CITY COUNCIL RESOLUTION 2014-26

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING A TENTATIVE PARCEL MAP TO CREATE A PARCEL AT 1100 SAN PABLO AVENUE FOR A SENIOR HOUSING DEVELOPMENT

WHEREAS, in 1987 the City Council of the City of Albany adopted Ordinance #87-017 establishing Chapter XXII "Subdivision" of the Albany Municipal Code; and

WHEREAS, Chapter XXII regulates and controls the division of land within the City and supplements the provisions of the Subdivision Map Act concerning the design, improvement, and survey data of subdivisions, the form and content of all required maps provided by the Subdivision Map Act and the procedure to be followed in securing the official approval of the City Engineer, Planning Department, Planning & Zoning Commission, and City Council regarding the maps; and

WHEREAS, in 2007 the Regents of the University of California, serving as the master developer for the site, submitted an application for a mixed use development on the San Pablo Avenue frontage of University Village property located at the northwest and southwest corner of the intersection of San Pablo Avenue and Monroe Street;

WHEREAS, the City Council, acting as lead agency, prepared a draft and final Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq.;

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WHEREAS, on July 9, 2012 in Resolution #2011-51 certified that the EIR was completed in compliance with the requirements of CEQA and reflected the Council's independent judgment and analysis;

WHEREAS, the City, in Resolution #2011-51 made certain findings in accordance with Public Resources Code section 21081 and section 15091 of the CEQA Guidelines regarding the Project's impacts on the environment.

WHEREAS, the City, in Resolution #2011-51 adopted a Statement of Overriding Considerations for the Project, pursuant to Public Resources Code section 21081, subdivision (b).

WHEREAS, the City, in Resolution #2011-51 adopted a Mitigation Monitoring and Reporting Program ("MMRP") for the Project, attached to Resolution #2011-51 as Exhibit A, pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097.

WHEREAS, on July 16, 2012, the City Council approved a series of policy-level actions associated with the University Village Mixed Use project, including zoning map amendments, zoning text amendments, planned unit development, density bonus to accommodate a senior housing project, grocery store, and retail space;

WHEREAS, on May 6, 2013, the City Council, acting as lead agency, approved Resolution 2013-22 of the Albany City Council modifying mitigation measure GCC-1 and the mitigation monitoring and reporting program for the University Village Mixed Use development and adopted an EIR addendum;

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WHEREAS, beginning in 2013, the Planning & Zoning Commission held a series of study sessions on the Planning, Zoning and Subdivision actions associated with tentative maps and design review for the project;

WHEREAS, the Planning & Zoning Commission held public hearings on May 8, 2013, June 12, 2013, July 24, 2013, October 9, 2013, October 30, 2013, and November 20, 2013 and December 11, 2013 to discuss the project design, scope, and improvements; and

WHEREAS, the formal application for a tentative parcel map to create a parcel at 1100 San Pablo Avenue was filed by the applicant on August 14, 2013;

WHEREAS, the application is for senior housing use in the San Pablo Commercial District/University Village San Pablo Avenue Overlay District; and

WHEREAS, an application for Design Review is being considered in a coordinated manner with other the other retail and senior housing elements of the of the proposed project;

WHEREAS, the Planning & Zoning Commission held a public hearing on December 11, 2013 considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;
WHEREAS, the Planning & Zoning Commission approved Resolution 2013-07
approving the tentative map for the 1100 San Pablo Avenue senior housing
component of the project at its December 11, 2013 hearing;

WHEREAS, an appeal of the Planning & Zoning Commission decision was
filed with the City on December 19, 2013 by Albany Housing Advocates and
Amber Whitson c/o Naomi Young; and

WHEREAS, an appeal of the Planning & Zoning Commission decision was
filed with the City on December 20, 2013 by Edward Fields; 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 February
21, 2014 for the City Council hearing pursuant to Government Code Section
65090; and

WHEREAS, on March 5, 2014 the City Council held a public hearing,
considered all public comments received, the presentation by City staff, the
staff report, and all other pertinent documents regarding the proposed
request;

WHEREAS, the City Council approved Resolution 2014-21 denying the
appeal by Albany Housing Advocates and Amber Whitson c/o Naomi Young; and

WHEREAS, the City Council approved Resolution 2014-22 denying the
appeal by Edward Fields; and
WHEREAS supplementary information was added to the tentative map in response to issues raised in the appeals;

WHEREAS modifications to the tentative map do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and no additional mitigation measures are required;

NOW, THEREFORE, the City of Albany City Council does hereby RESOLVE as follows:

1. That the proposed tentative parcel map and design of improvements is consistent with the Albany General Plan.

   Explanation: The map as proposed is consistent with the Albany General Plan. Compliance with conditions of approval including location and width of public and private utilities and associated easements, and dedication and improvement of roadways, further insures consistency with City policies and applicable ordinances.

2. That the site is physically suitable for the type of development.

   Explanation: The project site is generally flat, although grading is required to improve site drainage. The size of the site is sufficiently large to accommodate proposed buildings, adequate setbacks, on-site parking and landscaping.

3. That the site is physically suitable for the density of development proposed.

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Explanation: The proposed floor area ratio for the proposed project is consistent with the development regulations contained in Chapter 20 “Planning and Zoning” of the Albany Municipal Code and policies contained in the Albany General Plan.

4. That the design of the subdivision and proposed improvements are not likely to result in substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

Explanation: Based on information contained in the certified Environmental Impact Report and certified addendum, the proposed project would not result in significant impacts to either Codornices Creek or Village Creek, including fish or wildlife and their respective habitats.

