



**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: February 5, 2024
Reviewed by: NA

SUBJECT: Request for Encroachment Permit for a Temporary Street Closure for the Albany Move'n'Groove Event on April 14, 2024 and Request for Waiver of Permit Fees for This Event

REPORT BY: Danielle Brownlie, Recreation & Community Services Manager

The action before the City Council is to approve street closure permits and waive fees for the “Move’n’Groove” event.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2024-09:

1. Authorizing staff to issue an encroachment permit for a temporary street closure for the Albany Move'n'Groove event on April 14, 2024; and
2. Waive the permit fees for this event.

BACKGROUND

On June 21, 2022, the City Council authorized the reallocation of a Sugar Sweetened Beverage Tax appropriation of \$5,000 to a proposed “Move’n’Groove” event proposed by Eugenie Hsu with fiscal sponsor Albany Community Foundation.

Use of the public right-of-way is regulated by Section 14-2 of the Albany Municipal Code. Per the Municipal Code, applications for work or use of the public right of way are processed in the form of an encroachment permit, which is subject to the approval of the Community Development Director. According to the City’s Master Fee Schedule, City Council approval is required for group permits for special activities occurring in the public right-of-way. Historically the City has approved “Encroachment Permits” for the Solano Stroll as well as waive fees and fund out-of-pocket overtime costs for public safety personnel and City maintenance services out of the City’s operating budget.

DISCUSSION

“Move’n’Groove” is a one day 5 K walk/run and music event around the Memorial Park and Albany High School block. Portland Avenue, Thousand Oaks Boulevard and Carmel Avenue would be closed, and Key Route Boulevard partially closed to accommodate the event.

Periodic street closures are recognized as an effective way to give residents and visitors an opportunity to enjoy a neighborhood in a different way than experienced by driving on the street. During the past several years, the City has been gradually implementing updates to encroachment permit conditions of approval to incorporate best practices from other cities that have similar large events, including safety parameters, trash management, and protection of the public right-of-way. Conditions of approval will be discussed in detail with the event sponsor and are expected to be completed in several weeks.

SUSTAINABILITY CONSIDERATIONS

“Move’n’Groove” has a positive impact on environmental sustainability including promotion of alternative modes of transportation (biking/walking).

CITY COUNCIL STRATEGIC PLAN INITIATIVES

Goal 4: Encourage Community connectivity Through Diversity, Equity & Inclusivity

FINANCIAL CONSIDERATIONS

Sugar Sweetened Beverage Tax is General Fund revenue that the City Council has agreed to appropriate for specific purposes and approved expenditures are incorporated into the City’s annual operating budget. Staff time associated with issuing the encroachment permit is part of normal City staff function and has no significant fiscal impact on the City’s operating budget.

Attachments:

1. Resolution No. 2024-09
2. Encroachment Permit – Move’n’Groove
3. Special Event Application – Move’n’Groove

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

RESOLUTION NO. 2022-09

**A RESOLUTION OF THE ALBANY CITY COUNCIL TO APPROVE
A TEMPORARY STREET CLOSURE FOR THE
ALBANY MOVE’N’GROOVE EVENT AND WAIVER OF PERMIT FEES**

WHEREAS, California Vehicle Code Section 21101 requires the City to approve by resolution the temporary closure of any street for celebrations, parades, local special events, and other purposes when the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closure; and

WHEREAS, use of the public right-of-way is regulated by Section 14-2 of the Albany Municipal Code. Per the Municipal Code, applications for work or use of the public right of way are processed in the form of an encroachment permit, which is subject to the approval of the Community Development Director; and

WHEREAS, Move’n’Groove is a one day 5 K walk/run and music event around the Memorial Park and the Albany High School blocks; and

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby approves the partial closure of Key Route Boulevard, and closure of Portland Avenue, Thousand Oaks Boulevard, and Carmel Avenue adjacent to Albany High School; and

BE IT FURTHER RESOLVED, that the Albany City Council authorizes staff to issue an encroachment permit for the Albany Move’n’Groove event on April 14, 2024 and waive the permit fees for this event.

