



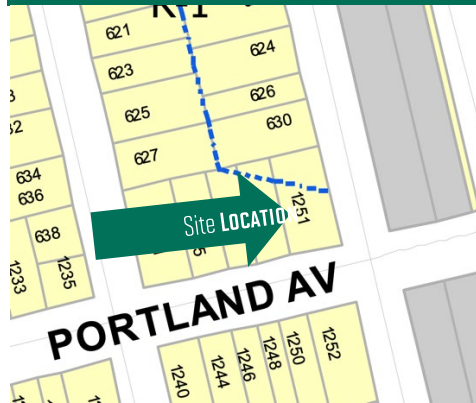
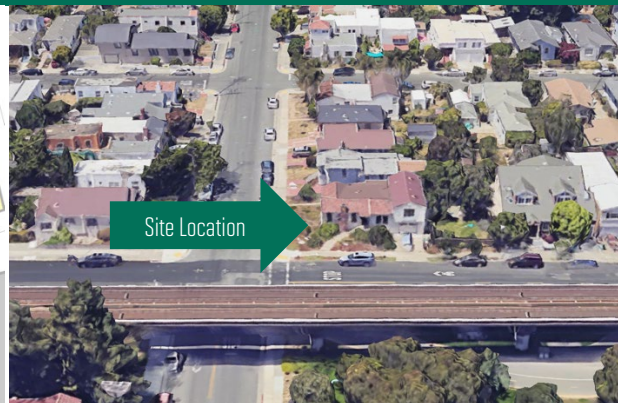
Planning & Zoning Commission

PA23-013 DESIGN REVIEW FOR SECOND STORY ADDITION AND REMODEL AT 1251 PORTLAND

APRIL 21, 2023



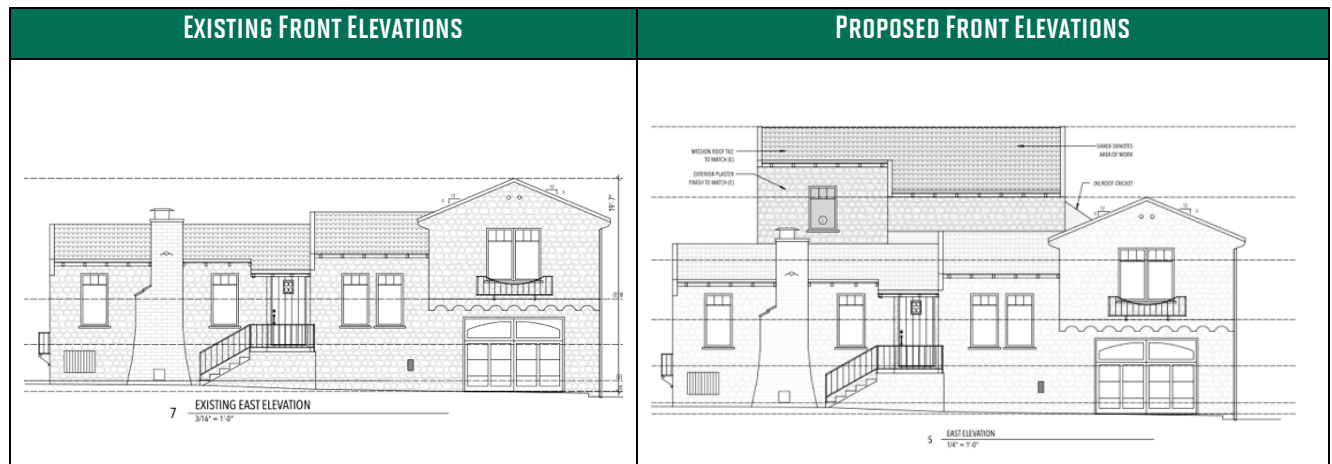
QUICK FACTS	PROJECT DESCRIPTION:
Applicant: Emi Sherman on behalf of Alix and Albert Kottke	The applicant is seeking Design Review approval for a second story addition and remodel at 1251 Portland Avenue. The subject property is a 5,000 sq. ft. lot with an existing 2-bedroom, 1-bathroom 1,977 sq. ft. home built in 1938. The scope of work includes a 533 sq. ft. second story addition over the existing footprint to accommodate a new primary bedroom suite and bathroom. The scope of work also includes a kitchen remodel on the first floor. The existing architectural style of the home is proposed to remain in the MacGregor style. This will result in a 3-bedroom, 2-bathroom, 2,510 sq. ft. home with a maximum height of 26'. Off-street parking is not required per California AB 2097.
Project Address: 1251 Portland Ave	
GP Land Use: Low Density Residential (LDR)	
Zoning: Residential Single-Family (R-1)	REQUESTED APPROVALS (ENTITLEMENTS):
Lot Area: 5,000 sq. ft.	Design Review
Proposed Building Area: 2,510 sq. ft.	STAFF RECOMMENDATION:
Project Planner: Sophie Gabel-Scheinbaum	Staff recommends that the Planning & Zoning Commission review and approve the proposed project subject to the attached findings and Conditions of Approvals.

