

EXHIBIT B
CONDITIONS OF APPROVAL
PA 12-051
The Nueva High School SPAR
131 28th Ave / APN: 040-030-290

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.

A. The following conditions shall be addressed on the construction plans submitted for any BUILDING PERMIT and shall be met prior to the issuance of said permit.

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| Planning
Conditions | A1.1 | CONFORMANCE WITH APPROVED PLANNING APPLICATION AND SPECIFIC PLAN - All building permit drawings and subsequent construction shall substantially conform with the approved planning application and the Bay Meadows Phase II Specific Plan Amendment, including: drawings, materials samples, building colors, and other items submitted as part of the approved planning application. <u>Any proposed modifications to the approved planning application must be reviewed and approved by the Chief of Planning and/or Zoning Administrator.</u> 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. At the applicant's expense, additional design review by the City's design review consultant may be necessary to review proposed changes to the approved plans. A new planning application shall be subject to review by the Zoning Administrator, Planning Commission, and/or City Council. (PLANNING) |
| | A1.2 | GENERAL – These Conditions of Approval apply to The Nueva High School Site Plan and Architectural Review (SPAR) Planning Application, covering a portion of the Bay Meadows Phase II Block MU 1. In addition, other conditions concerning public benefits and timing may be specified in the Bay Meadows Phase II Development Agreement ("Development Agreement"). In addition, in the case of a conflict between the Development Agreement and any Condition of Approval, the Development Agreement shall govern and control. Compliance with Citywide codes concerning construction, fire and building requirements in effect at the time building permits are reviewed shall be required. (PLANNING) |
| | A1.3 | 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) |

- A1.4 EXPIRATION OF APPROVAL – This Planning Application approval is valid for five years from the final date of approval, per the Bay Meadows Phase II Development Agreement ("Development Agreement"). (PLANNING)
- A1.5 * MITIGATION MONITORING – Per Specific Plan Amendment Condition of Approval #4, the applicant and property owner (including subsequent owners) shall be responsible for compliance with the mitigation measures adopted as part of the Final Environmental Impact Report (FEIR) for the project, as specified in the Mitigation Monitoring and Reporting Program, approved by the City Council on November 7, 2005. The Mitigation Monitoring and Reporting Program identifies the time frame and responsible party for implementation and monitoring of each mitigation measure adopted by the San Mateo City Council; and is hereby incorporated into the conditions of approval in accordance with California Environmental Quality Act (CEQA) Section 21081.6. In the event that a specific condition of project approval, as adopted by the City Council with respect to any project related impact, is different than the mitigation measure specified in the FEIR, the condition of approval shall take precedence. (PLANNING, BUILDING, FIRE, POLICE, PARKS AND RECREATION PUBLIC WORKS) *Specific Plan Amendment COA #4*
- A1.6 PRE-CONSTRUCTION CONFERENCE - A pre-construction conference shall be held at a time and location agreed upon by the City and applicant for the purpose of reviewing Conditions of Approval and construction-site procedures. The building owner/developer shall be represented by his design and construction staffs, which include any relevant sub-contractors as deemed necessary by the applicant. Departments having conditions of approval for the project will represent the City. (PLANNING)
- A1.7 CONDITIONS OF APPROVAL – The final building permit plans shall include all the Conditions of Approval as a sheet or sheets within the plan set. (PLANNING)
- A1.8 PHASED PROJECTS - Applicant shall submit a complete phasing plan indicating all infrastructure and other site improvements to be installed in conjunction with the construction of a particular building, parcel, or phase of development. (PLANNING)
- A1.9 ABOVE GROUND UTILITIES, EQUIPMENT, AND DEVICES - All ground level utilities, equipment, and other project related operational devices shall be designed and located as delineated on the approved planning application drawings. These project utilities shall be incorporated into the design of the project and screened from public view by a solid wall or solid fence, and/or perimeter landscaping. Final location and screening shall be reviewed and

approved by the Zoning Administrator before installation.
(PLANNING)

A1.10 TRANSFORMERS, UTILITIES, BACK FLOW PREVENTOR DEVICES - Final building permit plans shall indicate the location of all PG&E transformers, meter boxes, and back flow preventor devices. These structures shall not be located in any street frontage or private yard area. Locations shall be setback as far as possible from street frontages and shall be fully screened with landscaping or other screening material. (PLANNING)

