

CITY OF SAN CARLOS

CITY HALL

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PLANNING DEPARTMENT

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CODE COMPLIANCE CERTIFICATE/CONDITIONAL USE PERMIT

THIS IS TO CERTIFY THAT the San Carlos Planning Commission at a regular meeting thereof, held on September 2, 2008 did grant a **Code Compliance Certificate/ Conditional Use Permit** for purposes of constructing a four story, 34- unit condominium building approximately 51,092 square feet at **1525 Cherry Street/700 Chestnut Street** (Assessor's Parcel Numbers, 050-141-040, 050-141-370, 050-141-360) as shown on the received August 14, 2008 as prepared by RYS Architects. The application was approved with the following conditions:

1. All structures, parking areas and landscaping shall be situated on the parcel in accordance with the Plan of Development prepared by RYS Architects, received August 14, 2008, and as reviewed and approved by the Planning Commission serving as the Architectural Review Committee on September 2, 2008. Any changes determined to be substantive from the approved plans as determined by the Planning Manager shall be reviewed and approved by the Planning Commission.
2. All project structures shall meet applicable recommendations of the Uniform Building Code, the Structural Engineers Association of California, the City Building Code, and the Bay Area Geotechnical Group soil and foundation investigation report for the site. Assumptions and design parameters set by both, or another certified engineering geologist must be approved by the City Geologist. Additional seismic safety measures, as described in City Building Code, such as adequately anchored ornamental and other fixtures, well-labeled manual shut-offs for gas mains, etc., should also be used.
3. All colors and materials shall be in substantial compliance with those shown on the color and material board dated October 14, 2005 and as approved by the Planning Commission on March 6, 2006 and reaffirmed on September 2, 2008 to the satisfaction of the Planning Manager. Any changes determined to be substantive from the approved plans as determined by the Planning Manger shall be reviewed and approved by the Planning Commission.
4. The applicant shall submit a tree protection plan for review and approval by the Planning Manager prior to any work on site. The existing street trees shall be protected during the course of construction.
5. A revised landscape and irrigation plan shall be submitted for review and approval by the Planning Manager. The revised landscaping plan shall include, at a minimum, the plant species, container size, quantity and irrigation. The plan shall include tree species along the right property line that are appropriate to a planter environment, reach a height of between 12 to 20 feet at maturity and serve as a sufficient screening mechanism between the two properties, to the satisfaction, of the Planning Manager and South County Fire Authority. All new street trees shall be graded. The revised landscaping plan shall be consistent with the plan dated October 7, 2005 as prepared by KLA Landscape Architects, to the satisfaction of the Planning Manager.

6. The revised landscape and irrigation plan shall include further details, including the colors and materials all benches, trellis', and pavers within the interior courtyards, front yard and exterior side yard areas and sidewalks for review and approval by Planning Manager. These details shall be consistent and complementary to the color and material board as approved by the Planning Commission on September 2, 2008.
7. The approved landscape and irrigation plan shall be installed prior to a final inspection by the Building Division and shall be maintained in substantial compliance for the life of the project. Prior to the issuance of any Occupancy Permit, the project Landscape Designer shall certify, in writing, that the landscaping and irrigation systems are installed in accordance with the approved landscape and irrigation plan to the satisfaction of the Planning Director.
8. All proposed fences shall demonstrate compliance with Chapter 18.117, "Fences" of the San Carlos Municipal Code.
9. A detailed exterior lighting plan shall be submitted for review and approval by the Planning Director prior to installation. This lighting plan shall include detail on the proposed wattage of all lighting, glass/design specifications for both street lights and wall lights. The exterior lighting for the project shall be primarily down lit, with the exception of some up-lighting for landscaping purposes. All lighting shall be designed such that illumination is focused and directed in a manner that provides for circulation and security while reducing the incidence of spillover light onto adjacent properties. If necessary to minimize intrusive light and glare effects, the exterior light fixtures shall be equipped with lenses or hoods or equivalent spillover light and glare control equipment.
10. Plans to be submitted to the Building Division shall include revisions to the garbage/recycling area, as outlined by the Allied Waste comment letter, dated January 11, 2006 to the satisfaction of Allied Waste and Planning Staff.
11. Plans to be submitted to the Building Division shall reflect a more decorative type finish for the garage door, for review and approval by Planning Staff.
12. The colors and materials of all retaining walls shall be consistent and complementary to the approved colors and materials of the building to the satisfaction of the Planning Director.
13. A responsible construction manager shall be present on the job site at all times when construction is taking place. If problems at the job site result, the City may hire an on site inspector to assure appropriate construction practices. The cost of the inspector would be paid for by the applicant.
14. All conditions of approval shall be posted at the job site in full public view on conspicuous signage. This document shall be weatherproofed, and shall include the phone number of the developer.
15. Construction activities shall be limited to the job site and to the extended side property lines to the public right of way, unless otherwise specified for public improvements. No material or equipment storage shall be permitted in the public right of way before or after working hours without the permission of the Public Works Director.
16. The job site shall be properly secured during non working hours to the satisfaction of the Building Official.
17. The applicant shall be responsible for ensuring compliance of all contractors and subcontractors with the conditions of any permit issued for such work.

