

City of Albany
Planning and Zoning Commission
Staff Report

Meeting Date: October 14, 2008 **Prepared by:** _____

Agenda Item: 4c **Reviewed by:** _____

Subject: **962 Cornell. Continuation Planning Application 08-044. Parking Exception. Conditional Use Permit. Design Review.** Request for Design Review approval to allow a 626 square foot, second-story addition to an existing single-story home. A conditional use permit is requested to allow the extension of the nonconforming northern wall. A parking exception is requested to allow one off-street parking space where two are required.

**Applicant/
Owner:** Kurt Hereld for Lisa Olsen

Recommendation

Staff recommends that the Commission approve the request for Parking Exception, Conditional Use Permit and Design Review to allow a 626 square foot second-story addition, subject to the attached draft findings and conditions of approval.

Previous Action:

No recent major improvements have been made to the property.

Project Description:

The subject property is a 2,500 sq. ft. lot with a slight down slope from front to rear. The property contains an 874 sq. ft. one-story, single-family home. The home has a front-yard setback of 15'-1" and a side-yard setback of 3'-6" on the south side of the home. The rear yard has a nonconforming setback of 17', where 20' is required. The side-yard on the north side of the home also has a nonconforming setback of 2'5" where 3' is required. The home has an attached 218 sq. ft. single-car garage at the front southeast corner of the home.

The applicant would like to create a 626 sq. ft. second-story addition, which would create a total living space of 1,500 sq. ft. The addition is located at the mid and front areas of the home, which will increase the height from a maximum of 12' to 27'. The project will include the remodeling of the existing lower floor to accommodate a new entryway, kitchen, living room, utility room and bathroom. The second-story addition will include two bedrooms, two bathrooms and a balcony at the rear of the home. The

architectural style of the home will be changed by the project to create a more modern style.

A conditional use permit is requested to allow the vertical extension of the nonconforming northern wall. A parking exception is also requested to allow one off-street parking space where two are required. The existing garage provides one off-street parking space, however, the 15' long driveway does not allow for a second required space in the front yard.

Background on Application

The application was received on June 16, 2008 and deemed complete on July 16, 2008. The application was first reviewed at a public hearing on September 9, 2008. Discussion from the hearing is summarized below.

Environmental Analysis

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines, which exempts small additions.

September 9, 2008 Public Hearing

See Attachment "4" for discussion of Key Issues

Neighbors of the project had concerns primarily about the change in architectural style. The neighbors did not find the contemporary style attractive or preferable and also had concerns about potential loss of privacy and the increased height of the home.

The Commission was at a consensus in finding the proposed design attractive with interesting architectural elements and that findings for a conditional use permit and parking exception could be made. There were, however, concerns about window placement for privacy. One Commissioner recommended a whole section of metal siding versus half-and-half at the top and bottom. Another Commissioner recommended that the height of the second-story be reduced to bring down the overall height and visual mass of the home.

There also was an issue with the floor-area-ratio (FAR). There was initially a covered deck proposed on the rear, which would be included in FAR and thus exceed the maximum permitted of 0.6. The applicant has since removed the covering, but maintained the deck, which complies with FAR requirements. The removal of the deck cover also eliminates the gabled roof, which provides a more attractive rear elevation with the shed roof on the rear matching the others.

The applicant has also lowered the height to 26'-3", which is 9" lower than what was originally proposed. The reduction in height has a notable impact on the visual mass of the home.

The applicant has also provided elevations with the silhouette and outline of windows of the adjacent home to the south. The proposed window placement on the project has remained the same. The diagram provided by the applicant illustrates that the windows have been placed to not intrude on the privacy of the adjacent neighbor.

Staff believes that the applicant has responded to the concerns of the Commission and made some thoughtful changes to the home. The reduction in height and continuous shed roofs throughout the home make the project more aesthetically attractive than originally proposed. With the proposed changes staff recommends approval of the project, subject to the attached findings and conditions of approval.

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.

Attachments:

1. Analysis of Zoning Requirements
2. Findings
3. Conditions
4. Staff Report from September 9, 2008
5. Application, Project Plans, Window Placement Study
6. Green Points Checklist

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts And Permitted Uses

General Plan: Low Density Residential
 Zoning: R-1 - Single-Family Residential

20.16 Land Use Classifications

Single family residential

Surrounding North - SFR East - SFR
 Property Use South - SFR West - SFR

20.20.080 Secondary Residential Units.

Not applicable.