A1.11 AESTHETICS DURING CONSTRUCTION – Per Specific Plan Amendment Condition of Approval #11, the Block Developer shall screen from public view (at street level) portions of the property during construction. If the sidewalks adjacent to the project site are being utilized by the public to access previously occupied portions of the development site, the applicant shall maintain the pedestrian access, providing adequate ADA clearance and pedestrian protection from overhead construction activities. Individual blocks or portions of blocks within the project site that are actively under construction shall be screened with a six-foot high galvanized chain link fence with green vinyl slats or better fence as proposed by the applicant and approved by the Zoning Administrator, and shall be located at the back of the sidewalk, or other appropriate location to allow active construction of the block.

Such screening is intended to control dust and maintain the aesthetic look of the undeveloped portions of the site. The fencing shall remain in place and be maintained in good condition until completion of development of applicable sites. A temporary fence plan shall be submitted with each building permit plan for final approval by the Director of Public Works and Zoning Administrator, or their designees, prior to construction. (PLANNING) *Specific Plan Amendment COA #11*

A1.12 * PERMITS REQUIRED BY OTHER AGENCIES – Per Specific Plan Amendment Condition of Approval #45, the owner is hereby informed that permits may be required by one (1) or more of the following: Army Corps of Engineers, Fish and Game, the JPB and Caltrans, and Bay Area Air Quality Management District (BAAQMD). If project is within jurisdiction of any of these agencies, verification of permit or waiver of permit must be given to the Public Works Department prior to issuance of any required City permits. If the City is required to be a party to the permit application and a fee is required, the owner shall reimburse the City for its cost. (PLANNING) * *Mitigation Measures Traffic - BM4, BM5, and BM12; Specific Plan Amendment COA #45*

- A1.13 * OBLIGATIONS BY OTHER AGENCIES – Per Specific Plan Amendment Condition of Approval #46, the applicant shall comply with any applicable obligations that are required by outside agencies including Cal Water and San Mateo-Foster City School District (SMFCSD) pursuant to the MMRP approved for the Bay Meadows Phase II Specific Plan Amendment. (PLANNING) * *Mitigation Measures Utilities – BM1b, and Public Services – BM6b; Specific Plan Amendment COA #46*
- A1.14 *CULTURAL RESOURCES - Per Specific Plan Amendment Condition of Approval #19, the project sponsor shall implement a monitoring and response procedure during construction of the proposed project in order to avoid adverse effects on potentially significant archaeological resources on the project site. Specific steps in the procedure are described below. The implementation of this condition shall be monitored throughout construction and verified by the Planning Division and Public Works Department. (PLANNING) **Mitigation Measure Cultural-BM1*
- A. Prior to construction, the construction contractor and subcontractors shall be informed of the legal and regulatory consequences of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other significant cultural materials from the site. Significant cultural materials include but are not limited to: aboriginal human remains; chipped stone; groundstone; shell and bone artifacts; concentrations of fire-cracked rock; ash and charcoal; shell; bone; and historic features such as privies or building foundations. The implementation of this condition shall be monitored throughout construction and verified by the Planning Department and Public Works Department. **Mitigation Measure Cultural-BM1a*
 - B. If, during any phase of project construction, archaeological resources or human remains are discovered, work shall be halted within a 50-foot radius of the find. Work shall not be resumed until the find has been evaluated and potential significance determined by a qualified professional archaeologist. The implementation of this condition shall be monitored throughout construction and verified by the Planning Department and Public Works Department. **Mitigation Measure Cultural-BM1b*
 - C. If the qualified archaeologist determines that any finds are significant, then representatives of the construction contractor, the project sponsor, the City of San Mateo, and the qualified archaeologist shall determine the appropriate course of action. In the event that human remains are discovered, the provisions outlined in CEQA Guidelines Appendix K shall be implemented. This would require

consultation with the Native American Heritage Commission, if the remains are Native American. The implementation of this condition shall be monitored throughout construction and verified by the Planning Department and Public Works Department. **Mitigation Measure Cultural-BM1c*

- D. All artifacts or samples collected as part of the initial discovery, monitoring, or mitigation shall be properly preserved, cataloged, analyzed, evaluated, and curated along with the associated documentation in a professional manner consistent with current archaeological standards. The implementation of this condition shall be monitored throughout construction and verified by the Planning Department and Public Works Department. **Mitigation Measure Cultural-BM1d; Specific Plan Amendment COA #19*