5. That the design of the subdivision and type of improvements is not likely to result in serious public health problems.

Explanation: Conditions of project approval require installation of an upgraded sanitary sewer line through the site, an upgraded water line through the site and improvements to the on-site storm drain system. All site improvements are conditioned to meet City fire and building code requirements. With adherence to these and other conditions of project approval, public health problems would be minimal.

6. That the design of the subdivision and type of improvements will not conflict with easements or access through or use of property within the proposed subdivision.
EXPLANATION: Adherence to conditions of project approval will ensure that no conflicts with existing easements would occur.

FINDINGS RE COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT:

1. The tentative parcel map, as conditioned, is within the scope of the EIR certified by the City Council in Resolution #2011-51, and the addendum to the EIR approved on May 6, 2013. Nothing in the tentative map, as conditioned, constitutes substantial changes to the project studied in the EIR, or involves any new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, than those evaluated in the EIR such that a subsequent or supplemental EIR or negative declaration would be required pursuant to CEQA Guidelines sections 15162 and 15163, and there is no substantial evidence to the contrary.

2. None of the other conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or negative declaration have occurred.

NOW THEREFORE BE IT RESOLVED by the Planning & Zoning Commission of the City of Albany hereby approves the Tentative Map for University Village Mixed Use Project at 1100 San Pablo Ave. subject to Exhibit A Conditions of Approval, Exhibit B Tentative Parcel Map.
PASSED AND ADOPTED by the City Council of the City of Albany on the 5th day of March 2014.

AYES: Council members: Atkinson, Barnes, Maass, Vice Mayor Wilé & Mayor Thomson

NOES: none

ABSENT: none

ABSTAIN: none

signature

MAYOR THOMSON

ATTEST: Nicole Almaguer

Albany City Clerk
EXHIBIT A

CONSOLIDATED CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP AND DESIGN
REVIEW FOR 1100 SAN PABLO AVENUE FOR A SENIOR HOUSING DEVELOPMENT

To ensure compliance with governmental regulations and consistency with findings for approval, the following conditions of approval are incorporated into the approval of the application. These conditions are summary in nature, and it is the responsibility of the applicant to meet detailed project requirements, including City policies and codes.

SP-1 Development of the project shall be substantially in conformance with the following plans: the Tentative Parcel Map submitted by BKF Engineers on February 3, 2014 and approved December 11, 2013 by the Planning & Zoning Commission, and as modified by the City Council on March 5, 2014; and the Architectural, Landscaping, and Lighting Plans submitted by HKIT on September 5, 2013 and approved December 11, 2013 by the Planning & Zoning Commission, and as modified by the City Council on March 5, 2014, except as modified by the conditions contained herein.

SP-2 The project shall be developed and operated consistent with the General Plan and Planning and Zoning Code, Subdivision Code, and California Building Standards Code (including California Green Building Code), except as modified by the Planned Unit Development approval for Parcel A and B per Resolution No. 2011-52, Resolution No. 2014-023 and the Final EIR Mitigation Monitoring and Reporting Program ("MMRP"), including the Addendum and revised MMRP approved on May 6, 2013.

SUSTAINABLE BUILDING REQUIREMENTS
Prior to approval of the final map by the City Engineer, the applicant shall submit an application to amend design review approval to demonstrate progress towards LEED Gold certification in accordance with the City’s Green Building program. The Sustainability Committee and the Planning and Zoning Commission shall review the amendment.

Consist with MMRP, as modified in the EIR addendum (Resolution No. 2013-22), the applicant shall implement Mitigation Measure GCC-1 to incorporate into the design and construction of the project: resource-efficient construction and building materials, energy efficiency measures, on-site renewable energy, water conservation and efficiency measures, alternative transportation measures. [MMRP GCC-1, as amended by Resolution No. 2013-22]

PUBLIC ART REQUIREMENTS

The applicant has presented preliminary description of a public art sculpture by artist Joseph Havel to the Arts Committee. The public art is to be located near the southeast corner of the senior housing building. Prior to approval of the final map by the City Engineer, the applicant shall submit an application to amend design review approval to incorporate public art components of the project consistent with the City of Albany Municipal Code and the Public Arts Master Plan. 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.
CREEK PROTECTION

SP-6 Project shall be constructed consistent with the Zoning Ordinance (Chapter XX Planning and Zoning, Section 20.12.080 Overlay Districts).

SP-7 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant and City of Albany shall ensure that the site and structure design of the proposed project, including final landscape and drainage plans, do not interfere with the implementation of the Lower Codornices Creek Improvements Plan, as currently designed. [MMRP - HYDRO-4]

SP-8 Not applicable (Village Creek).

SP-9 Prior to approval of the final map by the City Engineer, applicant shall demonstrate fulfillment of obligations and cooperated fully with the implementation of the approved Codornices Creek Restoration project abutting the proposed project. [PUD Requirement]

SP-10 All grading and construction activities outside the parcel within the Codornices Creek right-of-way shall be completed between June 15 and October 15 (i.e., outside the steelhead migration period). Should the project proponent demonstrate a need to conduct activities outside this time period, the Corps may authorize such activities after obtaining approval from NOAA Fisheries. During temporary de-watering of the stream (if required), pre-construction surveys by a qualified biologist shall be conducted. [MMRP BIO-1a]
SP-11 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall submit details on all proposed storm drainage outlet structures demonstrating the minimum feasible disturbance to natural drainage patterns and natural use of energy dissipation.