20.24.020 Table Of Site Regulations By District.

	Existing (approx.)	Proposed (approx.)	Requirement
Setbacks			
Front (east)	15'	No change	15'
Side (north)	2'5"	2'5"	3'
Side (south)	3'6"	3'6"	3'
Rear (west)	17'	No change	20'
Area			
Lot Size	2500	No change	--
Lot Coverage	43.7%	No change	50%
Maximum Height	12'	26'-3"	28' max.

20.24.030 Overlay District Regulations.

Not applicable.

20.24.040 Hillside Residential Regulations.

Not applicable.

20.24.50 Floor-Area-Ratio.

	Existing (approx.)	Proposed	Requirement
Lot Size	2500	No change	--
Floor Area			
First-floor	874	874	--
Second-floor	0	626	
Garage	218	218	
Total	1,092	1,718	--
Total Counted	874* **	1,500* **	--
Floor Area Ratio	35%	60%	60%

* Municipal Code 20.24.050 allows up to 220 square foot to be subtracted for enclosed parking

** Municipal Code 20.24.050 allows up to 60 square foot to be subtracted for interior stairways/stairwells.

20.24.060 Setback Areas, Encroachments.

See Summary of Key Issues

20.24.100 Distances Between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

Not applicable.

20.24.130 Accessory Buildings.

Not applicable

20.28 Off-Street Parking Requirement.

See Summary of Key Issues.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

See project description.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

See Summary of Key Issues.

20.100.040 Variances.

Not applicable.

20.100.10 Common Permit Procedures.

20.100.050 Design Review.

See Summary of Key Issues.

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. Additionally, the project 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 Residential Design Guidelines. 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 and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The proposed addition will dramatically change the appearance of the house, creating a more aesthetically appealing home. The flat roof will be removed and a more modern style roof, with alternating shed style roofs, will be added, which creates interesting lines along the front and side elevations. Overall the proposed project will create a much more attractive home, which is beneficial to the property owner, neighbors, and neighborhood.</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.</p> <p>The north side of the home has few windows because of building code requirements, which minimizes the</p>

	<p>potential impact on the privacy of neighbors. The project will create a more attractive home, and maintains relatively the same footprint and site features thus should have little to no impact on neighbors. The applicant has provided elevations verifying that the proposed windows will not be intrusive on the privacy of neighbors.</p>
<p>4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i></p>	<p>The project as designed is in substantial compliance with the standards as stated, including access, architecture, natural features, coordination of design details, and privacy.</p>

Findings for Parking Exceptions (Per section 20.28.040.A.2 of the AMC)

<i>Required Finding</i>	Explanation
<p>1. <i>Required spaces cannot be located in front or side yards. .</i></p>	<p>The lot is 25' in width with a 3'-6" setback on the south side of the home and a 2'5" setback on the north side, which precludes access to the rear yard for parking. It would not be feasible to recess the garage in order to provide more space in the driveway without the garage parking space falling below minimum parking requirements.</p>
<p>2. <i>Space is not available to provide required parking facilities without undue hardship.</i></p>	<p>The garage has dimensions of 10-5' by 19', which is large enough to provide an adequate parking space for a vehicle. The existing driveway, however, is currently 15'-1" in length where 16' is required to qualify as a parking space. The applicant is requesting a parking exception to allow for only one off-street parking space (in the garage), where two are required. The lot is 25' in width with a 3'-6" setback on the south side of the home and a 2'5" setback on the north side, which precludes access to the rear yard for parking. It would not be feasible to recess the garage in order to provide more space in the driveway without the garage parking space falling below minimum parking</p>

	requirements.
3. <i>Provision of required parking spaces would be disruptive to landmark trees or would severely restrict private outdoor living space on the site.</i>	No landmark trees would be disturbed by granting the parking exception nor will it restrict outdoor living space on the site.
4. <i>Creation of new off-street spaces would require the elimination of an equivalent or higher number of on-street parking spaces.</i>	Not applicable.
5. <i>The proposed reduction in parking requirements is appropriate to the total size of the dwelling unit upon completion of the proposed addition.</i>	The home will remain a single-family home and the existing garage will remain open and functional for cars to utilize for parking. The applicant has proposed a modest addition and existing parking is appropriate for the proposed addition.