**Building
Conditions**

- A2.1 SITE SURVEY - Provide a site survey of the Blocks 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)
- A2.2 GREEN BUILDING - This building is considered a covered project as defined in Section 23.70 of the San Mateo Municipal Code. Provide the Green Building Project Checklist onto a separate plan sheet that is prepared by a Qualified Green Building Professional for review.(BUILDING)
- A2.3 *SOILS REPORT - A soil investigation report satisfactory to the Building Official shall be submitted containing design recommendations at the time of building permit application. 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 prepare 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) *Mitigation Measure Geology-BM5*

- A2.4 *GEOTECHNICAL INVESTIGATIONS: The applicant shall conduct detailed geotechnical investigations for each of the structures proposed at the site. Subsurface conditions should be explored and laboratory tests conducted on selected soil samples to establish strength parameters for foundation design and perimeter slope stability. Based on recommendations developed for foundation support for each component of project construction, the applicant shall design building foundations to resist the potential differential movements and, if required, employ ground improvement techniques such as over-excavation and recompaction, pressure grouting and soil mixing.

Where determined necessary by the City and recommended by the Civil Engineer responsible for geotechnical services, the applicant shall also employ engineering methods to minimize the potential for damage from liquefaction by reworking the existing fills within areas of new construction. The existing fills would be removed and reworked where buildings are supported on the fill materials. The depth and extent of fill removal will vary depending primarily on the nature of the structural loads of each proposed building. The removed fill shall later be used as new fill provided it is compacted to engineering standards. The actual extent of fill removal shall be determined in the field by the Civil Engineer responsible for geotechnical services.

The project sponsor shall engineer project buildings to minimize risks posed by expansive soils to a less than significant level. Engineering methods available to designers include: soil treatment, mat foundations, pile foundations, and removal of expansive soil. Selection of the specific mitigation would be dependent on factors specific to the proposed building and the soils on which it would be located. A determination that appropriate engineering has been conducted shall occur as part of the San Mateo Building Department's building permit process, which would require the project sponsor to submit site-specific soil and geotechnical reports as a condition of approval. (BUILDING) *Mitigation Measure Geology-BM3 & -BM5*

A2.5 * COMPLIANCE WITH GEOTECHNICAL ENGINEER RECOMMENDATIONS – For each building, the project Geotechnical Engineer, who shall be professionally licensed with a G.E. or P.E. certificate furnished by the State of California), shall review the construction plans for conformance with the recommendations found within his project Geotechnical report, and addendums, and shall provide a letter to the Building Official and City Engineer stating that the reviewed plans are indeed in conformance. Prior to construction, a letter shall be submitted by the applicant to the City Engineer, confirming the firm who shall act as the “Geotechnical Engineer of Record” for the building. The Geotechnical Engineer of Record shall be professionally licensed with a G.E. or P.E. certificate furnished by the State of California. The Geotechnical Engineer of Record shall monitor on-site grading, excavation, and foundation construction in compliance with those recommendations. At the conclusion of each phase, the Geotechnical Engineer of Record shall submit a written verification to the Building Official and City Engineer stating that work has been completed in conformance with the recommendations found within the project Geotechnical report. If modifications to the final project Geotechnical report are necessary, the Geotechnical Engineer of Record shall submit a written report to the City’s Building Official and City Engineer for approval prior to completion of the grading, excavation or roadway construction. The Geotechnical Engineer of Record shall also comply with all of the requirements as specified by these conditions of approval. (BUILDING) **Mitigation Measures Geology – BM6*

Public Works Conditions

A3.1 TRANSPORTATION MANAGEMENT PLAN AND PARKING MANAGEMENT PLAN– Per Specific Plan Amendment Condition of Approval #40, in conformance with this Condition, the Applicant has prepared a Transportation Demand Management Program (“Nueva High School Transportation Management Plan” dated November 26, 2012 prepared by Kimley-Horn and Associates, Inc.). This document has been approved by the Planning Commission as part of this Project Approval. The Project shall at all times comply with the “Nueva High School Transportation Management Plan” dated November 26, 2012 prepared by Kimley-Horn and Associates, Inc., the “Bay Meadows II Traffic Management Plan”, dated December 4, 2012 prepared by Kimley-Horn and Associates, Inc. and the “Bay Meadows II Parking Management Plan” dated November 6, 2012 prepared by Kimley-Horn and Associates, Inc.