BICYCLE FACILITIES

SP-12 Not applicable (Cycle Track).

SP-13 Prior to issuance of any certificate of occupancy, the applicant shall install a bicycle facility on 10th Street from Monroe Street to Codornices Creek, as shown on Sheet TM-5 (Tentative Map submittal dated 8/15/13).

SP-14 Not applicable (bike lockers).

SP-15 Not applicable (retail bike parking).

TRANSIT FACILITIES

SP-16 Not applicable (Transit Stops).

BUILDING DESIGN

SP-17 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall incorporate into the
project glass surfaces that are non-mirrored or include non-reflective films, coatings, and shading devices to reduce glare. The architectural detail regarding glass shall be reviewed and approved by the City during the design review process. [MMRP AES-lb]

SP-18 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall demonstrate that trash enclosures shall be adequately sized to contain solid waste, recycling, and composting containers; sufficiently screened; well designed with architectural details; and treated with the same materials and/or colors as the main building. [Also see SP-36 regarding trash enclosures in the Grading, Flooding, and Drainage section.]

LIGHTING

SP-19 Prior to issuance of a building permit for any component of the project, the project applicant shall submit a lighting plan for City review and approval. The plan shall include provisions to ensure that outdoor lighting is designed so that potential glare or light spillover to surrounding properties, or the adjacent creeks, are minimized through appropriate site design and shielding of light standards and in compliance with California Green Building Code. The City will review the final site plans to ensure that all lighting is directed downward and away from surrounding properties. [MMRP AES-la]
LANDSCAPING

SP-20 Not applicable (connection between retail and little league fields).

SP-21 Prior to issuance of any grading permit or building permit for any component of the project, a final landscape and irrigation plan shall be submitted and approved by the City of Albany. The project shall comply with the requirements of Section 12-7 of the Albany Municipal Code “Water Efficient Landscaping” and the latest Bay Friendly Landscape policies.

SP-22 Prior to issuance of a certificate of occupancy, the applicant shall install plantings and irrigation systems.

SIGNAGE

SP-23 A revised signage plan shall be approved by the Community Development Director prior to the issuance of building permits for the project.

STREETS AND SIDEWALKS

SP-24 Not applicable (Monroe mid-block crossing).

SP-25 Not applicable (eastbound Monroe turn lane).

SP-26 The applicant shall work with Caltrans to optimize traffic signal timing parameters (i.e., allocation of green time for each...
intersection approach and coordination with adjacent signals along San Pablo Avenue). [MMRP TRANS-1]

SP-27 The applicant shall contribute the project's fair share to Mitigation Measures TRANS-2, TRANS-3, TRANS-4, TRANS-5, TRANS-6, TRANS-9, and TRANS-10:

- City of Berkeley’s proposed roundabout at I-80 and Gilman Street. [MMRP TRANS-2,3,4]
- City of Berkeley’s plan to eliminate parking along the north side of Gilman Street between Kains Avenue and San Pablo and provide an additional travel lane on the westbound approach of the intersection. [MMRP TRANS-5]
- Signalization of the Gilman Street/Hopkins Street intersection, under jurisdiction of City of Berkeley. [MMRP TRANS-6 - no plans in place]
- Signalization of the Buchanan Street/Eastshore Highway intersection and provide a left-turn from northbound Eastshore Highway to westbound Buchanan Street, in coordination with Caltrans, unless deemed infeasible (see condition SP-27) [MMRP TRANS-9 - requires Caltrans approval, no plans in place]
- Signalization of the Harrison Street/San Pablo Avenue intersection and provide a left-turn from northbound Eastshore Highway to westbound Buchanan Street, in coordination with Caltrans, unless deemed infeasible (see condition SP-27) [MMRP TRANS-10 - requires Caltrans approval, no plans in place]

SP-28 Prior to the approval of the final map by the City Engineer, the applicant must obtain determination from the City that the property owners and/or lessees have fulfilled obligations and cooperated.

CONDITIONS OF APPROVAL 1100 SAN PABLO AVENUE - 7
fully in the timely delivery of all required deeds, dedications, and other documents associated with improvements at the Buchanan/Marin/San Pablo improvement projects. [PUD Requirement]

SP-29 Prior to the issuance of a certificate of occupancy, the property owners and/or lessees shall deposit funds with the City sufficient to fund the cost of independent post-construction traffic monitoring, which shall be initiated 6 to 10 months after completion of each phase of the project, conducted while schools are in session, and continued periodically if the Traffic and Safety Commission makes a determination that the project is creating traffic capacity or safety issues. [PUD Requirement]

ACCESS

SP-30 The applicant shall implement one of the following four improvements (as shown on Figures IV.A-16a and IV.A-16b of the University Village at San Pablo Avenue Draft EIR) to improve pedestrian and bicycle access across San Pablo Avenue between the proposed Class I path along Codornices Creek and Dartmouth Street. [MMRP TRANS-12]

1. Install a high-intensity activated crosswalk (HAWK) traffic signal [also known as pedestrian activated crossing signals] on San Pablo Avenue at Dartmouth Street. HAWK signals operate by using traffic and pedestrian/bicycle signal heads, but they are only activated when the pedestrian push buttons or bicycle loop detectors are triggered; or

2. Signalize for pedestrians the San Pablo Avenue/Dartmouth Street intersection and provide pedestrian countdown signal and high-visibility crosswalk on both north and south approaches of San Pablo Avenue;
3. Install a two-stage signalized crossing with a six-foot wide median refuge on San Pablo Avenue between Codornices Creek and Dartmouth Street; or

4. Provide a two-stage unsignalized crossing with a median refuge on San Pablo Avenue. This option would be similar to the previous option except the crossings would not be signalized.

