



in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Project Restrictions. (PLANNING)

- A1.2 CONFORMANCE WITH APPROVED PLANNING APPLICATION - All building permit drawings and subsequent construction shall substantially conform with the approved planning application, including: drawings, materials samples, building colors, 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. 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 new planning application must be submitted to permit the proposed project modifications. A new planning application shall be subject to review by the Zoning Administrator, Planning Commission, or City Council. (PLANNING)
- A1.3 \*CHANGE TO PROJECT SCOPE & PLANS – All subsequent building permit drawings shall show a reduction in the scope of work in that:
- (a) No exterior changes shall be made to the Collective Building (at 51 – 65 E. Third Ave) in Phase I, and
  - (b) The partition walls shown in area known Astaria’s Peninsula Banquet Room or the Sarah Room shall be removed from the scope of work for Phase I. This does not preclude the applicant from applying for the partition walls in the future, subject to meeting all applicable regulations at the time of application.
- (PLANNING/BUILDING/FIRE)
- A1.4 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The building permit applicant shall check with the Project Planner to determine whether any outstanding planning applications fees exist and those fees shall be paid prior to issuance of any building permits. (PLANNING)

A1.5 \*HISTORICAL CONSULTANT RECOMMENDATIONS – The building permit plans shall provide constructions details for further review by the City’s Historical Consultant to ensure compliance with the Secretary of Interior’s Standards and with the approved Planning Application. Additionally, the applicant shall provide a \$5,000 deposit and shall be responsible for the full costs of consultant services to review the building permit plans. (PLANNING)

A1.6 PARKING CONSULTANT RECOMMENDATIONS – The Nelson Nygaard Memorandum dated September 20, 2012 provides a parking analysis for the proposed Draper University Phase I project and includes a Phase I Recommended Student and Employee TDM Program which includes specific programs which in tandem to Draper University’s efforts to prohibit student from bringing vehicles will provide students with viable alternative models of transportation, and minimize parking impacts.

Also, in addition to the Public Works condition (below, see E3.0) to provide some seed money toward the formation of the Downtown Transportation Management Association (TMA) which will establish programs/services to reduce vehicle trips, traffic congestion and reduce parking demand in downtown area; the property owner or his/her designee shall be required to join the Downtown TMA once it has been formalized.

Details for the above TDM programs as well as the Downtown TMA are described in detail in the September 20, 2012 Nelson Nygaard Memorandum. The information and recommendations in the September 20, 2012 are hereby incorporated as conditions of approval for this project. (PLANNING/PUBLIC WORKS)

**Building Conditions** A2.0  
**A2.0, A2.1, etc.,**

SITE SURVEY - Provide site survey of entire parcel stamped and signed by a Land Surveyor licensed by the State of California. The survey shall include, but not be limited to, the following: location and dimensions of property line, location of streets and easements, existing buildings, topographic contour lines, trees/landscape, miscellaneous structures, etc. The purpose of the site survey is to accurately verify

compliance with items such as setback dimensions, heights of buildings from established contours, compliance with heritage tree ordinance, etc. (BUILDING)

A2.1 FOOD SERVICE FACILITIES AND PUBLIC POOLS AND SPAS - All projects including food service or public pools or spas shall be checked and approved by the County of San Mateo Health Department prior to submittal for a building permit. (BUILDING)

A2.2 SOILS REPORT - A soil investigation report satisfactory to the Building Official shall be submitted containing design recommendations. The classification shall be based on observation and any necessary tests of materials disclosed by boring or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, seismically induced soil liquefaction, soil instability, and expansiveness.

Additionally submit a letter from the Geotechnical Engineer or Civil Engineer who prepared the soil investigation stating the following (signed and stamped):

- a) The plans and specifications substantially conform to the recommendations in the soil investigation.
- b) The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the City of San Mateo.