ZONING MAP:**SITE LOCATION:****STREET ELEVATION****ANALYSIS**

The proposed project expands the residence from a two-bedroom, one-bathroom residence to a three-bedroom, two-bathroom residence. The project also proposes to remodel and modernize the kitchen. The proposed architectural style will match and enhance the existing MacGregor style of the home's roofline and façade including mission roof tile and exterior textured plaster to match the existing distinctive style. The addition and remodel propose new windows along the east, west, and south elevations of the vertical addition within the scale of existing windows. The massing of the overall design is broken up by substantial setbacks along the front, rear, and east-facing setback, differentiating wall plane depths along the pedestrian facing elevations (east and south), as well as new windows to reduce appearance of new wall planes.

SUMMARY

Exterior Elevations



Design Review - 20.100.050

Projects subject to Design Review are required to implement the principles outlined in the City's Residential Design Guidelines. Projects may have varying degrees of the design principles implemented based on the discretion of the Planning & Zoning Commission. Projects that exceed a **45% floor area ratio** are subject to exceptional design and must incorporate a higher degree of the City's design principles. Exceptional design includes, but is not limited to, high quality exterior finishes, variation in exterior materials, variation in wall plane depths and projections, consistent window language, complimentary landscaping, and consideration to off-street parking. The proposed project incorporates the following design principles as indicated the in the table as follows:

RESIDENTIAL DESIGN GUIDELINES CRITERIA	ANALYSIS
1 Landscape Design <ul style="list-style-type: none"> The front yard is the home's contribution to the community Pedestrian emphasis 	The scope of work does not include any proposed changes to landscaping. The existing conditions include a variety of hardscape paths and planted areas including an assortment of wildflowers planted among mulch and rock elements.
2 Outdoor Space <ul style="list-style-type: none"> Rear Yard Decks Roof Decks Balconies Indoor/Outdoor Flow 	The project does not propose any changes to the existing front porch or rear yard areas.
3 Architectural Design <ul style="list-style-type: none"> Front porches and covered entries are strongly encouraged Architectural relief is an important aesthetic element 	The proposed addition proposes differentiating wall plane depths along the two pedestrian-facing facades. The finish palette is proposed to match the existing home in the iconic Albany MacGregor style including new mission roof tile and exterior

RESIDENTIAL DESIGN GUIDELINES CRITERIA	ANALYSIS
1 Landscape Design <ul style="list-style-type: none"> • The front yard is the home's contribution to the community • Pedestrian emphasis 	<p>The scope of work does not include any proposed changes to landscaping. The existing conditions include a variety of hardscape paths and planted areas including an assortment of wildflowers planted among mulch and rock elements.</p>
<ul style="list-style-type: none"> • Trim and details give a house warmth and character • Paint Color • Building materials • Window details 	<p>textured plaster to match the existing distinctive style of the original home built in 1938.</p> <p>The variety of building materials proposed furthers the design guideline goal of giving the home warmth, character, and architectural relief on the second-floor setback and massing.</p>
4 Livability <ul style="list-style-type: none"> • Modernizing interior space for better function and long-term occupancy • Interior Ceiling Heights • Universal Design • Expansion types 	<p>The scope of work includes expanding and modernizing the kitchen as well as adding a bedroom and bathroom, making the home suitable for long-term occupancy and future users. Owners could consider transformation of the garage into an accessory dwelling unit in the future to better fit universal design and accessibility goals.</p>
5 Context <ul style="list-style-type: none"> • Compatibility with adjacent homes • Privacy considerations 	<p>The proposed project will be in scale with nearby residences along Portland and Masonic Avenue. The project will have a maximum height of 26', taller than immediately adjacent homes, however, well within the 28' height limit observed in the R-1 zoning district.</p>
6 Accessory Dwelling Unit <ul style="list-style-type: none"> • The City encourages the creation of Accessory Dwelling Units • Accessory Dwelling Units should have a defined entrance/entry separate from the main dwelling 	<p>N/A</p>
7 Parking <ul style="list-style-type: none"> • Garages and parking are important considerations on Albany's Small lots • Electric Vehicle Charging Stations • Garage Doors • Driveway Materials 	<p>Off-street parking is not required per California AB 2097.</p>

Site Regulations – 20.24.020

	Existing (approx.)	Proposed Construction – Second story addition (approx.)	Requirement
Setbacks			
Front (South)	16'-4"	24'-2"	15'
Side (East)	12'-2"	22'-7"	5'
Side (West)	5'-3"	5'-3"	5'
Rear (North)	32'-0"	48'-1"	20'
Area			
Lot Size	5,000	5,000	--
Lot Coverage	30.8%	31%	50%
Maximum Height	19'-7"	26'-0"	28' max.