JOHN MIKI, MAYOR



ALBANY CALIFORNIA

APPLICATION FOR ENCROACHMENT PERMIT

FOR TEMPORARY STORAGE OR RESERVED PARKING WITHIN PUBLIC RIGHT-OF-WAY

Permit #: _____ Munis # _____

ADDRESS: Streets surrounding Memorial Park + High School

Applicant Name: Doug Donaldson (Albany County Foundation)

Contact phone: 510 - 599 - 6055 Contact email: dougdonaldson@mac.com

Adjacent Property Owner Name (if applicable) Residents along blocks of Cornell

Address: Thomson Oaks, Portland + No. Bol. Key Route + a parcel

Contact phone: _____ Contact email: section of Planning No. of Thomson Oaks

DESCRIPTION OF ENCROACHMENT

Parking for:

Moving Truck Storage Pod Construction

Other: Move 'n' Groove 2024

Requested number of spaces: _____ [Each 20' of street frontage is one parking space.]

Pod/Truck is _____ ft. long. Place moving truck/storage pod on street.

Requested date(s) and times:

April 14, 2024 from 7:00 AM to 3:00 PM

REQUIRED CONDITIONS

1. No Parking signs must be posted a minimum of 72 hours in advance.
2. Written permission of adjoining property owners is required to reserve parking in front of neighboring properties.
3. Storage pods or moving trucks may not block traffic in roadway.
4. Special Conditions may be imposed following City review and prior to issuance of this permit.

SPECIAL CONDITIONS: _____

APPLICANT SIGNATURE: Doug Donaldson DATE: 11/15/23

STAFF USE:	
Parking Encroachment: \$246.00 per space per week. [\$35.14 per space per day]	
No Parking Signs: \$1.00/sign	
Total Fee Due:	

Issued By: _____ Date: _____

Permit valid for date(s) and time listed above.



ALBANY CALIFORNIA

SPECIAL PROVISIONS FOR ENCROACHMENT PERMIT IN CITY RIGHT-OF-WAY

ALL FEES SHALL BE PAID AND DEPOSITS MADE PRIOR TO THE ISSUANCE OF THIS PERMIT

DISPLAY OF PERMIT

The permittee shall keep a copy of this permit at the site of the work, or in the cab of a vehicle when movement on a public street is involved. The permit shall be shown to any authorized representative of the Director of Community Development & Environmental Resources or Law Enforcement Officer on demand.

ACCEPTANCE OF PERMIT BY APPLICANT

Acceptance by the applicant of the permit shall be conclusive evidence of the reasonableness of the terms imposed and shall constitute a waiver of any right to legislative determination thereof.

NON-ASSIGNMENT OF PERMIT

Permits shall only be issued only to the person making application and may not be assigned to another person by the permittee. If any permittee assigns his permit to another, the permit will be revoked.

CHANGES IN PERMIT AND WORK

No change may be made in the location, dimensions, character, or duration of the encroachment or use as granted by the permit except upon written authorization of the Director of Community Development & Environmental Resources.

REVOCAION OF PERMIT

This encroachment permit may be revoked at any time at the option of the Director of Community Development & Environmental Resources, whenever:

1. It appears that continuing allowance of the permitted work, whether because of changed conditions or otherwise, interferes with full, adequate or safe public use of the right-of-way involved; or
2. The permittee fails to comply with or violates any city ordinance, city standard, safety regulations, or any condition of the issuance of the permit.

Upon revocation of the permit, the permittee shall immediately restore the public right-of-way to a condition as required by the Director of Community Development & Environmental Resources. If the restoration is not completed within the time specified by the Director of Community Development & Environmental Resources, the City may take any and all necessary action so required to restore the right-of-way. Any and all costs incurred by the City will be deducted from any deposits posted by the permittee and, if necessary, recovered by legal action.

PUBLIC ACCESS

Permittee shall maintain public access to all areas in the vicinity of the of work in the public right-of-way and provide necessary temporary accessible sidewalks and bicycle access.

Permittee is responsible for maintaining access to public transit stops. Permittee is required to contact relevant transit agencies (e.g., AC Transit, Golden Gate Transit) in advance of any limitations to their normal operations.



ALBANY CALIFORNIA

Permittee shall maintain at all times access to private property, driveways, and businesses. If necessary, provide alternate/temporary access. Permittee shall notify property owners and occupants of all properties subject to service interruption and/or disruption.

