

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING  
DESIGN REVIEW, DENSITY BONUS, AND STREET TREE REMOVAL REQUEST  
FOR THE 207-UNIT MIXED USE APARTMENT PROJECT  
AT 540 SAN PABLO AVENUE (PA21-002)**

**WHEREAS**, the Albany 2035 General Plan includes Policy LU-3.15: Northern Gateway that specifies” Ensure that any future development on the Albany Bowl site, and surrounding

1 sites along San Pablo Avenue north of Clay Street, reflects the importance of this area and its  
2 function as a northern gateway to the City;” and

3  
4 **WHEREAS**, on January 14, 2021, Trachtenberg Architects, serving as the architect for  
5 the site, submitted a pre-application for a mixed-use apartment building on the former Albany  
6 Bowl site located at 540 San Pablo Avenue that includes twenty-one (21) very low income on-  
7 site restricted units; and

8  
9 **WHEREAS**, on March 23, 2021, the Planning & Zoning Commission held a study  
10 session on the pre-application and provided feedback to the applicant; and

11  
12 **WHEREAS**, the formal design review application for an apartment development at 540  
13 San Pablo Avenue (the “project”) was filed by the applicant on June 11, 2021; and

14  
15 **WHEREAS**, the application is for a mixed use residential apartment use in the San Pablo  
16 Commercial (SPC) Zoning District; and

17  
18 **WHEREAS**, Section 20.40.040 of the Albany Municipal Code identifies procedures for  
19 processing applications pursuant to Government Code Section 65915, State Density Bonus  
20 Law; and

21  
22 **WHEREAS**, the applicant seeks modification to development standards pursuant to  
23 State Density Bonus Law in exchange for the provision of affordable units; and

24  
25 **WHEREAS**, State Density Bonus law allows flexibility from local requirements  
26 including the City’s Zoning Ordinance and General Plan, and results in projects which do are  
27 not required to be in complete compliance with local policies in exchange for providing  
28 affordable housing units; and

29 **WHEREAS**, the project request includes the following waivers:

1. Waiver to increase mixed-use development FAR from 2.25 to 2.96
2. Waiver to increase the building height from 38' to 71'
3. Waiver to project beyond daylight plane regulations for Adams Street; and

**WHEREAS**, the project includes the following concessions:

1. Concession to reduce the open space requirement from 41,400 sq. ft. to 22,390 sq. ft. for the project.
2. Concession to waive the PUD requirement contained in Section 20.24.030 (D)(1)
3. Concession to waive the requirement for retail use only on the ground floor along San Pablo Avenue pursuant to Section 20.12.080 (B) (3) of the Albany Municipal Code; and

**WHEREAS**, on July 28, 2021, the Community Development Department deemed the project complete; and

**WHEREAS**, the project is categorically exempt from the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq. pursuant to Section 15332, "In-Fill Development" of the CEQA Guidelines, which exempts in-fill development, and as determined in the CEQA exemption analysis: a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) The project site has no value, as habitat for endangered, rare or threatened species; d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; e) The site can be adequately served by all required utilities and public services; and f) no unusual circumstances about the property are known that would have a significant effect on the environment; and

**WHEREAS**, a public hearing notice was mailed to property owners within 300 ft. of the subject site and was posted in three public places on September 17, 2021 for the Planning &

1 Zoning Commission hearing on September 29, 2021 pursuant to Government Code Section  
2 65090; and

3  
4 **WHEREAS**, on September 29, 2021 the Planning & Zoning Commission held a public  
5 hearing, considered all public comments received, the presentation by City staff, the staff  
6 report, and all other pertinent documents regarding the proposed request; and

7  
8 **WHEREAS**, on September 29, 2021 the Planning & Zoning Commission the Planning  
9 Commission adopted Planning & Zoning Resolution No. 2021-02, forwarding a  
10 recommendation to City Council to determine that project is Categorically Exempt from the  
11 California Environmental Quality Act (CEQA) pursuant to Section 15332 “In-Fill  
12 Development Projects;” and

13  
14 **WHEREAS**, on September 29, 2021 the Planning & Zoning Commission the Planning  
15 Commission adopted Planning & Zoning Resolution No. 2021-03, forwarding a  
16 recommendation to City Council to approve Design Review and Density Bonus for PA21-002,  
17 540 San Pablo Avenue; and

