



ENCROACHMENT PERMIT-- STREET EVENT

		Office Use Only	
PERMIT NO.:	FEE:	APPROVED BY:	DATE:
NAME OF STR	eet: <u>50440</u>	FROM (LOCATION): ORNEU	TO (LOCATION): TALBOT
	(Attach	map or location description as need	ed)
		BETWEEN HOURS OF: 1100 A	M AND: 4:00 PM
APPROXIMATE	NUMBER OF PARTIC	PANTS: 1,000 +	
DESCRIPTION	OF EVENT:SO(ALIO AVENUE ASSOC	IATION LUNAE
NEW	YEAR EVEL	IT. IN FRONT OF CO	RNEW SCHOOL
APPLICANT'S	NAME: ALLEN	CAIN ORGANIZATION:	SOLAND AVENUE ASSOC.
APPLICANT'S	Solano Avenue Asso SolanoStroil.org	MINIEING ADDRESS.	
PHONE:	1563 Solano Avenue Berkeley. California -	#101 IERGENCY PHONE: 5	10-710-4447 (PCS)

REQUIRED CONDITIONS:

- 1. Indemnification: The applicant understands, acknowledges and agrees to the following conditions: It is hereby certified that the foregoing statements describing the nature of the event and the representations made to the City of Albany in seeking this permit are true and correct. Applicant hereby agrees to indemnify and hold harmless the City of Albany, its City Council, officers, agents, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, whatsoever, including attorney's fees regardless of the merit or outcome of any such claim or suit arising from or in any manner connected to the requested Taste of Albany activity. Permittee also agrees to comply with all permit conditions, and understands that the failure to comply with any condition, or any violation of law may result in the immediate cancellation of the event, denial of future events and/or criminal prosecution.
- 2. Emergency Suspension of Authorized Event: The Chief of Police and any sworn Police Officer employed by the City of Albany may temporarily suspend this event authorized by the permit whenever there is a fire or other emergency or circumstance that requires the event to be temporarily suspended to protect public safety. When the event is temporarily suspended for this reason, the Permittee and the event participants shall immediately comply with the suspending officer's instructions. The Chief of Police or designee shall immediately attempt to notify Permittee orally and shall notify the Permittee, City Administrator, and the City Clerk, in writing, within 24 hours after the suspension, citing the with particularity the facts and reasons for the suspension.

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ENCROACHMENT PERMIT-- STREET EVENT

- 3. Liability re: Permit Issuance: The Permittee agrees to hold the City harmless from and against any liability, damage or loss suffered by Permittee, or any of its employees or agents, resulting from any act or omission of the City related to the issuance or revocation of this permit or the activities authorized hereunder.
- 4. Insurance: Permittee shall obtain and provide proof of insurance in accordance with the requirements of the City of Albany.
- 5. If City property is destroyed or damaged by reason of this event, the Permittee shall reimburse the City for actual replacement or repair costs for destroyed or damaged property.
- The Permittee shall be responsible for obtaining any and all business licenses and other permits or licenses required for the sale of food, beverages or other goods and services at this event.
- 7. Any and all activities undertaken by the Permittee related to this event shall comply with all federal, state, and local regulations including but not limited to the observance of individuals' constitutional and first amendment rights.
- 8. The granting of this permit does not confer or delegate to the Permittee and/or the Albany Chamber of Commerce the right to perform City policing functions such as enforcement of laws or to restrict an individual's exercise of constitutional rights.
- 9. The Permittee and/or the Albany Chamber of Commerce understands and agrees that Albany Police Officers are not the agents of the Permittee or the Albany Chamber of Commerce and are not under the direction of the Permittee and/or the Albany Chamber of Commerce.
- 10. The Permittee and/or Albany Chamber of Commerce shall provide event monitors sufficient to oversee and coordinate event activities. The Permittee and/or Albany Chamber of Commerce shall inform the event monitors of the conditions of this permit and the requirements to abide by the conditions of this permit. Specifically, event monitors shall be instructed not to violate or in any way infringe upon the exercise of any individual's constitutional rights, including first amendment rights of all persons present.
- 11. 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.