**IMPROVEMENTS REQUIRING CALTRANS APPROVAL**

SP-31 The tentative parcel map application includes improvements to the San Pablo Avenue right-of-way (State Route 123) intended to accommodate a two-way bike path and sidewalk on the west side of the street from Village Creek to Codornices Creek and a pedestrian crossing of San Pablo Avenue at Dartmouth Street. The proposed improvements require the Caltrans to approve exceptions to adopted design standards. The Planning and Zoning Commission acknowledges the applicants good faith efforts to implement the proposed two-way bike path into the project.

In the event that Caltrans does not approve the proposed design exceptions, and as a consequence the City Engineer or designee makes a determination that construction of the proposed two-way bike path and sidewalk as approved by the Planning and Zoning Commission is not feasible, it is the Planning and Zoning Commission's intent that the applicant submits a final map that incorporates maximum feasible bicycle and pedestrian improvements. Determination of maximum feasible bicycle and pedestrian improvements shall be based on established City policy and Caltrans design standards. Improvements to be incorporated, including dedication of property...
up to a maximum of two feet in depth abutting San Pablo Avenue if necessary, including:

- Alternative design such as a shared use bicycle-pedestrian facility.
- Elements of the San Pablo Avenue Streetscape and Pedestrian Safety Project (Project #12) in the 2012 City of Albany Active Transportation Plan, including installing a landscaped median where feasible (e.g., north of Monroe Street) and converting Dartmouth Street to a right-in/right-out only street by constructing a median within the center turn lane on San Pablo Avenue.
- Public amenities required by the Final Environmental Impact Report (and its Addendum) and the Planned Unit Development including dedicated Bicycle and Pedestrian Crossing at the intersection of Dartmouth Avenue and San Pablo Avenue, and a direct two-way bicycle access from the intersection of Dartmouth and San Pablo south directly to the Codornices Creek Type I bike path.
- Design and construction of transit stops consistent with AC Transit design guidelines

Pursuant to AMC Section 22-4.12, the City Engineer or designee is authorized to approve minor changes to the map as consistent with the intent and spirit of the Planning and Zoning Commission’s approval, as expressed in the findings and conditions of approval. Amendments to the tentative map that in the opinion of the City Engineer or designee do not reflect the intent of the Commission shall be presented to the Planning and Zoning Commission for approval. Processing of such amendments shall be in
accordance with the provisions for processing a tentative map set forth in the Municipal Code.

PUBLIC WORKS CONDITIONS

ENGINEERING

SP-33 The subdivision shall comply with Chapter XXII of the Albany Municipal Code (Subdivision Ordinance) as determined by the City Engineer, including but not limited to the Parkland Dedication requirements contained in Section 22-8.4 of the Albany Municipal Code.

SP-34 Prior to approval of the final map by the City Engineer, the applicant shall provide a written statement from the University of California accepting the configuration of the remainder parcel is required before action is taken on the tentative parcel map and confirming that the applicant or the property owner will take responsibility for design and construction and maintenance of all improvements within the identified boundary.

SP-35 Prior to approval of the final map by the City Engineer, please provide detail on the route, condition, and capacity of existing and proposed sanitary sewer lines from the project site the EBRMUD interceptor line located near I-80.

SP-36 Prior to approval of the final map by the City Engineer, the applicant shall submit information showing the final location of all easements, including the grantor, grantee, and purpose of each easement.
HAZARDOUS MATERIALS

SP-37 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall provide the City with written confirmation from a qualified hazardous materials professional that all known hazardous materials within the project site have been remediated or removed as part of the building demolition process. [MMRP HAZ-1]

SP-38 Prior to issuance of any grading permit or building permit for any component of the project, the University shall provide the City with written confirmation from the California Department of Public Health that the Gill tract has been removed from the University's Radioactive Materials License and that the site is safe for unrestricted use. [MMRP HAZ-2]

GRADING AND DRAINAGE

SP-39 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall submit a site-specific geotechnical report prepared by a qualified and licensed geotechnical engineer. [MMRP GEO-1]

SP-40 Prior to approval of the final map by the City Engineer, the applicant shall submit and have approved by the City Engineer a grading and drainage plan.
SP-41 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall retain a qualified engineering or surveying professional to prepare a determination, including appropriate site plan sheet, of the precise location of the 100-year special flood hazard area boundaries for creeks in the vicinity of the project site. Based on this determination, if the project encroaches into the floodplain, consistent with the City of Albany Flood Damage Prevention Regulations, the applicant shall obtain a flood zone permit. The applicant shall comply with all requirements of the flood zone permit as imposed by the City. These recommendations and requirements are to be implemented in the planning and construction of the proposed project, to assure that the project will not impede or redirect flood flows, or present a significant risk of flood-related loss to people or structures. [MMRP - HYDRO-5]

SP-42 Prior to approval of the final map by the City Engineer, the applicant shall submit a request, to the satisfaction of the City Engineer, to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision (LOMR). The LOMR must show that the project would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or Special Flood Hazard Area.
UTILITIES, INFRASTRUCTURE, AND IMPROVEMENT PLANS

SP-43 Public improvements shall be designed and constructed by qualified licensed professional in accordance with the City's Standard Specifications and Standard Details, unless specifically waived in writing by the City Engineer. [PUD Requirement] Approval of non-standard design features requires a written justification containing a rationale or written evidence to support the use of the design exception.