Permittee shall take all necessary steps to allow Waste Management of Alameda County access for scheduled pick-up. Contact Waste Management in the event access to property will be restricted.

Please note that street parking is in high demand. Minimize use of street parking and release parking restrictions once work is completed in order to allow access to public street parking.

COMPLETION OF WORK

The permittee must complete the work or use authorized by a permit issued pursuant to this chapter within the time specified in the permit. If at any time the Director of Community Development & Environmental Resources finds that the delay in the prosecution or completion of the work or use authorized is due to lack of diligence on the part of the permittee, the permit may be revoked.

PERMITTEE LIABILITY

The permittee shall agree to hold the City, its officers, and employees harmless from any and all liability, claims, suits, or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of the encroachment.

BY MY SIGNATURE HEREUNDER, I state that I have read and understood the above conditions and agree to comply therewith. I hereby attest that I am either the owner of the property or duly authorized agent of the applicant.

APPLICANT SIGNATURE: *Ray O...* DATE: 11/15/23



ALBANY CALIFORNIA

ENVIRONMENTAL PROTECTION STATEMENT OF RESPONSIBILITY FOR DISCHARGE & DAMAGE

I. PURPOSE

This statement is to provide notice to property owners, contractors, and others of the responsibility for compliance with Albany Municipal Code (AMC) as it relates to protection of public trees and waterways.

Public Trees: Damage to street trees or other trees locate on public property is considered damage to public property. Damage to trees includes, but is not limited to cutting any amount of trees roots, ripping or tearing of branches, and peeling, tearing, or scarring of tree bark. Damage may cause death and/or a dangerous condition by destabilizing the tree. Restoring a tree is a priority to the City of Albany.

Waterways: The City's storm water runoff system conveys rain water directly to the San Francisco Bay through a network of surface flows, underground pipes, and creek channels. Materials discharged to a sidewalk, street gutter, storm drain or creek can cause creeks and the Bay to become polluted. Any material other than rain water is considered an illicit discharge under the Federal Clean Water Act. Examples of illicit discharge include: concrete wash water, stucco wash water, paint warm water, chemicals, and runoff from stockpiled materials such as dirt aggregate, soil products, and other construction materials.

II. RESPONSIBILITY FOR DAMAGE TO PUBLIC TREES AND/OR ILLICIT DISCHARGE TO WATERWAYS

Public Trees: Pursuant to Albany Municipal Code Section 14-1.2., it is unlawful to cause damage to public property. When a public tree is damaged the cost of the damage and the value of the tree will be calculated by a certified arborist in accordance with International Society of Arboriculture Standards. Because valuable resources such as time, energy and money are invested in trees over many years, the calculated value of a tree can be high. The party damaging the tree is liable for all costs associated with the loss of the tree and the repair or replacement of the tree.

Waterways: Pursuant to Albany Municipal Code Section 15.4, it is unlawful to discharge materials (liquid or solid) to a sidewalk, street, gutter, storm drain or creek. An illicit discharge is defined as "any discharge to the City storm drain system that is not composed entirely of storm water...". The contractor and/or property owner is responsible for all fines and costs associated with the illicit discharge.

III. CERTIFICATION OF COMPLIANCE

I understand that as the applicant I am responsible for any damaged to public trees and/or all illicit discharges resulting from this project and that I am responsible for all fees and fines as a result or noncompliance.

APPLICANT SIGNATURE: Day O... DATE: 11/15/23



City of Albany - Special Event Application

Complete and submit the Special Event Application to the Recreation & Community Services Department, 1249 Marin Ave. or recinfo@albanyca.org. Please call (510) 524-9283 for more information.

Once your application is received it will be reviewed by the City. Applicants will be contacted to discuss the next steps in the process.