The Nueva High School Transportation Management Plan includes Transportation Demand Management programs that must be ongoing for the occupied life of the development, unless they are altered, exchanged or discontinued in consultation with the City and shall be required of the applicant through recorded CC&R documents.

Modifications to these documents shall be submitted for the review and approval of the Director of Public Works and Zoning Administrator or their designees. (PLANNING, PUBLIC WORKS)
Specific Plan Amendment COA #40

- A3.2 TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) – Per Specific Plan Amendment Condition of Approval #42, the San Mateo Rail Corridor Transportation Management Association (TMA) has been established for projects in the Corridor Plan area. All development within the Specific Plan Amendment area is required to participate in the TMA and fund their fair share of the cost of the TMA. The developer funding obligation shall be consistent with the adopted Transportation Management Agency by-laws. This requirement shall be stated in the individual project CC&R documents. The TMA will develop TDM measures and make them available to both existing and future development within the Corridor Plan area, including Bay Meadows. (PUBLIC WORKS) *Specific Plan Amendment COA #42*
- A3.3 RECYCLING – Per Specific Plan Amendment Condition of Approval #31, development in the Specific Plan Amendment area shall strive to achieve a 50 percent waste diversion rate in accordance with identified City standards and regulations upon the establishment of measurement and monitoring standards by the Public Works Department and as approved by the project Waste Management Plan. (PUBLIC WORKS) *Specific Plan Amendment COA #31*
- A3.4 *DEMAND SIDE WATER MANAGEMENT PRACTICES – Each building permit submittal shall provide evidence of compliance with the Demand Side Water Management Plan. (PUBLIC WORKS)
**Mitigation Measure Utilities BM1A*
- A3.5 INTERIOR FLOOR DRAINS – All interior floor drains shall be plumbed to connect to the sanitary sewer system, and shall not be connected to stormwater collection system per the County’s C.3 Stormwater Pollution Prevention Program requirements. (PUBLIC WORKS)
- A3.6 STORM DRAIN INLETS AND WATERWAYS - Per the County’s C.3 Stormwater Pollution Prevention Program requirements, the applicant shall mark with the words “No Dumping! Flows to Bay,” or equivalent, using methods approved by the City standards on all storm inlets surrounding and within the project parcel. (PUBLIC WORKS)
- A3.7 PARKING AND CIRCULATION - The applicant shall submit plans for all required off-street parking lots showing proper grading, drainage, ramps profile, and parking stall dimensions, both confined and non-confined, in conformance with City parking standards. The

plans shall be approved by the Director of Public Works or his designee prior to the issuance of the first building permit. (PUBLIC WORKS)

- A3.8 TRIANGULAR AREA OF VISIBILITY – Landscaping and permanent structures located within the 10' triangular area of visibility at the driveway, and 45' triangular area of visibility at any uncontrolled intersection, shall have a minimum vertical clearance of 7', and/or be less than 3' in height. This includes all PG&E above ground structures and other utility facilities. (PUBLIC WORKS)
- A3.9 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 \$20,000.00. 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)
- A3.10 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 for the entire BM Specific Plan area. Said submittal shall be approved by the City Engineer prior to the submittal of plans for the foundation (or first) building permit. (PUBLIC WORKS)
- A3.11 *STORMWATER POLLUTION PREVENTION PERMIT - Per Specific Plan Amendment Condition of Approval #48, the owner must obtain a Stormwater Pollution Prevention (STOPPP) Construction permit, paying the required fees and posting the required cash deposit, for all work associated with the stormwater pollution prevention program (SMMC 7.39). In addition, the project owner shall file a Notice of Intent (NOI) with the State Water Resources Control Board to obtain coverage under the State General Construction Activity NPDES Permit. Proof of permit, with storm water pollution prevention plan (SWPPP) must be provided to the Public Works Department prior to issuance of the STOPPP Construction permit. The fee amount shall be based upon the City Council resolution in effect at the time the building permit application is made. The permit shall be issued prior to issuance of the first permit.