18. The applicant shall follow all San Mateo County Wide STOPPP Recommended construction Materials Handling and Disposal Practices and prohibit the discharge of all wastes into the storm drain system including but not limited to:
 - a. Storm drain inlets shall be protected from sediment-laden runoff to the greatest extent feasible. Storm drain inlet protection devices include sand bag barriers, filter fabric fences, block and gravel filters, and burlap bags filled with drain rock.
 - b. When cleaning sediments from streets, driveways and paved areas on construction sites, dry sweeping methods shall be used where possible. If water must be used to flush pavement, collect runoff to settle out sediments and protect storm drain inlets.
 - c. Site contribution shall not exceed the capacity of the existing stormwater system, to the satisfaction of the City Engineer.
 - d. The applicant shall submit a Storm Water Pollution Prevention Plan to the City of San Carlos for review and approval prior to construction which addresses measures that would be included in the project to minimize and control construction and post-construction runoff.
 - e. All active construction areas shall be watered twice daily or as often as necessary to control dust emissions. Application of non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas and construction areas shall occur if necessary to control dust emissions.
 - f. All trucks hauling soil, sand, and other loose materials shall be covered and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
 - g. Sweep daily or as often as necessary with water sweepers all paved access roads, parking area, public rights-of-way and staging areas at construction sites to control dust and visible soil material.
 - h. The applicant shall not be permitted to discharge anything other than rain water into the streets and storm drains.
 - i. The applicant shall seal all floor drains or piping that carry wastewater to storm drains.
 - j. All on-site storm drains must be cleaned at least twice a year; once immediately prior to the rainy season (October 15) and once in January. Additional cleaning may be required by the City Engineer.
 - k. When stripping or cleaning building exteriors with high pressure water, storm drains shall be blocked. Water shall be washed onto a dirt area and spade into soil, or other method of collection approved by the local wastewater treatment authority.
 - l. Filters or equivalent Best Management Practices (BMPs) shall be installed in the driveway storm drains, inspected and cleaned by a contractor at appropriate intervals. The property owner, association or facility operator is responsible for hiring the contractor depending on agreements established during the development process.
 - m. The phrase "no dumping - drains to the Bay", or an equally effective phrase, must be labeled on new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants in the storm drain. Water courses shall be similarly labeled by posting signs.

19. The applicant is financially responsible for costs incurred by the City as a result of litigation resulting from the proposal and shall agree, sign and return the Land Use Indemnification statement.
20. The applicant shall meet all future requirements of the Building Division, Public Works and Police Departments and South County Fire Authority, to the satisfaction of the Chief Building Official, Public Works Director, Police Chief and Fire Marshall:
21. The City of San Carlos shall be entitled to stop work on any construction or construction related activities conducted in violation of the entitlements for this development project or San Carlos Municipal Code requirements and/or fine the property owner per day per violation of such entitlements or San Carlos Municipal Code violations. Additionally, the City may pursue any other remedies available under the law for violations of entitlements or the San Carlos Municipal Code.
22. The applicant shall provide four (4) designated Below Market Rate (BMR) units to remain affordable for the life of the project under the conditions in Chapter 18.200. The applicant shall designate three very low income units; one each three bedroom, two bedroom and one bedroom unit and one low income two bedroom unit. The distribution within the building shall include one BMR unit on the first floor, two BMR units on the second floor and one BMR unit on the third floor. These units shall remain as BMR units regardless of whether they are rented, sold or change status between being rental or for-sale units. The applicant shall submit a complete BMR Plan for review and approval by the Housing Manager the contains the following;
 - a. The location, structure (attached, semi-attached, or detached), proposed tenure (for-sale or rental), number of bedrooms, and size of the proposed market rate and below market rate units and the basis for calculating the number of below market rate units;
 - b. A floor or site plan depicting the location of the below market rate units;
 - c. The income levels to which each below market rate unit will be made affordable;
 - d. The mechanisms that will be used to assure that the units remain affordable for the desired term, such as resale and rental restrictions, deeds of trust, and rights of first refusal and other documents;
 - e. For phased residential development, a phasing plan that provides for the timely development of the number of below market rate units proportionate to each proposed phase of development;
 - f. A description of any incentives or concessions as listed in Section 18.200.090 that are requested of the city;
 - g. Any alternative means designated in Section 18.200.080(A) proposed for the residential development along with information necessary to support the findings required by Section 18.200.080(B) for approval of such alternatives;
 - h. The conceptual plan for initial sales or rental by the builder of the below market rate units; and
 - i. Any other information reasonably requested by the Administrator to assist with evaluation of the below market rate housing plan under the standards of this chapter.
23. At the discretion of the Administrator of the Below Market Rate (BMR) program, no building permit or certificate of occupancy shall be issued for any of the dwelling units (including the market-rate units) until all necessary BMR documents have been signed and submitted for recordation to the County of San Mateo.
24. The applicant shall be required to provide documentation regarding the Homeowners Association (HOA) dues to the satisfaction of the Administrator and the initial sales prices is subject to recalculation should the first year's HOA dues be higher than used for early pricing calculations.
25. The Below Market Rate (BMR) units shall be ready for occupancy no later than when 50% of the market-rate units are ready for occupancy.

26. This Code Compliance Certificate/Conditional User Permit shall not become effective until the Zoning Code Amendment/Zoning Map Amendment, Tentative Map, Grading and Dirt Haul Certificate governing the subject property also become effective.
27. Prior to issuance of a demolition and/or removal of any on-site trees, the applicant shall submit a survey prepared by a qualified biologist or other appropriate environmental professional to Planning Staff, no sooner than 3 weeks prior to these activities to determine if there are any active nests in the trees or shrubs to be removed. Should the survey find that there are active nests(s) in the trees or shrubs to be removed; said vegetation should not be removed until a qualified biologist has determined that any chicks and/or adults in the nest(s) have fledged and/or provided appropriate mitigations, to the satisfaction of the Planning Manager.
28. Soft demolition measures shall be incorporated during the demolition of the existing residences to maximize the re-use of the building materials.
29. The applicant shall obtain LEED certification for the building.



Deborah Nelson, Planning Manager
San Carlos Planning Department

Effective date: September 12, 2008