18  
19 **WHEREAS**, on September 29, 2021 the Parks, Recreation and Open Space Commission  
20 reviewed a request to remove 27 street trees and forwards a recommendation to City Council  
21 to approve the street trees removal request; and

22  
23 **WHEREAS**, a public hearing notice was mailed to property owners within 300 ft. of the  
24 subject site and was posted in three public places on October 7, 2021, for the City Council  
25 hearing pursuant to Government Code Section 65090; and

26  
27 **WHEREAS**, on October 18, 2021 the Albany City Council held a public hearing,  
28 considered all public comments received, the presentation by City staff, the staff report, and  
29 all other pertinent documents regarding the proposed request; and

1  
2       **NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby  
3 resolves as follows:

4  
5       **Section 1**

6               **The City Council finds and determines the foregoing recitals to be true and correct**  
7               **and hereby makes them a part of this Resolution.**

8  
9       **Section 2**

10  
11               **A. FINDINGS FOR APPROVAL CONSISTENT WITH SECTION 20.100.050**  
12               **“DESIGN REVIEW” OF THE ALBANY MUNICIPAL CODE:**

- 13  
14       1. **Finding Required for Approval:** The project conforms to the General Plan, any  
15 applicable specific plan, applicable design guidelines adopted by the City of Albany,  
16 and all applicable provisions of this Chapter.

17  
18       **Evidence:** The City's General Plan ("General Plan") designates the property as San  
19 Pablo Mixed Use. The Property is currently zoned San Pablo Commercial (SPC) with  
20 Planned Residential/Commercial Overlay District. The proposed residential project  
21 meets City zoning standards for location, intensity and type of development.

- 22  
23       2. **Finding Required for Approval:** Approval of the project design is consistent with the  
24 purpose and intent of this section, which states “designs of projects...will result in  
25 improvements that are visually and functionally appropriate to their site conditions and  
26 harmonious with their surroundings, including natural landforms and vegetation.  
27 Additional purposes of design review include (but are not limited to): that retention and  
28 maintenance of existing buildings and landscape features are considered; and that site  
29 access and vehicular parking are sufficient.”

**Evidence:** The five- and six-story/approximately 69- to 71-foot-high mixed use development project would generally be in scale and harmony with existing development immediately adjacent to the site, which is composed of a range of one-, two-, three-story buildings, including other apartments and commercial uses. The configuration of two mixed-use apartment buildings on one site, separated by a driveway, two public plazas, and a mini park, contributes to the variety of building types adjacent to the project site, which include detached single-family homes, small apartments with limited front setbacks, and detached single-family homes with front stoops and garages fronting the public street, and commercial buildings with large storefront windows. Buildings A and B are generally rectilinear and articulation is provided by recessed metal panels and the fenestration pattern. The architectural style, design and building materials are of high quality and appropriate for the setting: integral stucco, brick veneer, metal infill paneling, decorative metal balconies, and aluminum windows, which are compatible with materials found in the surrounding neighborhood. Given the project is located within 0.5-mile of a major transit stop (El Cerrito Plaza BART Station) and provides at least 11 percent very low-income units, the vehicular parking is in compliance with State and local requirements. The project would have site access via multiple modes of transportation: pedestrian and bicycle facilities on surrounding streets, bus and BART access at El Cerrito Plaza, and on San Pablo Avenue.

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

**Evidence:** The proposed project would result in the development of underutilized land on a site envisioned for transit-oriented development in the General Plan. The project represents an economic investment in that it would increase the residential population that would take advantage of goods and services along the San Pablo Avenue corridor. The project would improve the visual appearance of project frontage by installing new landscaping and creating two new public plazas and a mini park for residents and the surrounding community. The project would also improve the appearance and

1 walkability of Clay Street, by setting back Building A from the southern property line  
2 to accommodate an 8 ft.-wide sidewalk as well as new street trees. In addition, the new  
3 residents would support the health, safety, convenience and welfare of those that reside  
4 in the area.

5  
6 **4. Finding Required for Approval:** The project is in substantial compliance  
7 with applicable general and specific Standards for Review stated in subsection  
8 20.100.050D.