The Owner shall follow all Regional Water Quality Control Board

(RWQCB) regulations and procedures for discharging waste water, including dewatering discharge, as detailed in the project's SWPPP. In addition, the Owner shall follow all Best Management Practices (BMP) for subsurface excavation, drilling and construction included in the SWPPP. (PUBLIC WORKS) **Mitigation Measures Hydrology and Water Quality -BM2, BM3, BM4, BM8; Specific Plan Amendment COA #48*

- A3.12 ** UNDERGROUND UTILITIES* – All new utilities shall be installed underground in accordance with City of San Mateo Municipal Code 26.32.020. All public utilities shall be installed within the proposed public right-of-way or a public utility easement. (PUBLIC WORKS) **Mitigation Measures Geology – BM7*
- A3.13 DRAINAGE - Based on the approved Storm Drainage Design Criteria on file with the City dated March, 2005 and as further detailed therein, and based on the final project drainage study dated February 2008, all storm runoff drainage shall be directed to drainage inlets with a minimum grade of one (1) per cent over landscaped areas and one-half (1/2) per cent over concrete paved areas and 1% over asphalt paved areas unless otherwise approved by the Public Works Director, or his designee. 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. All drainage capacity calculations shall be performed by a licensed Civil Engineer, whose signed engineer's stamp shall appear on the calculations sheets, and shall be submitted to the City for review and approval with the project civil plans. The applicant shall install bio-retention areas and infiltration planters. For projects that include permanent structural controls for water quality protection, plans shall include O&M (operation and maintenance) procedures for such control features and specify the owner's responsibility to ensure their ongoing effective operation and maintenance. Such O&M responsibility requirements shall be recorded against the property. (PUBLIC WORKS)
- A3.14 ENCROACHMENT PERMITS, BONDS, AND INSURANCE - The applicant must obtain an encroachment permit, posting the required bonds and insurance, 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. DRIVEWAY APPROACHES - The applicant shall install two (2) Commercial driveway approaches as shown on the approved plans. The driveway approach on South Delaware Street shall include the raised curb along the gutter channeling vehicles for right turn exiting only, as approved by the City Engineer. Accessible ramps will be provided along the sidewalk's path of travel to meet all City and State codes and standards. (PUBLIC WORKS))
- b. STREET SIGNS - The applicant shall install a "NO LEFT TURN" street sign on East 28th Avenue, as shown on the approved plan. The installation shall be done in accordance with MUTCD standards. (PUBLIC WORKS)
- c. REMOVE STREET TREES - The applicant shall remove street trees as shown on the approved plans. All existing irrigation will be removed, capped or rerouted, as required to keep the integrity of the adjacent street trees' irrigation. (PUBLIC WORKS)
- d. RELOCATE STREET LIGHTS – The applicant shall remove and relocate three (3) street lights as shown on the approved plans. The exact location will be determined by an Isometric lighting level study to be provided by the designer/contractor that shall be approved by the City Engineer. (PUBLIC WORKS)
- e. STORM DRAIN MANHOLE - The applicant shall install a storm drain manhole in accordance with City Standard Drawing No. 3-1-104, on E. 28th Avenue, as shown on the approved plans. (PUBLIC WORKS)
- f. CONNECT TO DRAINAGE INLET – The applicant shall connect to two (2) existing drainage inlets on E. 28th Avenue, as shown on the approved plan. Details shall be subject to approval by the City Engineer. (PUBLIC WORKS)
- g. 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. To provide adequate sight distance, 10 feet of red curbing shall be installed on either side of all project driveways. The driveways shall be evaluated prior to occupancy of the site buildings for any additional red curbing as deemed necessary by the Director of Public Works or his designee. (PUBLIC WORKS)

A3.15 REFUSE MANAGEMENT PLAN - The applicant shall develop a refuse management plan to describe how trash and recycling pickup will be handled for the project. The applicant shall provide information to the City stating that the local refuse company has reviewed and approved the plan. This plan shall then be submitted to the City for review and approval prior to issuance of the first superstructure building permit. (PUBLIC WORKS)

**Fire
Conditions**

A4.1 *ON-SITE WATER STORAGE FOR FIRE PROTECTION – Per Specific Plan Amendment Condition of Approval #59, the project sponsor (land developer) shall provide a minimum of 600,000 gallons of non-pressurized on-site water storage. The implementation of this condition is on-going and shall be monitored by the Public Works Department and Fire Department. The water storage facility shall be capable of being the sole source or supplementation to the fire hydrant system.