Prior to final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading and associated site work substantially conform to the approved plans, specifications and investigations. (BUILDING)

**Public Works  
Conditions  
A3.0, A3.1, etc.,**

A3.0 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 foundation 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 Part 6, Temporary Traffic Control, of the State of California Manual of Uniform Traffic Control Devices (MUTCD), 2003, 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. STREET MARKINGS - The applicant shall install necessary street markings of a material and design approved by the City Engineer, and replace any that are damaged during construction. These include but are not limited to all pavement markings, painted curbs and handicap markings. All permanent pavement markings shall be thermoplastic. Color and location of painted curbs shall be shown on the plans and subject to approval by the City Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, sand blasting if in paint. Once installed, the applicant shall coordinate with City crews to mark any red curb within the proposed City right-of-way with a City seal. (PUBLIC WORKS)
- B. STREET SIGNS – The applicant shall place street signs for the designated loading zone to match the City of San Mateo's and MUTCD street sign standards. The street sign shall clearly indicate the hours of enforcement for the loading zone. (PUBLIC WORKS)
- C. SEPARATE WATER METERS - When a development

includes multiple uses, with one area designated as restaurant space, there shall be a separate water meter for the restaurant space and a separate water meter for the other development use(s). This will facilitate the accurate assessment of the Sewer Service Charge, which is based on water use and customer class. (PUBLIC WORKS)

- A3.1 GARBAGE/RECYCLE STORAGE AND SERVICE – The property owner shall provide an area for the purposes of storing garbage and recycling material bin(s) for scheduled servicing by the local provider. The bins may be placed on the street within the loading zone for a maximum of two hours; one hour prior to the scheduled servicing time, and must be removed from the street within one hour after the service. A service agreement with the local garbage/recycling franchise will be required to be submitted prior to building permit issuance. (PUBLIC WORKS)
- A3.2 PARKING LOTS - The applicant shall submit plans for all required off-street parking lots showing proper grading, drainage, 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)
- A3.3 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 \$5,000.00. 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)

A3.4 ADDRESS PLAN - The applicant shall submit to the Public Works Department a final address plan. The plan shall be substantially in conformance with the address plan approved with the planning application. Said submittal shall be approved by the City Engineer prior to the submittal of plans for the Foundation (or first) Building Permit. (PUBLIC WORKS)

A3.5 ON-STREET PARKING/LOADING ZONE – The property owner shall convert the on-street loading zone to dual use metered parking. The hours of enforcement for the loading zone will be from 6:00 am to 10:00 am Monday through Saturday. For hours that the parking spaces are not in use as a loading zone the spaces shall be subject to the parking meter rates applied to the Downtown area. (PUBLIC WORKS)

A3.6 PERMANENT STRUCTURES WITHIN CITY RIGHT-OF-WAY – The applicant proposes to place structures of a permanent nature within the City’s right-of-way. The applicant shall have a deed restriction recorded against the owner’s property that indemnifies and holds harmless the City. The document shall also include language in which the applicant agrees to allow access to any utility company wishing to have access to the public right-of-way for existing or new utility installation. The document shall also include language that requires the removal of structures, at the owner’s expense, should the City desire to use the right-of-way for other purposes identified by the City Engineer. In addition, the document will include language for a maintenance agreement for all landscaping, sidewalk, structures and lighting.

The deed restriction and maintenance agreement shall be approved as to form by the City Attorney’s Office and shall be recorded against the owner’s property prior to the issuance of any City encroachment permit. (PUBLIC WORKS)

**Fire Conditions  
A4.0, A4.1, etc.,**

A4.0 FIRE SPRINKLER SYSTEM: Install an N.F.P.A. 13  or 13R  or 13D  fire sprinkler system complying with local amendments. Submit under separate fire plan check and permit. Separate plan check permit is required for the

underground fire service. (FIRE)

- A4.1 FIRE STANDPIPE SYSTEM: Install a standpipe system on each level with 2½" x 1½" reducer caps. Submit under separate fire plan check and permit. Use installation standard NFPA 14 and local amendments. (FIRE)
- A4.2 COMBINATION SPRINKLER/STANDPIPE: Install a combination fire sprinkler/standpipe system on each level with 2½" x 1½" reducer caps. Submit under separate fire plan check and permit. Use installation standard NFPA 14 and local amendments. (FIRE)
- A4.2 FIRE ALARM SYSTEM: Install a fire alarm system per CFC Chapter 9 and complying with local amendments. Submit under separate fire plan check and permit. Use installation standard NFPA 72. (FIRE)
- A4.3 FIRE ASSEMBLIES AND APPLIANCES – The final location of fire service backflow preventors, fire department connections and the juncture of fire service lines to the water main grid shall be approved by fire and documented on the Fire Sprinkler plans. (FIRE)
- A4.4 ROOF HATCHES- Required roof hatches shall be a minimum size of 4 feet by 6 feet. (FIRE)
- A4.5 ROOF LADDERS – If roof elevations are different by 3 feet or more and where the slope is at or exceeds 1 in. rise over 4 in. run, stationary, interconnected ladder and footpath systems to the roof top shall be provided on building permit plans. The design of these ladders is subject to review and approval by the Fire Marshal. (FIRE)
- A 4.6 KEY BOX – Install Knox key box(s) on all buildings to allow for Emergency Services/Fire Department accesses. Contact the Bureau of Fire Protection and Life Safety for specific requirements and location approval. Provide keys as required. (FIRE)
- A4.7 BENJAMIN FRANKLIN HOTEL BUILDING (36 – 44 E. Third Ave) – On the final building permit plans, provide