Event Name:	<u>Move and Groove - 2024</u>	Date:	<u>April 14, 2024</u>
Event Description:	<u>Albany Move'n'Groove will be a 5 K walk/run event around the Memorial Park and AHS block. Participants will "move" (walk, run, skate or wheelchair race) six laps around the block; the course will be on fully closed streets (including Portland, Key Route, Thousand Oaks and Carmel and a short section of Pomona, north of AHS) around the perimeter of Albany High School and Memorial Park. The participants and onlookers will enjoy live bands situated around the course to inspire the exercisers with uptempo music. At the end of the "race", there will be a dance band. Participants in the 5K "move" event will be community members who sign up in advance. The live music will be free and public.</u>		
Please give as much Detail as possible.	<u>The project manager will be Eugenie Hsu, in collaboration with Steve Trutane. Volunteers will be recruited to help with organizational tasks and to assist on the day of the event with registration of participants, assisting bands in set up, monitoring the streets for safety, etc.</u>		
	<u>The Albany Community Foundation will be the fiscal sponsor for the event, holding the \$5,000 donation from the city, processing 5K entry fees, paying the musicians, the race timing service, renting portapotties, purchasing liability insurance, and covering other expenses.</u>		
	<u>Move'n'Groove 2024 is the 3rd annual Move'n'Groove event.</u>		
Organization:	<u>Albany Community Foundation</u>	Address:	<u>1164 Solano Ave, Box 133, Albany, CA 94706</u>
Contact Name:	<u>Doug Donaldson</u>	Email:	<u>dougdonaldson@me.com</u> Phone: <u>510-599-6055</u>
Fundraiser: Y or N	<u>N</u>		

1) Location (s) of event:	<u>Memorial Park/Albany High School and surrounding streets of Thousand Oaks, Carmel Ave., Portland Ave., the east side of Key Route Blvd., and a section of Pomona Ave.</u>		
Staff arrival time:	<u>TBD</u>	Staff departure time:	<u>TBD</u>
Event start time:	<u>10:00 AM</u>	Event end time:	<u>2:30 PM</u>

Please attach any other information that will assist the City in reviewing the application.

City of Albany - Special Event Information Sheet & Check List

EVENT APPROVAL & ROAD CLOSURE:

1. Complete and submit an Encroachment Permit Application (if applicable)

Encroachment in the Public Right of Way

- Albany Community Development Department
 ⇒ 1000 San Pablo Ave. or com-dev@albanyca.org (510) 528-5760

Upon approval of Encroachment Permit the Recreation & Community Services Department will review with the applicant the guidelines and checklist.

- 2) **Directional Signs** - no permanent markings (e.g. 'spray chalk') are allowed on City streets or sidewalks.
- 3) **No Parking Signs** - signage must be posted at least 72 hrs before event. Event organizers agree to use official weather-proof "No Parking" signs (12"x18") and clearly state event date and street closure time on encroachment permit. Signs must be posted on every parallel parking spots and *at least* every other angled parking spot.
- 4) **Street Closure** - refer to encroachment permit for street closure and reopen times. All equipment must be removed from street and streets must be open to through traffic by time listed on permit.
- 5) **Garbage** - in addition to existing permanent park receptacles, event sponsors agree to supply additional garbage, recycling and compost receptacles for event. Event sponsors agree to monitor area for cleanliness during and upon completion of the event, assuring area(s) are clean and free of trash before vacating the premises.
- 6) **Neighbor Notification** - *communicate event details and no parking information to neighbors.*
 Doorsteps - event staff agrees to hand-deliver notices to all homes within a 100-foot diameter of the event locations two weeks prior to the event. Do not put notices in individual mailboxes.

Checklist:

1)	<p>Event Date Approval</p> <p><input type="checkbox"/> City of Albany Recreation & Community Services Department Staff: _____ Date: _____</p> <p><input type="checkbox"/> Other Agencies (if Applicable) Staff: _____ Date: _____</p>
2)	<p>Road Closure Approval / Encroachment Permit Application</p> <p><input type="checkbox"/> Community Development Department (Date: _____)</p> <p><input type="checkbox"/> Marketing materials for the event should not be distributed until approval confirmation by the City Council.</p>
3)	<p>Submit Event Maps (Due date: _____)</p> <p><input type="checkbox"/> Event map (includes first aid stations, trash receptacles, restrooms/potties, information tent.</p> <p><input type="checkbox"/> Course Map</p> <p><input type="checkbox"/> Road closure/No Parking map - list directional signage at each location (e.g. "No Left Turn" "Road Closed"</p> <p><input type="checkbox"/> Traffic plan (include barricade locations)</p>
4)	<p>Park Rental Fees: (If applicable)</p>
5)	<p>Miscellaneous - all documentation, if applicable, is due one month prior to event (Due date: _____)</p>