

ORDINANCE NO. 1403

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
ADOPTING A PLAN OF DEVELOPMENT FOR PURPOSES OF CONSTRUCTING A MULTI-FAMILY
HOUSING DEVELOPMENT WITH 34 DWELLING UNITS, PROVIDING 57 PARKING SPACES AT
1525 CHERRY STREET AND 700 CHESTNUT STREET
(ASSESSOR'S PARCEL NUMBERS: 050-141-040, 050-141-370, 050-141-360)

IT IS HEREBY ORDAINED by the City Council of the City of San Carlos as follows:

SECTION 1: The City Council finds that the Zoning Ordinance proposed is consistent with the General Plan and is required to achieve the general health, safety and welfare of the City of San Carlos.

SECTION 2: The Zoning Map of San Carlos, is hereby amended from R-3 (Multi-Family Residential) to P-C (Planned Community District), by the adoption of a Plan of Development in accordance with the Planned Community Zoning for constructing an approximately 51,092 square foot multi-family housing building with 34 dwelling units, providing a total of 57 parking spaces; at 1525 Cherry Street and 700 Chestnut Street (Assessor's Parcel Numbers: 050-141-040, 050-141-370, 050-141-360) as shown on the plans prepared by RYS Architects, dated August 8, 2008.

SECTION 3: That the City Council hereby adopts the Plan of Development filed as "title". This Plan indicates the approximate location of all proposed buildings, the size of the buildings, the parking to be provided and areas to be landscaped.

Standards of Development 1 – 13 are as follows:

1. The structures shall be situated on the parcel in accordance with the Plan of Development prepared by RYS Architects, dated August 8, 2008. Any substantive changes to the plan of development shall be reviewed and approved by the Planning Commission and City Council through the public hearing process.
2. All setbacks shall be provided in substantial compliance with the Plan of Development.
3. The project shall be constructed in accordance with all requirements of the Mitigated Negative Declaration, Mitigation Monitoring Plan, Architectural Review Permit and Tentative Map Certificate, Grading and Dirt Haul and Conditional Use Permit approvals.
4. The applicant shall provide a minimum of four (4) Below Market Rate Housing Units for the life of the project, to the satisfaction of the City's Economic Development/Housing Manager.
5. The applicant shall provide a minimum of open space as required in Section 18.116.160 of the San Carlos Municipal Code. Any substantial reductions in open space from an approved Plan of Development shall be subject to review and approval by the Planning Commission and City Council.
6. The applicant shall be required to pay all dedications and fees required for new multi-family development required in the San Carlos Municipal Code.
7. The applicant shall be required to comply with the approved Mitigation Monitoring Plan to the satisfaction of the Planning Director.
8. The applicant shall not exceed the maximum 50' height limit as shown on the Plan of Development.

9. Any changes to on- or off-site circulation related to the underground parking configuration are subject to review and approval by the Planning Director and City Engineer. Substantive changes to underground and/or above ground circulation are subject to review and approval by the Planning Commission and City Council through the public hearing process.
10. The developer is financially responsible for costs incurred by the City as a result of litigation resulting from the proposal.

SECTION 4: That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions on this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

SECTION 5: This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

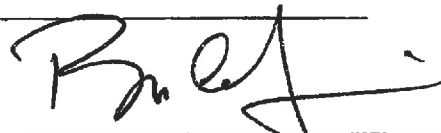
Introduced this 13th day of October, 2008.

Passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 27 day of OCTOBER, 2008, by the following vote:

AYES, COUNCILMEMBERS: AHMAD, GRASSILLI, GROCOTT, ROYCE, LEWIS


NOES, COUNCILMEMBERS: NONE

ABSENT, COUNCILMEMBERS: NONE



Mayor of the City of San Carlos

ATTEST:



City Clerk of the City of San Carlos