APPLICANT'S SIGNATURE:	7/15C Q	DATE:
ADDRESS OR TITLE OF EVENT:	SOLALD AVELLE ASSOC	CATION

Page 2 of 3

(LUNDR NEW YEAR EVENT)

ENVIRONMENTAL PROTECTION STATEMENT OF RESPONSIBILITY FOR DISCHARGES & 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.

<u>Public Trees</u>: Damage to street trees or other trees located on public property is considered damage to public property. Damage to trees includes, but is not limited to, cutting any amount of tree 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 to its pre-damaged state can take years. Therefore, preventing damage to trees is a priority of the City of Albany.

<u>Waterways</u>: The City's storm water runoff system conveys rainwater 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 rainwater is considered an illicit discharge under the Federal Clean Water Act. Examples of illicit discharges included: concrete wash water, stucco wash water, paint wash 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 DISCHARGES 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.

<u>Waterways</u>: 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 damage to public trees and/or all illicit discharges resulting from this project, and that I am responsible for all fees and fines resulting from non-compliance.

APPLICANT'S SIGNATURE:	DIEC CA		DATE:	
ADDRESS OR TITLE OF EVENT:	SOLANO	Aveuve	ASSOCIATION	

Page 3 of 3

(LUNAR NEW YEAR EVENT)





ENCROACHMENT PERMIT PERMANENT OR TEMPORARY CONSTRUCTION WITHIN CITY RIGHT OF WAY PERMIT NO.

Solano Avenue Association SolanoStroll.org 1563 Solano Avenue #101 Berkeley. California - 94707 Contractor TYPE OF WORK Utility Co. Permanent Structure Solano Avenue #101 Berkeley. California - 94707 TYPE OF WORK Other: Street Tree Solano Avenue #101 Berkeley. California - 94707 TYPE OF WORK Street Tree Street Tree Solano Avenue #101 Berkeley. California - 94707 TYPE OF WORK Street Tree Street Tree Solano Avenue #101 Berkeley. California - 94707 TYPE OF WORK Street Tree Street Tree Solano Avenue #101 Berkeley. California - 94707 TYPE OF WORK Street Tree Street Tree Solano Avenue #101 Berkeley. California - 94707 TYPE OF WORK Street Tree Street Tree Solano Avenue #101 Berkeley. California - 94707	LOCATION:				
Applicant Solano Avenue Association SolanoStroll.org 1563 SolanoAvenue #101	NAME	ADDRESS			
SolanoStroll.org 1563 Solano Avenue #101 Berkeley. California - 94707 Contractor TYPE OF WORK Sidewalk Utility Co. Permanent Structure Other: STREET FESTIVAL REQUIRED CONDITIONS 1. All work shall be in accordance with the attached standard conditions. 2. No refund after 120 days or work begins, 70% of fee refundable within 120 days provided no work has begun. 3. Permanent structures require City Council approval (City Code 14-2). 4. CALL USA 1-800-227-2600 before excavating. 5. Call for Final Inspection and Sign-Off 48 hr. in advance at (510) 528-5760 (510) 524-9543. 6. Special Conditions may be imposed following City review and prior to issuance of this permit. Applicant's Signature: Date: STAFF USE ONLY Permit Fee Computation Total construction at 8% of construction cost In-Lieu slurry seal fee (when street is out) Minimum fee per schedule (if greater than % fee) Total Fee due (transfer to fee schedule from) (Utilities to be billed, copy of permit to Finance) Special Conditions: Secured by: Date: Date: Permit Expiration Date: (not to exceed 180 days for date issued)	Applicant		Homanemorgondy	TVOINCIS COMP. NO.	
Engineer / Architect Contractor TYPE OF WORK Utility Co.	Owner:	SolanoStroll.org		***	
TYPE OF WORK Sidewalk	Engineer / Architect				
Sidewalk Curb & Gutter Street Tree	Contractor				
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I understand that as the applicant I am responsible for any damage 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 non-compliance.

