

CITY OF SAN MATEO PLANNING APPLICATION

CONDITIONS OF APPROVAL

**PA-2018-061, 526 & 528 N. CLAREMONT ST., DUPLEX CONDOMINIUM CONVERSION
(TENTATIVE PARCEL MAP)**

526 N CLAREMONT ST, SAN MATEO, CA 94401-1708

PARCEL # 032167240

AS APPROVED BY THE PLANNING COMMISSION ON

The following conditions of approval apply to the project referenced above. The conditions of approval are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance.

The following conditions shall be addressed on the construction plans submitted for any DEMOLITION PERMIT, BUILDING PERMIT, or SITE DEVELOPMENT PERMIT, and shall be satisfied prior to issuance of whichever permit is issued first, or if another deadline is specified in a condition, at that time.

Planning Division (PA)

- 1 CONFORMANCE WITH APPROVED PLANNING APPLICATION - All building permit application plans and details, and subsequent construction shall substantially conform with the approved planning application, including: drawings, plans, materials samples, building colors, the written project description, and other items submitted as part of the approved planning application. No signage is approved as part of the planning application; signage is governed by the City's Sign Ordinance. Documentation of any changes to the approved Planning Application plan set shall be provided at the time of Building Permit application submittal. Any proposed modifications to the approved planning application must be reviewed by the Chief of Planning and/or Zoning Administrator. Modifications to Building Permit plans must be approved prior to construction of the modified improvements. The Chief of Planning and/or Zoning Administrator shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application for a modification of a previously approved planning application is required to be submitted to permit the proposed project modifications, as required by San Mateo Municipal Code Section 27.08.080 Modifications. (PLANNING)
- 2 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The applicant shall check with the Project Planner to determine whether any outstanding planning applications fees exist and those fees shall be paid prior to the issuance of the first building permit. (PLANNING)
- 3 RECORDATION OF CONDITIONS OF APPROVAL – The applicant shall record the final approved planning application conditions of approval document at the San Mateo County Recorder's Office. The applicant shall submit proof of recordation

in the form of a recorded document that includes a confirmation sticker with the recordation evidence. This document shall be recorded prior to the issuance of the demolition permit, building permit, or site development permit, and shall be satisfied prior to issuance of whichever permit is issued first. (PLANNING)

- 4 CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval beginning on sheet 2 of the plans. (PLANNING)

Public Works Department (PA)

- 5 CHARGES FOR PUBLIC WORKS SERVICES - Prior to plan checking, the applicant shall be required to deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of the project. The amount of the deposit shall be \$1,000.00. Public Works plan checking of the plans submitted with the building permit plans cannot proceed until the deposit is submitted. The applicant shall be required to increase the deposit, or be billed monthly at the discretion of the City, for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within 30 days of receipt). Prior to final occupancy the bill shall be paid in full. The City will refund any portion of the deposit not utilized. (PUBLIC WORKS)
- 6 TRIANGULAR AREA OF VISIBILITY – The building permit application plans shall show that the installation of landscaping and permanent structures located within the 10' triangular area of visibility at the driveway meets the requirements of a minimum vertical clearance of 7', and/or are less than 3' in height. This includes all PG&E above ground structures and other utility facilities. (PUBLIC WORKS)
- 7 ENCROACHMENT PERMITS, BONDS, AND INSURANCE - The applicant must obtain an encroachment permit, posting the required bonds and insurance, and provide a one (1) year warranty for all work to be done in the City's right of way. This encroachment permit shall be obtained prior to the issuance of a building permit and prior to any work being done in the City's right of way. The applicant shall have street improvement plans prepared for all work in the public right of way by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Prior to issuance of the encroachment permit, the applicant shall submit any applicable pedestrian or traffic detour plans for any lane or sidewalk closures. The detour plan shall comply with the current State of California Manual of Uniform Traffic Control Devices (MUTCD), and standard construction practices.

Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit.

Right of way improvements shall include, at a minimum, the following items:

(A) SIDEWALK - The applicant shall replace to existing City standards sidewalk surrounding the project site. Sidewalk replacement shall be constructed per City Standard Drawing 3-1-141A and 3-1-141C. At the time the planning application was filed, a minimum of one hundred and ninety (190) square feet of sidewalk will need to be replaced. This figure is provided only to determine minimum bonding requirements for the encroachment permit. (PUBLIC WORKS)

(B) DRIVEWAY APPROACH - The applicant shall install one (1) City Standard Residential driveway approach as shown on the approved plans. The new residential driveway approach shall be constructed per City Standard Drawing 3-1-149. (PUBLIC WORKS)

(C) SIDEWALK UNDERDRAIN - The applicant shall install one (1) standard sidewalk underdrain in accordance with City Standard Drawing No. 3-1-120. (PUBLIC WORKS)