SP-44 Electrical, gas, telephone and all other services and utilities shall be provided underground. Utility vaults should be placed underground wherever feasible. If not feasible, they must be screened and situated such that they are architecturally compatible and do not obstruct bicycle, pedestrian, or transit facilities. The location of all utility infrastructure shall be approved by the Community Development Director prior to construction.

SP-45 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant shall indicate existing and proposed streetlights and whether any existing streetlights are being relocated. The location and design of streetlights and related facilities shall be located such that they do not obstruct the obstruct bicycle, pedestrian, or transit facilities, subject to approval by the Community Development Director.

SP-46 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall complete the design of all of the public amenities. [PUD Requirement]
SP-47 The applicant shall complete the public amenities prior to the occupancy of the first phase of the project. [PUD Requirement]

SP-48 Prior to approval of the final map by the City Engineer, the applicant shall submit and have approved by the City improvement plans: including curb, sidewalk, driveways, waterlines, fire hydrants, street lights, sanitary sewer laterals, storm drains, traffic medians, traffic signs and pavement striping and any improvement within the public right of way or easements dedicated to the public.

SP-49 Prior to the final construction plan approval, the project applicant shall replace and/or rehabilitate existing sewer pipes within the project site to decrease groundwater infiltration and shall ensure any new wastewater collection systems for the project site are constructed to prevent I/I to the maximum extent feasible. [MMRP UTIL-2]

FIRE PROTECTION

SP-50 Prior to approval of the final map by the City Engineer, the Albany Fire Department and East Bay Municipal Utility District (EBMUD) shall review and approve plans to ensure the provision of adequate water fire flows. Should water infrastructure upgrades or installation be necessary to meet the requirements, the City and EBMUD shall require and approve infrastructure improvements by the applicant prior to the issuance of a grading permit. An occupancy permit for the proposed project shall not be issued until the City of Albany has confirmed adequate fire flow is available. [MMRP UTIL-1]
SP-51 Prior to the final construction plan approval, the project applicant shall establish a red curb "Fire Zone" parking area on San Pablo Avenue for public safety personnel responding to a call for service at the senior housing facility. [MMRP UTIL-2]

EASEMENTS AND AGREEMENTS

SP-52 Prior to recording the parcel map, the applicant shall enter into the City's subdivision improvement agreement for the construction of public improvements associated with this project.

SP-53 Prior to recording the parcel map, the applicant shall submit performance and payment bonds or other suitable security for public improvements in conformance with the City code and Subdivision Map Act supported by a cost estimate prepared by a Registered Civil Engineer.

SP-54 While the project is under development, the University shall meet its commitments to existing policies, plans, and agreements related to University Village, including Little League fields, Codornices Creek, bicycle access, and CEQA mitigations. [PUD Requirement]

SP-55 Not applicable (Shared Retail Parking).

SP-56 The applicant shall obtain the necessary encroachment permit from Caltrans before commencing any construction activities within San Pablo Avenue.
COMMON AREA AGREEMENT

To ensure compliance with the provisions of Albany Municipal Code Chapter 22 (Subdivision) and to provide for the orderly development and operation of an integrated mixed-use development project, prior to the City approval of the Final Map, the applicant shall provide the City for review and comment a draft Common Area Agreement with the property owner (UC Regents). The final form of the Common Area Agreement shall include the following provisions:

- Upon execution and recordation, a copy of the Common Area Agreement shall be provided to the City.
- The Common Area Agreement shall run with the land.
- The Common Area Agreement shall clearly define the common areas and improvements subject to the agreement.
- The Common Area Agreement shall be incorporated by reference into any required improvements plans.
- The Common Area Agreement shall specify the parties responsible for design, permitting, construction, and maintenance, including performance criteria for timely construction in compliance with City or Caltrans standards and adequate maintenance of the common area improvements.
- The Common Area Agreement shall specify cost sharing for construction and maintenance of improvements associated with the project.
- The Common Area Agreement shall specify responsibility for enforcement of parking regulations.
- The parties to the Common Area Agreement have the obligation to enforce of all the provisions of the agreement. The City shall be named as a third party beneficiary to the agreement, with the right, but not the obligation to enforce the responsibilities of the Association.
The parties to the Common Area Agreement shall obtain approval from the City of Albany before any modifications or termination of the development agreement.

The City of Albany shall receive notice of assignment, transfer, or default by any of the parties to the Common Area Agreement.

The City shall have the right of immediate entry to all common areas at all times for the purpose of preserving health, safety, and public welfare.

In the event of default by the applicant, the property owner shall be responsible for performing the obligations of the Common Area Agreement.