If the project water system is not completed before commencement of building (vertical) construction within any individual development Block, a temporary fire hydrant system will be utilized. The temporary system shall meet the requirements of the Fire Code to the approval of the City of San Mateo Fire Department. The minimum system requirement is a minimum fire flow of 1500 gpm for 2 hours at 20 psi.

All fire hydrants on the project site shall be a Rich Corona, Jones, or one of comparable quality with two 2 1/2 inch and one 4 1/2 inch outlets with national standard threads. Each hydrant shall be capable of providing a minimum fire flow of 1,500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with the San Mateo Fire Department and the California Water Service specifications. The water supply shall be installed and inspected by the California Water Service and the San Mateo Fire Department. The water supply shall be operable PRIOR to any

combustible construction materials being placed on the site. Staged construction should insure that the necessary water supply is maintained from stage to stage in the construction planning. The fire hydrants shall be spaced at 300 foot intervals on 28th avenue and along the emergency vehicle access. The hydrants shall be on the new structure(s) side of the street/EVA. (PUBLIC WORKS, FIRE)
**Mitigation Measure Public Services – BM2a; Specific Plan Amendment COA #59*

- A4.2 FIRE SPRINKLER SYSTEM: Install an N.F.P.A. 13 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. There shall be a minimum of two fire sprinkler systems for the site, one for the gym and theater, and one for the remaining buildings. The systems shall be separated along the north lobby and south student center connection. There shall be a minimum of two (2) Fire Department Connections (FDC) one serving each system, both located on 28th Ave. within 50 feet of a fire hydrant. Permanent signage clearly identifying the system served by the FDC. (FIRE)
- A4.3 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)
- A4.4 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. The fire alarm audible notification devices shall be speaker/strobe. An emergency voice control panes with microphone shall be located and approved by the Fire Department. (FIRE)
- A4.5 FIRE ASSEMBLIES AND APPLIANCES – The final location of fire service backflow preventers, 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)
- A4.6 ROOF ACCESS: Stairway access shall be provided to all accessible roofs. Required roof hatches shall be a minimum size of 4 feet by 6 feet. (FIRE)
- A4.7 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)

A4.8 KEY BOX – Knox key box(s) shall be installed on all buildings to allow for Emergency Services/Fire Department accesses in locations approved by the Fire Department. Contact the Bureau of Fire Protection and Life Safety for specific requirements and locations. Provide keys as required. (FIRE)

A4.9 SECURITY GATES: A Knox Company emergency key switch shall be installed on all electric security gates for Fire Department emergency access. The minimum width of the gates on emergency vehicle accesses shall be 15 feet clear width opening. Automatic operated gates shall be provided with a means to provide access in the event of power loss. (FIRE)

Police Conditions A5.1 BUILDING SECURITY CODE - Per Specific Plan Amendment Condition of Approval #58, the applicant shall comply with the City's Building Security Code in effect at the time of each building permit submittal. (POLICE) *Specific Plan Amendment COA #58*

B. The following conditions shall be addressed on the construction plans submitted for BUILDING SUPERSTRUCTURE PERMIT and shall be met prior to the issuance of said permit.

Planning Conditions B1.1 REQUIRED SIGN PERMIT – All on-site signage will require a separate permit that is issued through the Building Division. All signs shall conform to the standards delineated in the Sign Code and Bay Meadows Phase II Design Guidelines and Development Standards. The applicant will be responsible for obtaining separate permits for signage through the Building Division. (PLANNING)

B1.2 SCREENING OF ROOFTOP MECHANICAL EQUIPMENT – All rooftop mechanical equipment must be screened by a solid enclosure or parapet wall, in conformance with the approved planning application. Rooftop screening shall be constructed with the same building materials as the building exterior, or other compatible materials as approved by the Chief of Planning and/or Zoning Administrator. (PLANNING)

B1.3 LANDSCAPE IMPROVEMENTS - All landscape plans shall comply with Chapter 27.71 of the Municipal Code. In addition, the following items shall be shown on project plans:

- a. All planting areas adjacent to a vehicular parking lot shall be protected from common vehicular traffic with an approved barrier (a six-inch high vertical concrete curb) designed to withstand reasonable impact from vehicles.
- b. An automatic irrigation system shall be provided to adequately water all proposed plantings. Backflow prevention devices shall be located in areas approved as part of the planning application, screened by landscaping and/or incorporated into the design of the project.