DIEL CO.		01/13/09
Property Owner or Permittee		Date
AUCH CAIN	SAA	
Business Name & Contractor's Authorized Representative		Date
Location or Title of Project:		

For more information, contact the Community Development & Environmental Resources Department at (510) 528-5760

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

Permit #

Location:
This APPLICATION MUST BE ACCOMPANIED by the DATA and PLANS indicated below:
Description of Job
APPROVED Construction Plans and/or Documents
An Engineer's Estimate of the value of all public improvements and utility services within the public right-of-wa
A Soils Report prepared by a Registered Civil Engineer.
Others: Specify
ALL FEES SHALL BE PAID AND DEPOSITS MADE PRIOR TO THE ISSUANCE OF THIS PERMIT: except Utility
Companies. Utility Companies will be invoiced.

STANDARDS/SPECIFICATION:

The following conditions and provisions of the Albany Municipal Code apply to this permit. All work shall be in accordance with City Standard Specifications and Drawings.

COMMENCEMENT OF WORK

The permittee shall begin the work or use authorized by a permit issued pursuant to this chapter within ninety (90) days from the date of issuance unless a different period is stated in the permit, or an extension of time is granted by the Director of Community Development & Environmental Resources. If the work or use is not begun accordingly the permit shall become void.

INSPECTION

In general, inspection producers and requirements shall be as established by the Director of Community Development & Environmental Resources. Unless specifically exempted by the City Code, no encroachment work shall take place without inspection by the Director of Community Development & Environmental Resources or his/her authorized agent. Inspections by the City must be requested at least TWENTY-FOUR (24) HOURS (excluding weekends) IN ADVANCE of the work to be performed. No work shall be performed on weekends without PRIOR AUTHORIZATION of the Director of Community Development & Environmental Resources.

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 resonableness of the terms imposed and shall constitute a waiver of any right to legislative determination thereof.

NON-ASSIGNMENT OF PERMIT

Permits shall 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 changes 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.

EXCAVATION OF PAVED STREETS

No excavations shall be permitted within the paved area of the public streets unless the applicant can prove to the satisfaction of the Director of Community Development & Environmental Resources that the following conditions exist:

1. Boring of the utility is not feasible; and

2. No reasonable alternative utility alignment is available outside the paved street area; and

3. The cut area and an adjacent area shall be resurfaced as approved by the Director of Community Development & Environmental Resources. The limits of resurfacing shall be as determined by the Director of community Development & Environmental Resources to insure the excavating area blends visually with the surrounding area. The applicant shall be responsible for the replacement of any and all obliterated or removed pavement markers or striping.

REVOCATION 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 premittee 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.

HOURS OF WORK

No work shall commence prior to 8:00 AM and no work shall be conducted after 6:00 PM Monday through Saturday and before 10:00 AM or after 6:00 PM on Sunday and Holidays.

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 understand 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'S	SIGNATURE	\bigcirc	1/34 CR	Date:	01/13/0	<u>94</u>
NAME (print):	ALLEN	CAIN	COMPANY:	Sour	AVENUE	Assoc
(P)						

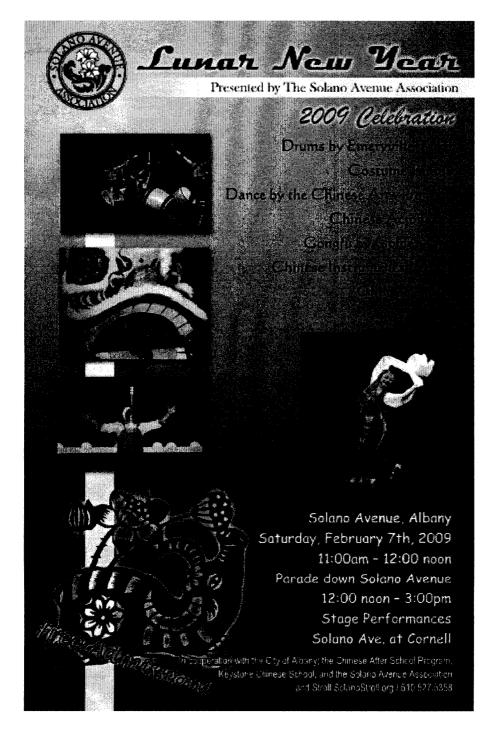
Ann Chaney

From: The Solano Avenue Association [Info@SolanoAvenue.org]

Sent: Thursday, January 22, 2009 10:01 AM

To: Ann Chaney

Subject: SAA - Lunar New Year Celebration and Parade



The Solano Avenue Association