CONSTRUCTION

SP-58 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall prepare a Construction Traffic Management and Routing Plan, subject to approval by the Public Works Director. [MMRP TRANS-13]

SP-59 Prior to issuance of any grading permit or building permit for any component of the project, consistent with the guidance from the BAAQMD, the applicant shall require contractors to include dust control measures in construction specifications for the project, for demolition and construction phases. [MMRP AIR-1a]

SP-60 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall require contractors to
include emissions control measures in construction specifications for the project. [MMRP AIR-1b]

SP-61 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall mitigate construction noise as follows:

  o All construction equipment must have appropriate sound muffling devices, which shall be properly maintained and used at all times such equipment is in operation. [MMRP NOISE-1a]

  o Where feasible, the project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. [MMRP NOISE-1b]

  o The construction contractor shall locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during. [MMRP NOISE-1c]

  o Except as otherwise permitted, construction activities shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. weekdays and Saturdays, and 10:00 a.m. to 6:00 p.m. on Sundays and legal holidays. [MMRP NOISE-1d]

SP-62 Best management practices (BMPs) shall be implemented during all construction activities to prevent erosion and sedimentation into the stream and to prevent the spill of contaminants around the stream. These BMPs shall be described in a Stormwater Pollution Prevention Plan (SWPPP) that shall be prepared in compliance with Regional Water Quality Control Board requirements. [MMRP BIO-1b]
SP-63 Prior to issuance of any grading permit or building permit for any component of the project, 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. Pre-construction surveys are not required if construction activities are restricted to the non-nesting season (September through February). [MMRP BIO-2]

SP-64 Prior to the start of creek de-watering (if necessary) and outfall installation, Codornices Creek shall be surveyed by a qualified biologist for the presence of western pond turtles. If present, the western pond turtle individuals shall be relocated to suitable habitat upstream or downstream of the project site to avoid killing or injuring such individuals. [MMRP BIO-3]

SP-65 Prior to issuance of any grading permit or building permit for any component of the project that will affect eucalyptus, pine, and cypress groves on the project site during the period between September and March, preconstruction surveys by a qualified biologist shall be conducted in the tree groves. If Monarch butterflies are found to be utilizing any of the trees as a winter colony site, construction in the vicinity of those trees shall be avoided and the removal of trees around the colony shall be avoided or postponed until after the butterflies have left for the breeding season. [MMRP BIO-4]

SP-66 Prior to issuance of any grading permit or building permit for any component of the project, the project contractor shall comply with the City of Albany Municipal Code relating to grading projects, erosion
control, and discharge regulations and requirements (Chapter XX, Section 15-4.7). In addition, the project applicant shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction period of the project. [MMRP HYDRO-1]

SP-67 the construction-period SWPPP shall include provisions for the proper management of construction-period dewatering effluent. [MMRP HYDRO-2]

SP-68 Prior to issuance of any grading permit or building permit for any component of the project, the project applicant and City of Albany shall ensure that the proposed project drainage design meets all the requirements of the current Countywide NPDES Permit (NPDES Permit No. CAS0029831), as amended. [MMRP HYDRO-3]

SP-69 During grading and construction, should an archaeological resource be encountered, the construction contractor shall halt construction in the vicinity of the find and shall notify the City. [MMRP CULT-1]

SP-70 During grading and construction, if paleontological resources are encountered, all work within 25 feet of the discovery shall be redirected until a qualified paleontologist has assessed the discoveries and made recommendations. [MMRP CULT-2]

SP-71 During grading and construction, if human remains are encountered, work within 25 feet of the discovery shall be redirected and the Alameda County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with the appropriate agencies. [MMRP CULT-3]
SP-72 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall submit post-construction best management practices (BMPs) for the project prior to initiating construction and final construction plan approval. The BMPs shall address long-term operation and management of the project to avoid water quality degradation and other potential adverse impacts to Codornices Creek.

SP-73 Prior to issuance of any grading permit or building permit for any component of the project, the applicant shall demonstrate that trash enclosures shall comply with Best Management Practices, in accordance with the Clean Water Act, and shall include roof, impervious floor surface which drains to an inlet, direct connection to the sanitary sewer, adjacent grades to prevent run-on/run-off, and grease trap and/or oil and water separator.

PARKLAND DEDICATIONS

SP-74A The applicant shall satisfy fulfillment of the parkland dedication requirement, per Planning and Zoning Code Section 22-8.4, by providing an easement for the Codornices Creek Restoration project. The easement shall be substantially in conformance with the extent of the area in the Open Space Exhibit (Sheet EXH-1) submitted by HKIT on August 2, 2013.

GENERAL PROJECT CONDITIONS

Gen-1 Project Approval - This approval for Tentative Parcel Map and Design Review, as substantially provided in the staff report, may be
modified by conditions herein. Plans include the report and project
correspondence, as presented to the Planning and Zoning Commission on
November 20, 2013 and December 11, 2013. For any condition herein that
requires preparation of a Final Plan where the project developer has
submitted a conceptual plan, the project developer shall submit final plan(s)
in substantial conformance with the conceptual plan, but incorporate the
modifications required by the conditions herein for approval by the City.

GEN-2 Project Approval Expiration. - This Tentative Map approval
will expire pursuant to the provisions of the California Subdivision Map Act
and the Subdivision Chapter of the Albany Municipal Code unless a building
permit has been issued and construction diligently pursued. The Design Review
approval will expire one year after final 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 prior to
expiration of one (1) year from the date when the approval becomes effective,
an application for renewal of the approval is filed with the Community
Development Department. The Community Development Director may grant a
renewal of an approval where there is no indication,
or there is no request to change any condition of approval.

Gen-3 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 prior to issuance of said
permit. Notice shall be taken specifically of Plan Check, Engineering, Fire
and Inspection Fees. The project developer shall also reimburse the City for
direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and developer.

GEN-4 Appeals - The Albany Municipal Code provides that any action of the Planning staff may be appealed to the Planning and Zoning Commission, and any action of the Planning and Zoning Commission may be appealed to the City Council as per the procedures described in Section 20.100.080.