Floor Area Ratio - 20.24.050

	Existing	Proposed	Requirement
Floor Area			
Garage ¹	307.5	307.5	--
Covered Porch ²	13.8	13.8	--
Lower Level/Basement	178.2	178.2	--
Main Level	974.9	1004.1	--
Second-floor ³	516.4	1,020.5	--
Accessory Structure Accessory Dwelling Unit	N/A	N/A	--
Total Area (Total of all above listed measurements)	2,021	2,580.3	--
Deductions (if applicable)⁴	251.1 (including interior stairs)	276.2 (including interior stairs)	--
Total Counted (Subtract Deductions from Total Area)	1,770.8	2,304.1	--
Lot Size	5000		
Floor Area Ratio⁵	35.8%	46.1%	55% (2,750 max sq. ft.)

1. Total floor area of attached or detached garage
2. Porch area containing two walls and a roof. Exterior uncovered porch and uncovered deck are excluded from FAR.
3. Include stair area in floor area calculation
4. Deductions of up to 220 sq. ft. for covered parking and 60 sq. ft. for stairs can be taken as permitted by AMC 20.24.050
5. Total Counted/Lot Size

PARKING – 20.28

Off-street parking is not required per California AB 2097.

GENERAL PLAN & HOUSING ELEMENT CONSISTENCY

The following General Plan and Housing Element policies are relevant to the proposed project:

- **Policy LU-2.1: Context-Sensitive Design** - Ensure that infill development in residential areas is compatible in density, scale, and character with the established neighborhood context.
- **Policy LU-2.3: Design Guidelines** - Maintain residential design guidelines and design review procedures that promote the compatibility of residential alterations and additions with existing homes and that strive to reduce impacts on neighboring properties. The guidelines should be used to encourage high-quality, visually distinctive architecture, and the use of durable, attractive construction materials.
- **Policy LU-2.6: Second-Story Additions** - Ensure that second story additions to single story homes are designed to minimize increases in height and bulk, and to reduce their perceived mass from the street and surrounding yards.
- **Policy LU-2.11: Front Yards** - Encourage the management and design of front yard space, including landscaping and fences, to complement residential architecture and enhance neighborhood aesthetics.
- **Housing Element Policy 1.1** - Housing Re-Investment. Support continued maintenance and improvement of Albany's existing housing stock. City zoning regulations, permitting practices, and code enforcement procedures shall support reinvestment in the housing stock.

ENVIRONMENTAL REVIEW

Staff recommends that the proposed project be considered categorically exempt from the requirements of CEQA per Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines, which allows the construction small facilities or structures.

ATTACHMENTS

1. Draft Findings for Approval
2. Draft Conditions of Approval
3. Project Application & Plans

ATTACHMENT 1

FINDINGS FOR DESIGN REVIEW APPROVAL (PER SECTION 20.100.050.E OF THE AMC)

REQUIRED FINDING	EXPLANATION
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>	The General Plan designates this area for residential development. Additionally, the project meets City zoning standards for location, intensity, and type of development.
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>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 project will not require significant grading or excavation. The project will not create a visual detriment at the site or the neighborhood.</p> <p>The proposed addition is attractive in appearance and is in scale with the surrounding neighbors. The design is complementary with the existing home.</p>
3. <i>Approval of the project is in the interest of public health, safety and general welfare.</i>	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.
4. <i>The project is in substantial compliance with applicable general and specific Standards for Review stated in Subsection 20.100.050.D.</i>	The project as designed is in substantial compliance with the standards as stated, including harmonious materials, and well-proportioned massing.

ATTACHMENT 2

CONDITIONS OF APPROVAL

SPECIAL CONDITIONS OF APPROVAL

1. SPECIAL CONDITIONS APPROVED/RECOMMENDED BY THE PLANNING AND ZONING COMMISSION.

a. None

GENERAL CONDITIONS OF APPROVAL

2. Project Approval. This Design Review Approval for 1251 Portland Avenue, as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans prepared by Emi Sherman of Studio Sherman A+D date received February 23, 2023, as presented to the Albany Planning and Zoning Commission on April 26, 2023. 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.