8 DRAINAGE - Drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented, to extent feasible, subject to the approval of the City Engineer. Where necessary, sidewalk drains per City Standard Drawing 3-1-120 shall be provided to direct the water under the sidewalk and through the curb. No increase to the peak discharge shall be permitted downstream. In addition, discharge must conform to any non point source permit issued by the Regional Water Quality Control Board. Drainage improvements made on-site shall conform to standard engineering practices and shall not allow any site drainage to impact adjacent properties. (PUBLIC WORKS)

9 FENCES AND OTHER PERMANENT STRUCTURES WITHIN CITY RIGHT-OF-WAY – The applicant shall locate all project fencing and foundation of a permanent nature within the project’s property and out of the City right-of-way. (PUBLIC WORKS)

10 PARKING - The applicant shall submit plans for all required off street parking lots showing proper grading, drainage, ramps profile, and parking dimensions in conformance with City parking standards. The plans shall be approved by the City Engineer prior to the issuance of any City permits. (PUBLIC WORKS)

The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first, or if another deadline is specified in a condition, at that time.

Planning Division (PA)

- 11 FIRST RIGHT TO PURCHASE - Each tenant shall have the first right to purchase his or her unit for a period of three months after receipt of City approval of the final map and a copy of the condominium final subdivision public report of the California Department of Real Estate.

(A) Any eligible tenant who is a tenant on the date of the approval of the tentative map and who does not exercise his or her right to purchase or relocate shall be entitled to a one-year lease upon approval of the final map for the project; the one-year is measured from the date of the tentative map approval.

(B) Any eligible tenant who, on the date of the filing of the tentative map application, is 62 years of age or older or is handicapped shall be entitled to a lease of his or her unit for so long as the tenant lives and remains a tenant of the unit. The rental rate for all tenants shall be that in effect at the time the application for a tentative map is filed, subject to an increase no more often than every 12 months of not more than the annual cost of living increase published for the Housing and Urban Development's (HUD) Section 8 rental increase averages for the San Francisco Bay Midpeninsula. This restriction on rate increases shall be for the period from 12 months before the filing of the tentative map application through the end of occupancy for an eligible tenant and until the unit is sold for all other tenants.

(PLANNING)

- 12 BUILT-IN APPLIANCES – The applicant shall post an irrevocable bond or warranty with the project's homeowner's association assuring the operation and maintenance of all built-in appliances in each unit for a period of one year after conveyance of each unit. Any residential conversion project shall contain clothes washing and drying appliances at a minimum ratio of one of each such appliance per five units, or fraction thereof, in the project, to be located in a facility readily accessible to all occupants. A similar bond or warranty for the clothes appliances shall be posted with the association for a like period of operation and maintenance. This condition shall be met prior to formation of the project's homeowner's association. (PLANNING)

- 13 FINAL SUBDIVISION PUBLIC REPORT – If required by the Department of Real Estate, the applicant shall furnish the department of community development with a copy of the Department of Real Estate’s Conversion Final Subdivision Public Report when issued, as well as to all prospective purchasers. (PLANNING)
- 14 RELOCATION ASSISTANCE - Relocation assistance shall be given to all eligible tenants as follows:
 - (A) A relocation allowance equal to three times the current monthly United States Department of Housing and Urban Development (HUD) Fair Market Rent for a unit of comparable size and type to the unit being converted shall be paid to the eligible tenant within 20 days after the tenant notifies the owner of his or her intention to vacate the unit or the owner notifies the tenant to vacate the unit; and
 - (B) The developer shall provide a list of active comparable rental units in San Mateo County at least once each month beginning in the month that the tentative map is approved by the City and continuing until six months after approval of the final map or the expiration of the tentative map, whichever is later.
(PLANNING)
- 15 PLANNING DIVISION INSPECTIONS – The applicant shall notify the project planner for inspections related to construction of all structures, landscaping, and other site improvements. The notification request shall be given at least 72 hours prior to the requested time for inspection. (PLANNING)

Public Works Department (PA)

- 16 PARCEL MAP - It shall be the applicant's responsibility to have a parcel map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with San Mateo Municipal Code Section 26.56. As the project is a conversion to condominium units, the parcel map shall be subject to subdivision map review in conformance with San Mateo Municipal Code Section 26.52. Prior to approval of the final parcel map, all public improvements which are necessary to comply with present city standards shall be required and completed. The parcel map shall be approved by the City and recorded with the County Recorder’s Office prior to the issuance of occupancy. A parcel map guarantee

shall be submitted to the City, by the applicant's title company, prior to release of the parcel map to the title company for recordation. Prior to the City's release of the parcel map to the title company, the applicant may, at the discretion of the City Engineer, be required to submit to the City an electronic copy of the map in the AutoCAD Version being used by the City at the time of recordation. It is the applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after City approval. (PUBLIC WORKS)

The following conditions shall be met prior to the approval of the FINAL MAP or PARCEL MAP, or if another deadline is specified in a condition, at that time.