9  
10 **Evidence:** As detailed in the accompanying staff report, the project is in substantial  
11 compliance with the standards as stated. It is consistent with applicable General Plan  
12 and Zoning Ordinance, and includes a functional site plan, frontage improvements,  
13 pedestrian improvements, and sufficient bicycle parking that allow for safe and  
14 convenient access to the site. The project meets parking requirements. The project  
15 includes quality architectural design that is harmonious with the surrounding  
16 neighborhood and internally consistent within the existing and proposed buildings. The  
17 proposal includes a complementary landscape design and covered space for refuse  
18 containers. The grading and off-haul proposed are sufficiently conditioned to reduce  
19 potential air quality and traffic impacts. The size and off-set of windows and  
20 landscaping reduce sufficiently reduce privacy impacts to nearby residents.

21 **FURTHER, BE IT RESOLVED, that the City Council of the City of Albany**  
22 **hereby approves the Design Review and the Density Bonus application for the**  
23 **commercial mixed use 207-unit apartment development at 540 San Pablo Avenue subject**  
24 **to Exhibit A Conditions of Approval, Exhibit B Project Plans.**

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GE'NELL GARY, MBA – MAYOR

28 Exhibit A – Conditions of Approval  
29 Exhibit B – Project Plans

# City of Albany



## EXHIBIT A CONDITIONS OF APPROVAL

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	<b>Special Conditions of Approval</b>			
SP-1	Sign Salvage- Per Planning & Zoning Commission action on September 29, 2021, the applicant shall salvage existing signage at the time of demolition.	At the time of Demolition	Community Development	
	<b>General Conditions</b>			
1.	<b>Project Approval.</b> This Design Review and Density Bonus approval is for 540 San Pablo Avenue, as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans prepared by Trachtenberg Architects date received October 11, 2021, as presented to the Planning and Zoning Commission on September 29, 2021 and the City Council on October 18, 2021. For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant 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.	On-Going	Planning	



		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
2.	<b>Project Approval Expiration.</b> This Design Review and Density Bonus approval expires on October 18, 2022 (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. 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 before 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 for up to two additional years from the expiration date.	On-Going	Planning	
3.	<b>Fees.</b> 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 before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and applicant.	On-Going	Community Development Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
4.	<b>Requirement for Building Permit.</b> Approval granted by the City Council 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 before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.	On-Going	Building Department	
5.	<b>Modifications to Approved Plans.</b> The project shall be constructed as approved and with any additional changes required pursuant to staff or City Council Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land use (per AMC 20.12). A change 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.	On-Going	Planning Department	
6.	<b>Hold Harmless Agreement.</b> Pursuant to Albany Municipal Code Section 20.100.010 (N), 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. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.	On-Going	Planning Department	
	<b>Building Permit Submittal</b>			