3. Project Approval Expiration. This Design Review approval expires on May 10, 2024 (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.

4. Fees. The applicant shall pay 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.

<p>5. 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 pursuant to Section 20.100.080. The City Clerk will then schedule the matter for City Council review within thirty (30) days of the appeal filing and sixty (60) days from the original action date.</p>
<p>6. Requirement for Building Permit. Approval granted by the Planning & 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 before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.</p>
<p>7. Modifications to Approved Plans. 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.</p>
<p>8. Hold Harmless Agreement. 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.</p>
<p>9. Address Assignment. The applicant shall request and garner approval of an address assignment for the new building.</p>

BUILDING PERMIT SUBMITTAL REQUIREMENTS

10. Project Conditions. 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.

11. Drainage Plan. Construction plans shall indicate how the site grading or drainage system will manage all surface water flows to keep water from entering buildings on the subject site or on neighboring properties. Surface drainage shall be diverted to a storm drain or other approved point of collection that does not create a hazard. A drainage plan must show the following information for both existing conditions and proposed conditions:

- Property lines;
- Site topography and direction of surface flow;
- Roof plan and location of rain leaders;
- Location of drainpipe including size, length, vertical height/slope, and location of cleanouts
- Show detail of discharge pipe under sidewalk in compliance with City standards
- Show areas of hardscape and soft scape;
- Calculation of pervious and impervious lot coverage.
- Submit a completed the NPDES compliant Stormwater Requirements Checklist form

12. Soils Investigation - A soils investigation by a licensed professional is required for new construction.

13. Landscaping. 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:

- 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.
- 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.
- Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent practicable.
- Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.

<p>14. Street Tree Requirement. The City Arborist will determine the type and location of any 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.</p>
<p>15. Construction Management Plan. The applicant shall prepare a Construction Management Plan addressing, at a minimum:</p> <ol style="list-style-type: none">Proposed truck routes to be used by construction vehicles, consistent with the City's truck route map.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.Construction equipment and materials staging areas, to avoid conflicts with traffic, pedestrian, and bicycle circulation patterns.Expected detours needed, planned duration, and traffic control plans, including potential sidewalk closures.Fencing plans to separate construction area from public access and circulation for residents of the existing units to remain.Traffic controls (e.g., flaggers) for big delivery or equipment events such as dirt off-haul.
<p>16. 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 construction. 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.</p>
<p>17. Above Ground and Rooftop Utilities. 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 not be placed in required setback areas, and shall be screened with architectural features, landscaping, or similar means, to the satisfaction of the Community Development Director.</p>
<p>18. Electrical Service Upgrade. 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.</p>
<p>19. Sewer System Requirements. The sewer system for the subject site shall comply with Chapter 15 of the Albany Municipal Code and the East Bay Municipal Utility District.</p>

<p>20. Driveway Materials. 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.</p>
<p>21. Window Recess. Building permit plans are required to include a window detail that shows that windows shall be recessed approximately two inches from face of building to provide adequate shade and shadow and to promote visual relief.</p>
<p>22. Color and Material Verification. The applicant shall provide the City with brush-outs of paint colors and material samples for review and approval by the Community Development Director.</p>
<p>23. Two-Way Sewer Lateral Cleanout. Installation of a two-way curbside sewer 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.</p>
<p>24. Noise Management. Applicant is required to submit documentation of the methods to be used to ensure that construction of the project will comply with City of Albany General Plan standards for noise generation, as well as California Building Code requirements for sound transmission.</p>

FIRE DEPARTMENT REQUIREMENTS

<p>25. Gallons-per-Minute Requirement. 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.</p>
<p>26. Distance From Fire Hydrant. 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.</p>
<p>27. Building Code Compliance. New construction shall comply with California and City Building and Fire Codes, as may be amended by the City Council, which specify requirements such as fire alarm systems, fire sprinkler systems, fire protection water supplies, apparatus access to buildings, firefighter roof access, emergency exit ways for occupants, and elevators sized to accommodate ambulance gurneys.</p>

28. Fire Sprinkler Requirement. An automatic sprinkler system installed in accordance with CFC Section 903.3 (Installation requirements) shall be provided as a requirement of a construction permit throughout all existing R-3 occupancy group classifications when either: (1) The cumulative aggregate of the area of new construction in the structure, plus the area of substantial remodel of the structure, since November 7, 1996, exceeds 50% of the floor area of the structure that was existing on November 7, 1996 (attached garages are included as part of the existing floor area); or (2) The aggregate of the area of new construction in the structure, plus the area of substantial remodel of the structure, exceeds 1,500 square feet.