Building Division (PA)

- 17 BUILDING INSPECTIONS - An inspection of the premises to ascertain that structures are consistent with the public health and safety shall be completed at applicant's expense by the City or City's designee prior to final map approval. Approval for occupancy shall not be granted until all other conditions of approval have been met and accepted by the City as satisfactory. (BUILDING)
- 18 UNSAFE CONDITIONS - Hazardous and unsafe conditions shall be alleviated and repaired prior to final map approval, even though the condition may have complied with City codes in effect at the time of original construction. Other code requirements, as well as conditions of the conversion approval, not deemed hazardous or unsafe, if not complete at the time final map approval is sought, shall require that a bond in the form and amount acceptable to the City be posted to ensure such completion prior to approval for occupancy or within one year of the approval of the final map, whichever is sooner. Such bonding shall not be released until all conditions of approval have been met and accepted by the City as satisfactory. (BUILDING)

Planning Division (PA)

- 19 CONDITIONS, COVENANTS, AND RESTRICTIONS (CC&R's) – The applicant shall obtain the City Attorney's approval of the Conditions, Covenants, and Restrictions governing the subdivision for consistency with these Conditions of Approval prior to recordation of final map. (PLANNING)

The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, or if another deadline is specified in a condition, at that time.

Building Division (PA)

20 BUILDING CONSTRUCTION ACTIVITIES - The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:

Work hours regulated by the San Mateo Municipal Code shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, between 9:00 a.m. and 5:00 p.m. on Saturday, and between 12:00 noon and 4:00 p.m. on Sundays and holidays. These hours do not apply to construction work that takes place inside a completely enclosed building and does not exceed the exterior ambient noise level as measured 10 feet from the exterior property lines.

The allowed hours of Building construction activities may be waived or modified through an exemption from the hours of work designated in Section 23.06.060 of the San Mateo Municipal Code, for limited periods, if the Building Official finds that:

(A) The following criteria are met:

(i) Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or

(ii) An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.

(B) The exemption will not conflict with any other conditions of approval required by the City to mitigate significant impacts.

(C) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the construction activity.

(D) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by an interested member of the public.

The Building Official may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. The waiver application must be submitted to the Building Official ten (10) working days prior to the requested date of waiver. (BUILDING)

Parks and Recreation Department (PA)

- 21 TREE PROTECTION MEASURES - All required Tree Protection Measures are to remain in place and properly maintained during all phases of construction. The Contractor is to notify the Project Arborist in advance when construction operations are to be performed within the drip line of protected trees. (e.g. trenching, excavation, grade changes) Adjustment of Tree Protection Measures require approval from the Project Arborist. (PARKS AND RECREATION)
- 22 TREE INSPECTIONS - The Project Arborist shall complete inspections when work is conducted within the drip line of any protected tree and on an as-need basis during the construction period and shall submit a written report with photos of his/her findings by email to the City Planner and Contract Arborist assigned to this project. (PARKS AND RECREATION)

Public Works Department (PA)

- 23 BEST MANAGEMENT PRACTICES (BMP) – The applicant shall perform all construction activities in accordance with the City’s Storm Water Management and Discharge Control Rules and Regulations (SMMC 7.38.020), and the San Mateo Countywide Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at: <http://flowstobay.org/brochures> (PUBLIC WORKS)

The following conditions shall be complied with AT ALL TIMES that the use permitted by this planning application occupies the premises.

City Attorney (PA)

- 24 PENALTY – In accordance with San Mateo Municipal Code section 27.02.210-Violations of Planning Application Conditions, any violation of any of the conditions of approval is unlawful and will subject the applicant to the penalties set forth in Chapter 1.04-General Penalty of the San Mateo Municipal Code as well as any other available legal remedies. (CITY ATTORNEY)
- 25 INDEMNIFICATION – The applicant will defend, indemnify, and hold harmless the City of San Mateo, its elected and appointed officials, employees, and agents from and against any costs, claims, or liabilities arising out of the approval of this planning application, including, without limitation, any award of attorney fees that might result from third party challenge. If applicant is required to defend the City, the City shall retain the right to select the counsel who shall defend the City. (CITY ATTORNEY)

Planning Division (PA)

- 26 CONFORMANCE WITH APPROVED PLANNING APPLICATION AT ALL TIMES - All physical improvements, uses, and operational requirements authorized by the approved planning application shall substantially conform at all times that the use permitted by this planning application occupies the premises with the approved planning application, including: drawings, plans, materials samples, building colors, the written project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application must be reviewed by the Chief of Planning and/or Zoning Administrator. The Chief of Planning and/or Zoning Administrator shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application for a modification of a previously approved planning application is required to be submitted to permit the proposed project modifications, as required by San Mateo Municipal Code Section 27.08.080 Modifications. (PLANNING)

*** MITIGATION MEASURE** - *This measure mitigates adverse environmental effects identified in the environmental document. Monitoring procedures are contained within the condition of approval. A change in the condition may affect the validity of the current environmental document, and a new or amended environmental document may be required.*