information to address the following:

- a) Show how the single main exit stair will be mechanically maintained smoke free.
- b) Provide a separate permit and plans for the new permanent generator showing all connections, electrical equipment, type and amount of fuel.

(FIRE)

A4.8 COLLECTIVE BUILDING (51 – 65 E. Third Ave) – On the final building permit plans, provide information to address the following:

- a) No storage or any other use shall be permitted in central ground floor area that is designated as vacant on the Planning Application plans.
- b) Double door {013} in the hall to basement retail sales shall have no access hardware on corridor side.
- c) Doors for new restroom for theatre shall have no access hardware.
- d) Provide emergency lighting for theater exit access corridors.
- e) Provide voice evacuation fire system for building.
- f) Provide ordinary type 2 sprinkler in basement trash room (A2.O).

(FIRE)

**Police Conditions  
A5.0, A5.1, etc.,**

A5.0 As this project continues to develop, further police review for areas of potential criminal activity, Crime Prevention Through Environmental Design (CPTED) issues and compliance with the City of San Mateo’s Security Ordinance (summarized below for your reference) may be required. It is the position of the San Mateo Police Department in particular that any open areas and footpaths open to potential public access are subject to scrutiny and review for the potential for criminal activity. This may generate further conditions.

Per our previous discussions with the applicant, areas of concern include the alley to the east of the building from Third Ave. to the rear Benjamin Franklin courtyard, the rear courtyard area itself, and the access points to Fourth Ave. and the Central Parking Garage. Upon opportunities for further review as work progresses, SMPD would like to work

with the applicant on supplemental lighting, natural surveillance, and potential for video surveillance where appropriate to ensure minimization of the threat of criminal activity to the public and student body. SMPD is satisfied with application comments and the commitment by the applicant to work collaboratively with SMPD to provide a safe common area to the rear of the main building in Benjamin Franklin Court. Further plans to include photometric lighting plans and the introduction of video security monitoring in this area may be handled during the building permit phase. (POLICE)

A5.1 ADDITIONAL BUILDINGS HAVE BEEN ADDED IN THIS APPLICATION - SMPD would like to review photometric plans showing at least 1 foot candle (fc) average lumens and no less than .3 fc lumens in areas of ingress and egress for all three buildings. Photometric plans shall be provided and review of these plans shall be handled at the building permit phase of review. (POLICE)

A5.2 CITY OF SAN MATEO SECURITY ORDINANCE  
*Compliance with the Security Ordinance is Required*

23.54.060 EXTERIOR SECURITY LIGHTING.

(a) Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to all commercial and multifamily residential buildings shall be provided with lighting sufficient to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe, secure environment for all persons, property, and vehicles on site. Such lighting shall be equipped with vandal-resistant covers.

(1) All exterior doors shall be provided with their own light source and shall be adequately illuminated at all hours to make clearly visible the presence of any person on or about the premises and provide adequate illumination for persons exiting the building.

(2) Business premises, while closed after dark, must be sufficiently lighted by use of interior night lights equipped with motion detectors to make clearly visible the presence of any person within the premises.

(3) Exterior door, perimeter, parking area and canopy lights shall be controlled by photocell or timer and shall be left on during hours of darkness or diminished lighting.

(b) The lighting required in subsection (a) of this section shall be installed according to project specific illumination levels prescribed and a lighting plan reviewed and approved by the Police Department and the Building Official. Review and approval shall be based upon criteria including but not limited to:

- (1) The nature and use of the area within the development;
- (2) The type of area in which the development is located;
- (3) The hours of use of the area to be lighted;
- (4) The frequency of use of the area to be lighted;
- (5) Existing lighting in the area;
- (6) Past Criminal or crime related incidents in the area;
- (7) Physical characteristics of the structure and/or development under proposed construction.