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
7.	<b>Project Conditions.</b> The project Conditions of Approval shall be included as a separate page in the building permit plan set and shall be signed by the applicant.	At the time of Building Permit Submittal	Planning Division	
8.	<b>Drainage.</b> 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. A drainage plan shall be submitted at the time of building permit submittal.	At the time of Building Permit Submittal	Building Department	
9.	<b>Roof Drainage.</b> 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 to review and approval by the City Engineer.	At the time of Building Permit Submittal	Building Department	
10.	<b>Window Recess.</b> 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.	At the time of Building Permit Submittal	Community Development Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
11.	<b>Driveway Materials.</b> The building permit plans shall indicate driveway material to be installed as part of the project construction. The materials shall be noted on the plans at the time of building permit submittal.	At the time of Building Permit Submittal	Community Development Department	
12.	<p><b>Landscaping.</b> Landscaping shall be designed for compliance with the Water Efficient Landscape Ordinance and to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Bay Friendly Landscaping practices are strongly encouraged. If a landscaping plan is required as part of an application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:</p> <p>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.</p> <p>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.</p> <p>c)Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.</p>	At the time of Building Permit Submittal	Community Development Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	d) Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.			
13.	<b>Street Tree Requirement.</b> The City Arborist will determine the type and location of a required street tree and may waive this requirement if site conditions will not reasonably support establishment of a new tree. If required by the City Arborist, the applicant shall apply for one street tree before the issuance of the building permit.	At the time of Building Permit Submittal	City Arborist	
14.	<b>Two-Way Cleanout.</b> Installation of a two-way curbside cleanout shall be required per Chapter 15 of the Albany City Code and noted on the building permit plans. 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.	At the time of Building Permit Submittal	Building Department	
15.	<b>Distance From Fire Hydrant.</b> Before building permit issuance the distance from existing fire hydrants to the building shall be verified and included on the building permit plans. If necessary, a new hydrant shall be shown on the plans and installed prior to combustible construction.	At the time of Building Permit Submittal	Fire Department	
16.	<b>Stormwater Pollution Prevention Control Measures.</b> 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	At the time of Building Permit Submittal	Community Development Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.			
17.	<b>Gallons-per-Minute Requirement.</b> The water system for fire protection shall comply with City of Albany Fire Department standards. 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.	At the time of Building Permit Submittal	Fire Department	
18.	<p><b>Construction of 1,500 Square Feet or Greater.</b> 1500 sq. ft. or more or any addition, remodel, rehabilitation, etc. is 50% of the existing sq. ft.:</p> <p>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).</p> <p>b) Plans, information sheets on all sprinkler components and hydraulic calculations are required.</p> <p>c) A 110-volt interconnected smoke alarm system with a 10-year lithium battery back-up is acceptable with a fire suppression system.</p> <p><b>Staff will provide a determination letter at the time with the Notice of Action. Deferred submittals are acceptable for fire sprinkler systems.</b></p>	At the time of Building Permit Submittal	Fire Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
19.	<b>Above Ground and Rooftop Utilities.</b> All above-ground utilities shall be shown on the building permit plans at the time of submittal. Rooftop mechanical systems shall be set back from the roof line and/or screened by parapet walls or similar means to avoid visibility from ground-level. At-grade utilities shall be screened with architectural features, landscaping, or similar means, to the satisfaction of the Community Development Director.	At the time of Building Permit Submittal	Community Development Department	
20.	<b>Tree Protection Plan.</b> A tree protection plan shall be shown on the building permit plans at the time of submittal. The plan shall include: <ul style="list-style-type: none"> <li>a. The trunk location, circumference measured 2' above grade, drip line, and species of all trees that are within 20 feet of the area proposed to be modified.</li> <li>b. Tree protection zone/fencing extending to the dripline or all qualifying under subsection (a). Tree protection shall be composed of 6-foot high orange construction fencing on all sides exposed to construction. Contractors shall avoid equipment, foot traffic, and materials within the dripline.</li> <li>c. Call-out notes for trees requiring pruning.</li> <li>d. Instructions for maintaining irrigation and avoiding compaction during construction.</li> <li>e. Specific instructions for maintaining the Sequoia Sempervirens at 1951 Brighton Ave., stipulated in the Atlas Tree Report, dated August 7, 2020. This includes but is not limited to exploratory digging, pneumatic or</li> </ul>	At the time of Building Permit Submittal	City Arborist	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	hydraulic tools, mulching, irrigation, and other construction practices.			
21.	<b>Color and Material Verification.</b> The applicant shall provide the City with brush-outs of paint colors and material samples for review and approval by the Community Development Director and the Planning & Zoning Commission Chair or his/her designee.	At the time of Building Permit Submittal	Planning Department	
22.	<b>Construction Management Plan.</b> The applicant shall prepare a Construction Management Plan addressing, at a minimum: <ul style="list-style-type: none"> <li>• Proposed truck routes to be used by construction vehicles, consistent with the City's truck route map.</li> <li>• Contractor parking plan (number of spaces and planned locations) to be accommodated within the project site or other approved off-site location. Note: Encroachment permits are required to reserve any on-street parking for construction equipment.</li> <li>• Construction equipment and materials staging areas, to avoid conflicts with traffic, pedestrian, and bicycle circulation patterns.</li> <li>• Expected detours needed, planned duration, and traffic control plans, including potential sidewalk closures.</li> <li>• Fencing plans to separate construction area from public access and circulation for residents of the existing units to remain.</li> <li>• Traffic controls (e.g., flaggers) for big delivery or equipment events such as dirt off-haul.</li> </ul>	At the time of Building Permit Submittal	Public Works Department	