GEN-5 Requirement for Building Permit - Approval granted by the Planning and Zoning Commission does not constitute a building permit or authorization to begin any grading, construction or demolition. An appropriate permit issued by the Community Development Department must be obtained prior to constructing, enlarging, moving, converting, or demolishing any building or structure within the City.

GEN-6 Fire Department Approval - As part of a building permit application, the applicant shall submit written documentation that all requirements of the Albany Fire Department have, or will be, met to the satisfaction of the AFD.

GEN-7 Engineering Approval - As part of a building permit application, the applicant shall submit written documentation that all requirements of the Public Works Department have, or will be, met to the satisfaction of the City Engineer.

GEN-8 Construction Hours - Construction activity shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. Mondays through Saturdays,
and 10:00 a.m. to 6:00 p.m., Sundays and legal holidays, unless otherwise approved in writing by the City Engineer for general construction activity. Failure to comply with construction hours may result in stop work orders or other administrative actions.

GEN-9 Archeological Remains - In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.

GEN-10 Modifications to Approved Plans - The project shall be constructed as approved. Planning staff may approve minor modifications in the project design, but not the permitted land use (per Municipal Code Section 20.12). A change in an item requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning and Zoning Commission approval through the Design Review process.

GEN-11 Hold Harmless Agreement - Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Albany and its agents, officers and
employees, from any claim, action, or proceeding against the City or its
agents, officers or employees to attack, set aside, void, or annul the City's
approval concerning this application, which action is brought within the time
period provide for in Section 66499.37. The City will promptly notify the
applicant of any such claim action or proceeding and cooperate fully in the
defense.

GEN-12 Public Improvements Standards - Public improvements shall
be designed and constructed in accordance with the City's Standard
Specifications and Standard Details, unless specifically waived in writing by
the City Engineer. Licensed design professional shall identity non-standard
design features and provides a written justification containing a rationale
or written evidence to support the use of the design exception.

DESIGN CONDITIONS

ARCHITECTURE CONDITIONS

ARCH-1 Material Samples - Samples of final exterior materials and
the proposed color palette shall be submitted for review and approval by the
Community Development Department as part of building permit application.

ARCH-2 Final Architectural Drawings. The applicant shall submit
final architectural elevations, details and revisions for the review and
approval of the Community Development Department as part of building permit
application.

LIGHTING CONDITIONS
LGHT-1 Exterior Lighting. - All exterior lighting shall be installed in such a manner that glare is directed away from surrounding properties and rights-of-way. If required, exterior light fixtures shall be equipped with "cut off" lenses to minimize light and glare spill over onto adjacent properties.

LGHT-2 Shielding of Lighting. - All accent lighting shall be directed downward and, if necessary, fixed with cut-off lenses to ensure that no glare spills onto neighboring properties.

LANDSCAPING CONDITIONS

LNDSC-1 Pesticide/Fertilizer Application. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. If a landscaping plan is required as part of a development project application, the plan shall meet the following conditions related to reduction of pesticide use on the project site:

a) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.

b) Plant materials selected shall be appropriate to cite specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of

CONDITIONS OF APPROVAL 1100 SAN PABLO AVENUE - 27
land use, ecological consistency and plant interactions to ensure successful
establishment.

c) Existing native trees, shrubs, and ground cover shall be
retained and incorporated into the landscape plan to the maximum extent
practicable.

d) Proper maintenance of landscaping, with minimal pesticide
use, shall be the responsibility of the property owner.

GENERAL ENGINEERING CONDITIONS

ENGR-1 Title Report. A recent preliminary title report for the
property, prepared within six months of the date of application, shall be
submitted to the City Engineer for review. If any interior lot line(s) exist,
the applicant must obtain approval of a minor lot line adjustment from the
City to remove the interior lot line(s), and cause that lot line adjustment
to be recorded before any building permits will be issued.

ENGR-3 Backflow Device. Any required water service for fire
protection purposes shall be equipped with a City approved backflow device.
Services for irrigation purposes also require a separate City approved
backflow prevention device.

GRADING CONDITIONS

GRAD-1 Grading Permit. Any grading required in association with
the project shall require a grading permit from the Community Development
Department. To obtain this permit, the applicant shall submit a grading plan,
indicating the extent and volumes of earth proposed to be moved.
GRAD-2 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).

GRAD-3 Water on Site. The site shall be graded to prevent rainfall runoff originating from improved areas on the project site from crossing onto adjoining private property. Building floor elevations shall be above the FEMA-mapped 100-year flood plain as established by a licensed civil engineer. Provide the elevation and compaction certificates during and upon the completion of grading required by the Uniform Building Code and in conformance with the recommendations of the geotechnical engineer’s report. Shore and dewater all excavations in accordance with the requirements of the geotechnical engineer’s report.

GRAD-4 Flooding Damages. The project developer shall execute an assumption of risk, indemnification and hold harmless agreement as required by the City. The agreement, in substance, shall state that the project developer, and any successor in interest, shall assume all risk for damages to the project and to project improvements, flooding caused by surface water intrusion, stormwater runoff, or water under the ground surface pressing on or flowing or seeping through foundations, walls, floors, or paved surfaces, basements, whether paved or not, or windows, doors or other openings, and shall indemnify and hold the City harmless from any claims of such damages, including third-party claims, of such damage or of such damages or of damages arising from rainfall runoff which is not prevented from leaving the project site in violation of Condition GRAD-3.
INFRASTRUCTURE CONDITIONS

INFR-1 Sewer System Requirements. The sewer system for the subject building shall comply with Chapter 15 of the Albany Municipal Code and to the satisfaction of the City Engineer before Final Inspection approval of the construction permit.