(c) Lighting levels shall comply with current Energy Code requirements.

(d) The lighting system shall be so designed as to limit light spill beyond property lines and to shield the light source from view from off site. (POLICE)

A5.3 Contact Information: If you have any questions regarding any of the Police comments, please call David Norris, Police Department at (650)522-7226 or email: [dnorris@cityofsanmateo.org](mailto:dnorris@cityofsanmateo.org)

**B. THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY BUILDING PERMIT AND/OR SITE DEVELOPMENT PERMIT AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).**

***(OR IF TO HAVE PHASED BUILDING PERMITS – FOUNDATION/SUPERSTRUCTURE)***

Conditions listed in section A above shall be met.

**C. PLANS SUBMITTED FOR FOUNDATION BUILDING PERMIT AND/OR SITE DEVELOPMENT PERMIT, AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S). THESE CONDITIONS SHALL ALSO BE COMPLIED WITH DURING CONSTRUCTION APPROVED**

**UNDER ANY SUBSEQUENT SUPERSTRUCTURE PERMITS, IF APPLICABLE.**

Conditions listed in section A above shall be met.

**D. THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR BUILDING SUPERSTRUCTURE PERMIT AND/OR SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT.**

**Public Works  
Conditions  
D3.0, D3.1, etc.,**

- D3.0 WASTEWATER TREATMENT PLANT PHASE II IMPACT FEE - In order to meet the increased demands on the Wastewater Treatment Plant created by this project, the applicant shall contribute fees toward the Plant expansion based upon the average projected sanitary flow, as determined under the City Council resolution in effect at the time the building permit application is made. The fee shall be paid prior to issuance of the superstructure building permit. (PUBLIC WORKS)
- D3.1 TRANSPORTATION IMPROVEMENT FEE - The applicant shall pay a fee proportional to the project's share of transportation improvements needed to serve cumulative development within the City of San Mateo. The fee amount will be based upon the City Council resolution in effect at the time the building permit application is made. The fee shall be paid prior to issuance of the superstructure building permit. (PUBLIC WORKS)
- D3.2 SANITARY SEWER INCREASE CHARGE - The applicant shall pay a fee proportional to the project's share of the increase amount of sewage generated by the project. The fee will be based upon the City Council resolution in effect at the time the building permit application is made. The fee shall be paid prior to issuance of the superstructure building permit. (PUBLIC WORKS, BUILDING)

**E. THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

**Planning Conditions  
E1.0, E1.1, etc.,**

- E1.0 PLANNING DIVISION INSPECTIONS – The applicant shall be responsible for notifying 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)

- E1.1 LETTER OF COMPLIANCE – The designer or architect of record shall submit a stamped and signed letter of compliance that the construction is consistent with the approved building permit plans, prior to scheduling the final Planning Division inspection. (PLANNING)
- Public Works Conditions**  
**E3.0, E3.1, etc.,** E3.0 TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) – This project is required to participate in the TMA, including annual payment of membership dues, when it has been established by the City and to pay \$15,000.00 toward the formation of the TMA. Payment shall be made prior to issuance of the building permit. (PUBLIC WORKS)

- Fire Conditions**  
**E4.0, E4.1, etc.,** E4.0 ELECTRICAL POWER DISCONNECTING MEANS: Provide a key switch to disconnect (shunt) the building electrical power by Fire Department personnel. Contact the Bureau of Fire Protection and Life Safety to coordinate the exact location for such devices.

FIRE AND LIFE-SAFETY REQUIREMENTS FOR OCCUPANCY: All fire protection systems shall be installed and approved by the fire department. All exits, signage, emergency lighting, rated construction, fire assemblies, fire extinguishers, evacuation signs as required, smoke control, generators, HVAC smoke detection as required, elevator recall and building address numbers shall be installed and approved by the fire

**F. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

- Building Conditions**  
**F2.0, F2.1, etc.,** F2.0 BUILDING CONSTRUCTION ACTIVITIES - The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:

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, for limited periods, if the Building Official finds that:

- a) The following criteria are met:
  - 1) 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
  - 2) 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)

