site.</p>
<p>3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i></p>	<p>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 project meets all development requirements.</p> <p>Four parking spaces have been provided for the two housing units and the commercial space is small in size, which is preferable for its location and close proximity to residential properties. The second and third stories are stepped away from the properties at the west and south and does not reach the maximum allowable height limit thus will have less impact on neighbors. It will</p>

	increase housing opportunities in the City and provide a small, lower impact commercial space to transition from Solano Avenue to Santa Fe Avenue.
4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i>	The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy. Additional railings and reduction in size of decks and balconies have increased privacy for adjacent neighbors.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL

GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This Design Review approval is for Mina Moubedi, owner of property located at 904 Santa Fe as substantially shown and described on the project plans, except as may be modified by conditions herein. Plans include preliminary master site plan prepared by Mahmood Pourzand date received August 26, 2008, architectural plans (project perspectives, building sections, and floor plans, all as presented to the Planning and Zoning Commission on September 9, 2008]. 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 expires on September 23, 2009 (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; a certificate of occupancy has been issued; the use is established; the use permit, variance or design review approval is renewed]. 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 prior to 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 prior to issuance of said permit or prior to 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 prior to 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 Government Code Section 66474.9, 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, which action is brought within the time period provide for in Section 66499.37. 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 CONDITIONS

- ARCH-1 **Material Samples.** Samples of final exterior materials and the proposed color palette shall be submitted for review and approval by the Community Development Department as part of building permit application.
- ARCH-2 **Final Architectural Drawings.** The applicant shall submit final architectural elevations, details and revisions for the review and approval of the Community Development Department as part of building permit application.
- 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 **Tree Preservation.** All existing trees on the site shall be preserved to the fullest extent practicable. Removal will be allowed only upon prior written approval from the Community Development Department.
- LNDSC-2 **Street Tree Requirement.** The applicant shall apply for one street tree prior to 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.
- LNDSC-3 **Landscape Plan.** The applicant shall submit a landscape and irrigation plan, subject to staff review and approval, prior to issuance of a building permit.

PARKING CONDITIONS

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

SIGN CONDITIONS

- SIGN -1 **Signage Design Review Approval.** The applicant shall submit a master sign plan reflecting that shown on the August 29, 2008 approved plans, subject to staff review and approval.

PUBLIC WORKS DEPARTMENT CONDITIONS

GENERAL ENGINEERING CONDITIONS

- ENGR-1 **Title Report.** A recent preliminary title report for the property, prepared within six months of the date of application, shall be submitted to the City Engineer for review. If any interior lot line(s) exist, the applicant must obtain approval of a minor lot line adjustment from the City to remove the interior lot line(s), and cause that lot line adjustment to be recorded before any building permits will be issued.
- 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 required by the City's Engineering Department. 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 prior to 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 prior to 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 be in compliance with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer prior to 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 **Undergrounding of Utilities.** Electrical, gas, telephone and all other services and utilities shall be provided underground to each lot. All utilities shall be located and provided within public utility easements and sized to meet utility company standards.
- INFR-7 **EMBUD Water Service.** The applicant shall provide the City Engineer with a letter from East Bay Municipal Utility District stating that the District has agreed to furnish water service to the project.
- INFR-8 **EBMUD Approval.** East Bay Municipal Utility District shall review and approve the improvement plans as evidenced on their signature on the Title Sheet of the improvement plans.
- INFR-8 **EBMUD Requirements.** The discharge of any chemicals into the sanitary sewer system is subject to the requirements and approval of the East Bay Municipal Utility District.

INFR-13 **Completion of Off-Site Improvements.** Off-site improvements shall be complete prior to 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 prior to 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.

PUBIM-5 **Public Street Improvements.** The following public street improvements shall be made:

FIRE DEPARTMENT CONDITIONS

FIRE- **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 batter back-up is acceptable with a fire suppression system.

FIRE-4 **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-5 **Gallons-per-Minute Requirement.** The water system for fire protection shall provide a minimum of _____ gallons per minute with a minimum residual main pressure of 20 psi for a two-hour duration. 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-6 Fire Access Requirements. No portion of the structure(s) shall exceed 150 feet from an approved access roadway. Where a fire apparatus access roadway is required, a minimum of 13'-6" vertical clearance and minimum width, to be determined for the Fire Department, shall be provided. All private access roadways exceeding 150 feet in length shall be designed and constructed with an approved turnaround area per City Engineering standards, a maximum grade of 15% and a traffic index of 4.5, or as otherwise approved by the Fire Department.

FIRE-7 Distance From Fire Hydrant. No portion of a structure(s) shall exceed _____ ft. from a fire hydrant with a water pressure (gal/min), to be determined by the Fire Department. Prior to building permit issuance the distance from existing fire hydrants to the building shall be verified or a new hydrant shall be shown on the plans and installed prior to combustible construction.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM CONDITIONS

STRUCTURAL CONTROL MEASURES

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

STRUC-2 Interior Floor Drains. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains. The applicant shall contact the City Engineer for specific connection and discharge requirements.

STRUC-3 Parking Lots. Interior level parking garage floor drains shall be connected to [a water treatment device approved by the City of Albany prior to discharging to] the sanitary sewer system. The applicant shall contact the City Engineer for specific connection and discharge requirements.

STRUC-4 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 **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-3 **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-4 **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.
- BMP-5 **Property Owners Association Responsibilities for Maintenance.** For residential developments, a property owners association shall be created and shall be responsible for maintaining all private streets and private utilities and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. CC&R's creating the association shall be reviewed and approved by the City Attorney prior to the recordation of the Final Map and recorded prior to the sale of the first residential unit. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.
- BMP-6 **Vehicle/Equipment Repair and Maintenance.** No person shall dispose of, nor permit the disposal, directly or indirectly, of vehicle fluids, hazardous materials, or rinsewater from parts cleaning operations into storm drains.

GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES

- 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 which 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 days of the date of the 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.