		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	<ul style="list-style-type: none"> <li>Stipulation that construction vehicles shall not queue on San Pablo Avenue during large events, such as off-hauling of dirt.</li> </ul>			
	<b>At the Time of Building Permit Issuance</b>			
23.	<b>Sewer System Requirements.</b> The sewer system for the subject site shall comply with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer prior to issuance of building permit.	At the time of Building Permit Issuance	Building Department	
24.	<b>Demolition Permit.</b> 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).	At the time of Building Permit Issuance	Community Development Department	
25.	<b>Encroachment Permit.</b> The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right-of-way or easement.	At the time of Building Permit Issuance	Community Development Department	
26.	<b>Grading Permit.</b> 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.	At the time of Building Permit Issuance	Community Development Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
27.	<b>Electrical Service Upgrade.</b> The applicant shall indicate if the electrical service for the structure is required to be upgraded as part of the project scope. If an upgrade is required, it shall be noted on the plans and included in the scope of work at the time of building permit issuance.	At the time of Building Permit Issuance	Community Development Department	
28.	<b>Address Assignment.</b> The applicant shall request and garner approval of an address assignment for the new building.	At the time of Building Permit Issuance	Community Development Department	
29.	<b>Affordable Housing Agreement.</b> The applicant shall enter into a regulatory agreement with the City guaranteeing that twenty-one (21) units will be designated affordable at the very low income restriction. The City Council shall approve the Affordable Housing Agreement prior to issuance of any demolition, grading or building permit.	At the time of Building Permit Issuance	Community Development Department	
30.	<b>Public Art.</b> The applicant shall make a contribution to the Art in Public Places fund or submit an application to amend design review approval to incorporate public art consistent with the City of Albany Municipal Code (Section 20.58) and the Public Arts Master Plan. If on-site art is proposed, the Arts Committee and the Planning and Zoning Commission shall review the installation, including specific design concept, materials, location, lighting, safety considerations, etc. as described in the Public Art Master Plan.	At the time of Building Permit Issuance	Community Development Department	
31.	<b>Construction Sign:</b> The applicant shall install a temporary sign, no more than 10 sq. ft., along the project frontage. The sign	At the time of Building Permit Issuance	Community Development Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	should be removed at project completion. Sign information shall include: <ul style="list-style-type: none"> <li>• Contact information (including name, e-mail and phone number) for the contractor or other responsible party</li> <li>• Allowed days and hours for construction</li> <li>• Project elevation and primary project details (i.e., units and square footage)</li> </ul>			
32.	<b>Pre-Construction Meeting.</b> The applicant and the City shall hold a pre-construction meeting to review the conditions of approval, construction management plan, and other key project requirements.	At the time of Building Permit Issuance	Public Works and Community Development Department	
	<b>On-Going During Construction</b>			
33.	<b>Collection of Construction Debris.</b> Gather all construction debris on a regular basis and place them in a Waste Management dumpster or other container that is emptied or removed on a weekly basis consistent with the Construction and Demolition Debris Ordinance. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.	On-Going	Building Department	
34.	<b>Construction Hours.</b> 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.	On-Going	Building Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
35.	<p><b>Filter Materials at Storm Drain Inlet.</b> Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:</p> <ul style="list-style-type: none"> <li>a) start of the rainy season (October 1);</li> <li>b) site dewatering activities;</li> <li>c) street washing activities;</li> <li>d) saw cutting asphalt or concrete; and</li> <li>e) order to retain any debris or dirt flowing into the City storm drain system.</li> </ul> <p>Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.</p>	On-Going	Building Department	
36.	<p><b>Archeological Remains.</b> 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</p>	On-Going	Community Development Department	

		Timing/ <u>Implementation</u>	Enforcement/ <u>Monitoring</u>	<u>Verification</u> (date and Signature)
	organizations shall be consulted and involved in making resource management decisions.			
37.	<p><b>BAAQMD Control Measures.</b> To reduce diesel particulate matter and PM10 during construction and minimize short-term health impacts to nearby sensitive receptors are avoided.</p> <p><u>Dust (PM10) Control Measures:</u></p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.</li> <li>• Cover all hauling trucks or maintain at least two feet of freeboard.</li> <li>• Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.</li> <li>• Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).</li> <li>• Enclose, cover, water twice daily, or apply (non-toxic soil binders to exposed stockpiles.</li> <li>• Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>• Replant vegetation in disturbed areas as quickly as possible.</li> <li>• Suspend construction activities that cause visible dust plumes to extend beyond the construction site.</li> <li>• Measures to Reduce Diesel Particulate Matter and PM 2.5:</li> </ul>			