**Public Works  
Conditions  
F3.0, F3.1, etc.,**

F3.0 HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for businesses within the vicinity of Hillsdale Mall and within the Downtown area during the holiday season (November 20 to January 1), there shall be no construction activities within the right-of-way which would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance as determined by the City Engineer. For purposes of this condition, the limits of the Downtown area shall be defined as: between El Camino Real on the west and Delaware Street on the east, Tilton Avenue on the north, and Fifth Avenue on the south. The prohibition shall also include the 3<sup>rd</sup> and 4<sup>th</sup> Avenue corridors between Delaware Street and U.S. 101. (PUBLIC WORKS)

F3.1 MATERIAL HAULING AND CONSTRUCTION WORKER PARKING - For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route that conforms to City of San Mateo Municipal Code Section 11.28.040 to the approval of the City Engineer. The haul route for this project shall be: **From: Site to East Fourth Avenue to State Highway 101. To: State Highway 101 to East Third Avenue to Site.** A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work. (PUBLIC WORKS)

F3.2 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 Stormwater Management Plan (SWMP) by reference. Detailed information can be located at: <http://www.flowstobay.org/documents/business/construction/SWPPP.pdf> (PUBLIC WORKS)

**Fire Conditions  
F4.0, F4.1, etc.,**

- F4.0 PREMISE NUMBER: The applicant shall insure that any and all buildings will be posted with an address number easily visible from the street or fire access road. (FIRE)
- F4.1 FIRE SAFETY DURING CONSTRUCTION – Buildings under construction shall comply with the requirements of the California Fire Code. All additional fire permits required by the California Fire Code shall be obtained from the Bureau of Fire Protection and Life Safety. (FIRE)
- F4.2 PROGRAM SUPERINTENDENT: The owner shall designate a program superintendent that shall be responsible for the fire prevention program and shall develop and maintain an approved pre-fire plan in cooperation with the fire department. The fire department shall be notified of changes affecting any information in the pre-fire plans. (FIRE)
- F4.3 FIRE-SAFETY DURING DEMOLITION – Building under construction or demolition shall comply with the California Fire Code. In addition to the requirements of Chapter 14 the following items shall be followed during the demolition of any structure:
- a. Where a standpipe exists within a building it shall be maintained in operable condition for use by the fire department. Such standpipe shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.
  - b. Suitable fire hose, as required by the Fire Chief, shall be maintained at the demolition site. Such hoses shall be connected to an approved water source and shall not impede fire department use of hydrants.
- (FIRE)

- F4.4 BUILDING EGRESS– Adjacent buildings/properties shall not have their required egress restricted or compromised at *any time* during the construction of this project. (FIRE)
- F4.5 FIRE AND LIFE SAFETY SYSTEMS AND EQUIPMENT - All fire and life safety systems/equipment shall be fully functional at all times. (FIRE)

**G. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.**

**Planning Conditions  
G1.0, G1.1, etc.,**

- G1.0 NOISE ELEMENT – The Draper University school activities, mechanical equipment, and other noise generated on-site shall comply with the City’s Noise Element at all times. (PLANNING)
- G1.1 DRAPER UNIVERSITY PHASE I OPERATIONAL REQUIREMENTS – The three buildings and the private parking lot (located behind the Collective Building) together comprise the Draper University campus and shall be subject to the following:
  - a) Benjamin Franklin Hotel Building –
    - 1) The areas/rooms not designated on the plans for commercial use shall be limited to private school use for post-high school level students,
    - 2) The maximum number of students shall be limited to 180 based on double occupancy of dorm rooms,
    - 3) The maximum number of administrators, resident assistants, contract employees, staff, and other employees shall be limited to 14 persons.
    - 4) School administration shall prohibit students from bringing vehicles to the school and shall make all efforts to enforce the prohibition,
    - 5) School administration shall require administrators, resident assistants, contract employees, staff, other employees and guest speakers to park in the private parking lot behind the Collective Building.
    - 6) School administration shall provide five shared

cars for student use and the five cars shall be parked in the private parking lot behind the Collective Building.