- c. A two-inch (2") depth layer of mulch shall be required in all new planting areas except in areas of turfgrass or annuals.
- d. The applicant shall provide proof of an agreement with a licensed landscape contractor or General Contractor for a ninety (90) day Plant Establishment Maintenance Period for all proposed landscape areas. All landscaped areas shall be maintained free of litter, debris and weeds. All plantings shall be permanently maintained in a healthy growing condition and whenever necessary, replaced with equivalent plant materials to ensure continued conformance with approved plans. (PLANNING)

B1.4 LANDSCAPE WATER EFFICIENCY – In conformance with California Code of Regulations Title 23, Division 2, Chapter 2.7 (Model Water Efficiency Landscape Ordinance), the applicant shall provide a Landscape Documentation Package. (PLANNING)

B1.5 ALLERGENIC, TOXIC, AND INVASIVE PLANTS SPECIES - No plants which are cited as an allergenic, toxic, or invasive plant species shall be installed on site including, but not limited to, those plants listed by the following sources:

- a. www.pollenlibrary.com – List of “significant allergens” plants by season for California (San Mateo County).
- b. <http://www.ipm.ucdavis.edu> – List of invasive plants.
- c. <http://webcoist.com/2008/09/16/16-most-unassuming-yet-lethal-killer-plants/> - List of the top 16 most toxic plants.

All proposed plant materials shall be reviewed by the project landscape architect to preclude commonly recognized allergenic, toxic, and invasive plant species, including plants listed by the above sources. The project landscape architect shall provide a written statement that s/he has reviewed the proposed plant materials and that the proposed plant materials do not include commonly recognized allergenic, toxic, and invasive plant species. (PLANNING/ PARKS AND RECREATION)

B1.6 FINANCIAL SECURITIES FOR LANDSCAPING - The applicant shall submit a cost estimate and financial securities in a form and amount satisfactory to the Zoning Administrator sufficient to ensure the installation of all approved landscape improvements including all new trees. The applicant shall request a follow-up inspection by the Planning Division in accordance with Section 27.71.060 of the Municipal Code in order to reclaim financial securities for landscaping. (PLANNING)

B1.7 LANDSCAPE SOIL TESTING - The applicant must submit a soils report prepared by a Soil Testing Laboratory. The report must analyze the existing soil and recommend any corrective action or soil

amendment necessary to make the soil suitable to support the proposed plantings. Any proposed corrective action or soil amendments shall be incorporated into the landscape plans. (PLANNING)

Public Works Conditions

B2.1 * WASTEWATER TREATMENT PLANT PHASE II IMPACT FEE – Subject to the Development Agreement and 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 final fee shall be calculated pursuant to Section 3.8 and Exhibit D of the Bay Meadows Phase II Development Agreement. The fee shall be paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS)
**Mitigation Measures Utilities-BM2a, BM2b*

B2.2 TRANSPORTATION IMPROVEMENT FEE – Subject to the Development Agreement, the applicant of each Block 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 final fee shall be calculated pursuant to Section 3.8 and Exhibit D of the Bay Meadows Phase II Development Agreement. The fee shall be paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS)

Police Conditions

B3.1 PHYSICAL SECURITY PLAN - The applicant shall submit a Physical Security Plan for the School in compliance with the City's Security Ordinance that shall address lighting, video surveillance, school safety and CPTED (Crime Prevention Through Environmental Design) principles as described in the "Nueva School SPAR Project Narrative" prepared by Leddy Maytum Stacy Architects. The Physical Security Plan shall be approved by the Chief of Police or his/her designee prior to the issuance of the first building superstructure permit for the project. The Physical Security Plan shall be subject to an annual review with the Police Department. (POLICE)

B3.2 LIGHTING STANDARDS - The applicant shall submit a photometric plan in compliance with the Security Ordinance. The plan shall comply with the requirement of an average of 1 foot-candle with a 4:1 minimum to average ratio and a minimum lighting of 0.3 foot-candle. This lighting standard is applicable to all publicly-accessible parking lots, driveways, circulation areas, aisles, passageways, recesses, and publicly-accessible grounds contiguous to all buildings. Private, interior courtyards not accessible to the public are not required to meet this standard. The photometric plan shall be approved by the Chief of Police or his/her designee prior to the

issuance of the first building superstructure permit for the project. Any subsequent building permits that include any site lighting shall also meet these requirements. (POLICE)

C. The following conditions shall be addressed on the construction plans and shall be met prior to RELEASE OF UTILITIES or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first.