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	<ul style="list-style-type: none"> <li>• Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.</li> <li>• Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.</li> <li>• The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).</li> <li>• Properly tune and maintain equipment for low emissions.</li> </ul>			
38.	<p><b>Tree Protection Measures.</b> The property owner shall demonstrate adherence to the Tree Protection Plan at the start of any demolition or grading activities and throughout the construction period.</p> <ul style="list-style-type: none"> <li>• Install tree protection fencing according to the Tree Protection Plan.</li> <li>• All pruning and cutting of roots shall be conducted or overseen by a Certified Arborist.</li> <li>• Pruning and root cutting shall be coordinated with the property owner on which the subject trees are located, at least 2 weeks in advance.</li> </ul>			

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	<ul style="list-style-type: none"> <li>Any trees identified on the plans to remain that are damaged or destroyed as a result of construction activities shall be replaced at an equivalent ratio and size, as determined by the Community Development Director.</li> </ul>			
	<b>Prior to Issuance of Occupancy Permit</b>			
39.	<b>Planning Inspection.</b> Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	Prior to Occupancy Permit	Planning	
40.	<b>Shielding of Lighting.</b> 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.	Prior to Occupancy Permit	Planning	
41.	<b>Debris Removal.</b> All mud, dirt or construction debris carried off the construction site and shall be removed prior to scheduling the final Planning inspection. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.	Prior to Occupancy Permit	Building	
42.	<b>Fire Prevention.</b> A final Fire inspection shall occur to inspect all fire prevention systems constructed as part of the project. Inspections shall occur prior to final occupancy permit issuance.	Prior to Occupancy Permit	Fire Department	

		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
43.	<b>Damage to Street Improvements.</b> 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.	Prior to Occupancy Permit	Building	
44.	<b>Right-of-Way Construction Standards.</b> 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.	Prior to Occupancy Permit	Public Works	
45.	<b>Bicycle Parking and Refuse Room Access.</b> Tenants of the existing building to remain shall have access to the bike parking room and refuse room in the new building at all times in order to store bicycles and discard refuse and recycling, respectively. This access shall be formalized by provision of a key, key fob, entry code, or similar means. The applicant shall provide a letter to the Community Development Director confirming how this requirement is being met.	Prior to Occupancy Permit	Planning	
46.	<b>Operations and Maintenance Plan.</b> The applicant shall submit an operations plan to identify: <ul style="list-style-type: none"> <li>• Refuse pick-up day operations to prevent waste bins from blocking sidewalk, driveway, vehicle, and emergency access, and ensure timely retrieval of bins following pick-up.</li> </ul>	Prior to Occupancy Permit	Planning	



		<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	<ul style="list-style-type: none"><li>• Maintenance plan for common open space to ensure viability of landscaping and regular cleaning and maintenance schedule.</li></ul>			

# *City of Albany*

## ACCEPTANCE OF CONDITIONS

I understand that Planning Application 21-002 for 540 San Pablo Avenue has been approved with findings and conditions set forth above. I have read the conditions of approval and understand them. Through signing this ACCEPTANCE OF CONDITIONS, I agree and commit to the City of Albany that I will implement and abide by the conditions of approval, including any indemnification requirements imposed by those conditions.

By accepting the permit or approval, applicant agrees to accept responsibility for defending against any third party challenge to the grant of this permit or approval. Except as provided by federal or state law, the applicant shall defend, indemnify and hold the City harmless from any costs, claims, penalties, fines, judgments or liabilities arising from the approval, including without limitation, any award or attorney's fees that might result from the third party challenge. Upon the occurrence of a challenge, or prior to a challenge, the City may require the applicant to execute an indemnity agreement and provide such security as the City may reasonably require.

For this purposes of this indemnity, the term "City" shall include the City of Albany, its officers, officials, employees, agents and representatives. For purposes of this indemnity, the term "challenge" means any legal or administrative action to dispute, contest, attack, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including any action alleging a failure to comply with the California Environmental Quality Act or other laws.

For this permit or approval to become effective, the applicant must, within thirty business days of the grant of the permit or approval, execute a form accepting the permit or approval with all conditions. Upon executing the form, the applicant may not challenge the imposition of any condition, except as otherwise provided by law.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant

\_\_\_\_\_ Date: \_\_\_\_\_  
Co-Applicant, if any