- 7) School administration shall provide the TDM Programs listed below in condition G1.3  
PARKING CONSULTANT RECOMMENDATIONS  
AND TDM PROGRAMS PROVIDED BY THE  
SCHOOL.
  - 8) The existing restaurant use on the ground floor of the Benjamin Franklin Hotel building shall be permitted to remain in operation as an independent restaurant or as part of the school, subject to obtaining the required planning approvals and permits for the change of use.
- b) East Fourth Avenue Building –
- 1) The first floor shall be used for Draper University school administration purposes and shall include a retail store for Draper University related merchandise. The retail store shall be open to Draper University students as well as the general public on an unannounced drop-in basis.
  - 2) The existing general office use on the second floor of the East Fourth Avenue Building shall be permitted to remain in operation as an independent office use or may be incorporated as part of the school, subject to obtaining the required planning approvals and permits for the change of use.
- c) Collective Building -
- 1) No storage or any other use shall be permitted in the central ground floor area that is designated as vacant on the Planning Application plans.
  - 2) The existing salon use on the first floor and retail use in the basement of the Collective Building shall be permitted to remain in operation as independent commercial businesses or may be incorporated as part of the school, subject to obtaining the required planning approvals and permits for the change of use.
  - 3) The private parking lot behind the Collective

Building shall be for school use.

G1.2 HISTORICAL CONSULTANT RECOMMENDATIONS AND USE OF PREMISES – All subsequent building permit plans, construction and use of the project premises shall be consistent with the approved planning application and ARG’s Design Review for Benjamin Franklin Hotel dated September 25, 2012. Any alterations to the historic Benjamin Franklin Hotel building (36-44 E. Third Ave) and/or Collective building (51-65 E. Third Ave) shall be subject to review and approval by the Chief of Planning/Zoning Administrator and his/her designee, including consultant experts. (PLANNING)

G1.3 PARKING CONSULTANT RECOMMENDATIONS AND TDM PROGRAMS PROVIDED BY THE SCHOOL – The Nelson Nygaard Memorandum dated September 20, 2012 includes a Phase I Recommended Student and Employee TDM Program which includes specific programs which in tandem to Draper University’s efforts to prohibit student from bringing vehicles will provide students with viable alternative models of transportation, and minimize parking impacts. The Student and Employee TDM Programs for Draper University Phase I are briefly listed below:

- a) Bicycle Parking,
- b) Bike Loaner Program,
- c) Carsharing/Car Loaner Program,
- d) Preloaded Clipper Cards and Transit Passes,
- e) Welcome Packets and Transportation Information, and
- f) Pre-Tax Transit Benefits.

Also, in addition to the Public Works condition (above, see E3.0) to provide some seed money toward the formation of the Downtown Transportation Management Association (TMA) which will establish programs/services to reduce vehicle trips, traffic congestion and reduce parking demand in downtown area; the property owner or his/her designee shall be required to join the Downtown TMA once it has been formalized.

Details for the above TDM programs as well as the

Downtown TMA are described in detail in the September 20, 2012 Nelson Nygaard Memorandum. The information and recommendations in the September 20, 2012 are hereby incorporated as conditions of approval for this project. (PLANNING/PUBLIC WORKS)

**Public Works  
Conditions  
G3.0, G3.1, etc.,**

G3.0 VALET PARKING – This project does not preclude the property owner or tenants from obtaining a valet parking permit, per the City of San Mateo Municipal Code, Chapter 17.30 – Valet Parking. The permit will be considered per the code in effect at the time of application. (PUBLIC WORKS)

**Fire Conditions  
G4.0, G4.1, etc.,**

G4.0 SECURITY GATES – If security gates are desired at any entrance to the project the gates shall be provided with a Fire Department approved pad lock or key box to allow Fire Department access. The minimum width of the gates shall be (15') feet clear opening width. Contact the Bureau of Fire Protection and Life Safety for specific requirements. (FIRE)

G4.1 FIRE SPRINKLER SYSTEM & FIRE ALARM SYSTEM - Fire Sprinkler Systems and Fire Alarm Systems shall be maintained and operational at all times. Under no circumstances shall the fire sprinkler and/or fire alarm system be non-operable without prior written notification and approval by the Fire Department. (FIRE)

G4.2 FIRE AND LIFE SAFETY SYSTEMS AND EQUIPMENT - All fire and life safety systems/equipment shall be fully functional at all times. (FIRE)

**City Attorney  
G7.0, G7.1, etc.,**

G7.0 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 property owner 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. (ATTORNEY)

G7.1 INDEMNIFICATION – Property owner 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 property owner is required to defend the City, the City shall retain the right to select the counsel who shall defend the City. (ATTORNEY)

**\* 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.