29. Development Impact Fee. An update to the City's development impact fee program is underway, and if approved by the City Council, the project shall pay an appropriate fee that contributes to the cost public facilities necessary to accommodate new growth.

CONSTRUCTION RELATED CONDITIONS OF APPROVAL

30. 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.

31. Tree Protection Measures. Prior to issuance of grading or building related permits, the applicant shall submit documentation of tree protection measures for all specimen trees that have a drip line within the area of construction.

- a. Required tree protection measures include: installation of "Tree Protection Area" signage; fencing to protect the tree; placement of mulch or geotextile fabric at the base of the tree; and pruning of branches that could be exposed to damage during construction
- b. For trees located on a property line or on neighboring property that have roots or branches that cross property lines, the applicant has a responsibility for reasonable care of the tree and for providing the neighboring property owner adequate notice of the start of construction.
- c. During construction, the applicant shall be responsible for management of drainage and irrigation systems, avoidance of vehicle movements near tree roots, and avoidance of stockpiling of materials near tree roots.
- d. In the event of unexpected damage, the applicant shall retain a qualified professional to assess the condition of the tree and implement recommend mitigation measures.

<p>32. Raptor and other Migratory Nesting Birds Survey. Prior to removal of trees on site, pre-construction surveys shall be conducted by a qualified biologist during the months of March through August, no more than 30 thirty days prior to the start of grading or vegetation removal. If active nests are found on the project site, the applicant is required to follow the recommendation of a qualified biologist regarding creation of an adequate buffer zone around the nests.</p>
<p>33. Creek Protection Measures. Implementation of the following creek protection measures will be monitored regularly:</p> <ul style="list-style-type: none"> a. No new construction or grading will take place within 20 feet of top of bank; b. No construction materials, litter or loose debris will be stored within the 20-foot creek top buffer; c. No native riparian trees will be removed from the riparian corridor; d. Construction fencing between the construction area and the creek will be maintained to prevent litter from blowing into the creek, and to prevent workers from entering the creek channel; e. All construction debris will be gathered daily and placed in a container that is emptied or removed on a periodic basis before exceeding storage capacity; f. When appropriate, tarps will be used to collect fallen debris or splatters that could contribute to stormwater pollution; g. Concrete and gravel supply trucks or plaster finishing operations will be monitored to ensure no discharge of wash water into the creek, street gutters or storm drains; h. All dirt, gravel, refuse and green waste will be removed and broom swept daily from the sidewalk, street pavement and storm drain adjoining the project site; i. All vehicles will be parked on paved areas; and j. Bags of cement, paints, flammables, oils, or any other materials used by the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill will be stored in an enclosed container or location consistent with manufacturer instructions.
<p>34. Demolition Permit. Site demolition shall not occur until construction permits are issued for the development project. All demolition shall be in accordance with permits issued by the City and Bay Area Air Quality Management District (BAAQMD).</p>
<p>35. BAAQMD Control Measures. 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"> a. 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. b. Cover all hauling trucks or maintain at least two feet of freeboard. c. Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.

- d. 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.
- e. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
- f. Enclose, cover, water twice daily, or apply (non-toxic soil binders to exposed stockpiles.
- g. Limit traffic speeds on any unpaved roads to 15 mph.
- h. Replant vegetation in disturbed areas as quickly as possible.
- i. Suspend construction activities that cause visible dust plumes to extend beyond the construction site.

Measures to Reduce Diesel Particulate Matter and PM 2.5:

- j. 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.
- k. 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.
- l. The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors).
- m. Properly tune and maintain equipment for low emissions.

36. Construction Sign: The applicant shall install a temporary sign, no more than 10 sq. ft., along the project frontage. The sign should be removed at project completion. Sign information shall include:

- a. Contact information (including name, e-mail and phone number) for the contractor or other responsible party
- b. Allowed days and hours for construction
- c. Project elevation and primary project details (i.e., units and square footage)

37. Pre-Construction Meeting. 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.

ENCROACHMENT PERMIT REQUIREMENTS

38. Encroachment Permit. The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right-of-way. 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.

39. Collection of Construction Debris. 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 City requirements and State law.

40. 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 Public Works Department and Chapter 14 of the City Code.

PRIOR TO ISSUANCE OF OCCUPANCY PERMIT

41. Planning Inspection. 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.

42. 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.

43. Debris Removal. 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.

44. Fire Prevention. 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.

45. 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.

ACCEPTANCE OF CONDITIONS

I understand that Planning Application 23-013 for 1251 Portland 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