INFR-2 Two-Way Cleanout. Installation of a two-way curbside cleanout shall be required per Chapter 15 of the Albany City Code. This applies to all properties, including properties with a valid upper sewer lateral certificate of compliance. All 2-way curbside clean outs shall be fitted with a loose cap in accordance with the City’s standard detail SS6.

INFR-3 Property Run-off Requirements. All runoff from impervious surfaces shall be intercepted at the project boundary and shall be collected and conducted via an approved drainage system through the project site to an approved storm drain facility, as determined by the City Engineer. Development that contributes additional water to the existing drainage system shall be required to complete a hydraulic study and make improvements to the system as required to accommodate the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

INFR-4 Roof Drainage. Roof drainage from the structure shall be collected via a closed pipe and conveyed to an approved storm drain system off the street curb. No concentrated drainage of surface flow across
sidewalks shall be permitted. Alternative natural treatment measures are
subject review and approval by the City Engineer.

INFR-5 Hydraulic Calculations. The applicant shall submit
hydraulic calculations, prepared by a California licensed civil engineer,
necessary to determine if the existing water and sewer mains that serve this
lot have available capacity for the addition of the proposed development. If
capacity is not available, sewer and water mains of adequate size shall be
designed and secured prior to issuance of building permits and constructed in
a manner acceptable to the City Engineer prior to occupancy release, unless
determined otherwise by the City Engineer.

INFR-6 Completion of Off-Site Improvements. Off-site improvements
necessitated by the proposed project, as determined by the City Engineer,
shall be complete before issuance of a Certificate of Occupancy unless
alternatives are approved in writing by the Albany City Engineer.

PUBLIC IMPROVEMENTS CONDITIONS

PUBIM-1 Encroachment Permit. The applicant shall obtain an
cencroachment permit from the Engineering Division before commencing any
construction activities within any public right-of-way or easement.

PUBIM-2 Debris Removal. All mud, dirt or construction debris
carried off the construction site onto adjacent streets shall be removed each
day. No materials shall be discharged onto a sidewalk, street, gutter, storm
drain or creek.
PUBIM-3 Damage to Street Improvements. Any damage to street improvements now existing, done during construction on, or adjacent to the subject property, shall be repaired to the satisfaction of the City Engineer at the full expense of the applicant. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.

PUBIM-4 Right-of-Way Construction Standards. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be reconstructed in accordance with approved standards and/or plans and shall comply with the standard plans and specification of the Community Development Department and Chapter 14 of the City Code.

FIRE DEPARTMENT CONDITIONS

FIRE-1 California Fire Code. The project shall comply with the California Fire Code requirements, as amended by the City of Albany, in effect at the time of application for building permit.

FIRE-2 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.
FIRE-3  Distance from Fire Hydrant. Prior to approval of the final map by the City Engineer, the distance from existing fire hydrants to the building shall be verified and if necessary, a new hydrant shall be shown on the plans and installed prior to combustible construction.

FIRE-4  Fire Access. Prior to issuance of the final map, the applicant shall obtain approval from the Fire Marshal for fire apparatus access to all buildings.

STORMWATER CONDITIONS

STRUCTURAL CONTROL MEASURES

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

OPERATIONAL BEST MANAGEMENT PRACTICES (BUMPS)

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

CONDITIONS OF APPROVAL 1100 SAN PABLO AVENUE - 33
BMP-2A Private Streets, Utilities and Common Areas. The owner of private streets and storm drains shall prepare and implement a plan for street sweeping of paved private roads and cleaning of all storm drain inlets.

GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES (BUMPS)

BMP-GEN3 Responsibility of Contractors. The applicant is responsible for ensuring that all contractors and subcontractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BUMPS shall result in the issuance of correction notices, citations and/or a project stop order.

BMP-CNST2 Collection of Construction Debris. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.

BMP-CNST3 Removal of Waste. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

BMP-CNST4 Sweeping of Public Right-of-Way. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
BMP-CNST5  Filter Materials at Storm Drain Inlet. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:

a) start of the rainy season (October 1);
b) site dewatering activities;
c) street washing activities;
d) saw cutting asphalt or concrete; and
e) order to retain any debris or dirt flowing into the City storm drain system.

Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.

BMP-CNST6  Containment of Materials. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by wind or in the event of a material spill.

BMP-CNST7  Cleaning of Equipment. Never clean machinery, tools, brushes, etc., rinse containers into a street, gutter, storm drain, or stream. See the Building Maintenance/Remodeling flyer for more information.

BMP-CNST8  Minimize Removal of Natural Vegetation. Minimize removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Replant the area as soon as possible. All cut and fill slopes shall be stabilized as soon as possible after grading is completed. No site grading shall occur between October 1 and
April 15 unless approved erosion and sedimentation control measures are in place.

PARKING CONDITIONS

PARK-1 - All parking solutions shall conform to the approved plans as shown in the plans, as described in condition GEN-1 and maintained available for parking as shown on approved plans.

ADDITIONAL CONDITION OF APPROVAL ADDED BY CITY COUNCIL ACTION

Any deviation from design review plans and materials as approved shall be reviewed by Planning and Zoning prior to issuance of a building permit.
RESOLUTION NO. 2014-26

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of March, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none


/Eileen Harrington/
Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.