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

Required Finding	Explanation
5. <i>Necessity, Desirability, Compatibility.</i> <i>The project's size, intensity and location of the proposed use will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community.</i>	The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity and type of development.
6. <i>Adverse Impacts.</i> <i>The project's use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or physically injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:</i> a. <i>The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;</i> b. <i>The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;</i>	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 existing dwelling and with the City's Residential Design Guidelines. 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 and will not require significant grading. The project will not create a visual detriment at the site or the neighborhood. The north side of the home has few windows because of building code requirements; therefore, should have little

<p>c. <i>The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;</i></p> <p>d. <i>Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.</i></p>	<p>to no impact on privacy for neighbors. Parking and site circulation will not change. The granting of a conditional use permit will not create or increase noxious or offensive noise, glare, dust or odor. All lighting is conditioned to emit only onto the subject property.</p>
<p>7. <i>Consistency with Zoning Ordinance, General Plan and Specific Plan.</i> <i>That such use or feature as proposed will comply with the applicable provisions of this Chapter and will be consistent with the policies and standards of the General Plan and any applicable specific plan.</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.</p>

**ATTACHMENT 3-
COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS OF APPROVAL**

GENERAL PROJECT CONDITIONS

- Gen-1 **Project Approval.** This Conditional Use Permit, Design Review, and Parking Exception approval is for Lisa Olsen at 962 Cornell, 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 Kurt Hereld date received October 6, 2008, architectural plans (project perspectives, building sections, and floor plans, all as presented to the Planning and Zoning Commission on October 14, 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 Conditional Use Permit, Design Review, and Parking Exception approval will expire on October 28, 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 Accessibility 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 **California Title 24 Energy Conservation Standards.** All buildings shall be designed in accordance with the State of California Title 24 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.
- 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.

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.

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 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. Exceptions to this policy will be considered on a case-by-case basis.

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 **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-3 **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.

Infrastructure Conditions

- Infr-1 **Sewer System Requirements.** The sewer system for the subject building shall comply with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer before Final Inspection approval of the construction permit.
- Infr-2 **Two-Way Cleanout.** Installation of a two-way curbside cleanout shall be required per Chapter 15 of the Albany City Code. This applies to all properties, including properties with a valid upper sewer lateral certificate of compliance. All 2-way curbside clean outs shall be fitted with a loose cap in accordance with the City's standard detail SS6.
- Infr-3 **Property Run-off Requirements.** All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage system through the project site to an approved storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.
- INFR-4 **Roof Drainage.** Roof drainage from the structure shall be collected via a closed pipe and conveyed to an approved storm drain system off the street curb. No concentrated drainage of surface flow across sidewalks shall be permitted. Alternative natural treatment measures are subject review and approval by the City Engineer.
- INFR-5 **Hydraulic Calculations.** The applicant shall submit hydraulic calculations, prepared by a California licensed civil engineer, necessary to determine if the existing water and sewer mains that serve this lot have available capacity for the addition of the proposed development. If capacity is not available, sewer and water mains of adequate size shall be designed and secured prior to issuance of building permits and constructed in a manner acceptable to the City Engineer prior to occupancy release, unless determined otherwise by the City Engineer.
- INFR-6 **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-9 **Completion of Off-Site Improvements.** Off-site improvements 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 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.

FIRE DEPARTMENT CONDITIONS

- FIRE-1 This dwelling will be required to have an Approved Local Protective Signaling System/Local Fire Alarm System installed. This will include, but not be limited to, 12 or 24 volt hard wired or wireless automatic smoke or heat detectors throughout the dwelling, with a 24-hour battery back-up at panel. Albany Municipal Code, Chapter XI, Fire Prevention, Section 11-2.3f (1007.3.3.6.1.1) & NFPA 72, 2002 Edition.

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

STRUCTURAL CONTROL MEASURES

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

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

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

OPERATIONAL BEST MANAGEMENT PRACTICES (BMPs)

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

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

BMP-GEN3 **Responsibility of Contractors.** The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures.

Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations and/or a project stop order.

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

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 approved 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.