- | | | |
|--------------------------------|------|--|
| Planning
Conditions | C1.1 | 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) |
| | C1.2 | LETTER OF ARCHITECTURAL 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) |
| | C1.3 | VERIFICATION OF LANDSCAPE INSTALLATION – Prior to the Planning Division permit final, the applicant shall submit a letter prepared by the project landscape architect stating that all landscape improvements (including trees, shrubs, and irrigation systems) for the building(s) which is being finalized have been installed in compliance with the approved landscape plans submitted to the City for construction. (PLANNING) |
| | C1.4 | PROJECT CONDITIONS, COVENANTS AND RESTRICTIONS REVISIONS – The “Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Bay Meadows Phase II (CC&Rs) shall be revised as follows: The number of PM peak hour trips (“trip budget”) allocated to Block 10 as indicated on Schedule 1 of the CC&RS shall be revised to 95 pm peak hour trips for all phases (A-D as indicated in Schedule 1). This revision shall be approved by the Planning Division and City Attorney’s office and shall be recorded prior to the final inspection of Phase I of the project by the Planning Division. (PLANNING) |
| Building
Conditions | C2.1 | PRE-OCCUPANCY INSPECTION – A minimum of 10 days prior to anticipated occupancy, the applicant shall have scheduled inspections by all Departments requiring conditions of approval. (BUILDING) |
| | C2.2 | VERIFICATION OF COMPLIANCE WITH ACOUSTICAL ANALYSIS – Prior to the issuance of a Certificate of Occupancy for any building that required submittal of an Acoustical Analysis, the applicant shall submit a letter prepared by the person/firm who prepared the acoustical analysis for the subject building(s), verifying that all requirements contained in the analysis have been incorporated |

into the construction of the building(s). (BUILDING)

- C2.3 *NOISE CONTROL - Per Specific Plan Amendment Condition of Approval #50, the project sponsor shall implement noise control measures for any mechanical equipment and truck loading docks on the Bay Meadows project site as needed to reduce noise levels to DNL of 60 dB at the property line of adjacent or nearby residences, per the City's Noise Element. At a minimum, the following measures shall be implemented:
- a. All proposed development shall be designed so that loading areas face away from the residences to minimize potential noise levels at the nearby residences.
 - b. All proposed development, as feasible, shall specify equipment that meets the City's noise standard of 60 dB at the nearest receptor without special enclosures or mufflers.
 - c. Mechanical equipment shall be located as far away from nearby residential land uses as feasible.
 - d. As necessary a separate noise barrier or enclosure shall be constructed around mechanical equipment to block line-of-sight between the equipment and nearby residences.

The implementation of this condition shall be prior to issuance of any Certificate of Occupancy for each phase and monitored by the Building Division. (BUILDING) *Mitigation Measure Noise – BM2; Specific Plan Amendment COA #50

Public Works Conditions

- C3.1 STORM WATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT – The applicant shall execute a maintenance agreement with the City's as specified in Chapter 7.39.210-230 of the Stormwater Management and Discharge Control ordinance. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. This agreement shall be executed prior to the first occupancy of the building. (PUBLIC WORKS)

Fire Conditions

- C4.1 ELECTRICAL POWER DISCONNECTING MEANS: Provide a Knox Company Key Switch to disconnect (shunt) the building electrical power by Fire Department personnel. Location and number of devices shall be approved by the Fire Department prior to installation. (FIRE)
- C4.2 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, smoke control, generators, and building address numbering shall be install prior to occupancy. (FIRE)

D. The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

Planning Conditions D1.1 PUBLIC NEWSLETTER AND PROJECT WEB SITE – The Project wide construction manager (“Manager”) shall produce a quarterly construction update newsletter to be distributed to the surrounding neighborhoods affected by the project construction, as directed by the Building Official or his designee. The newsletter shall also be distributed to an interested parties list maintained by the Manager. The newsletter shall include a summary of the progress of construction, significant activities to date, what is expected to take place over the next quarter, and any public notices necessary due to work outside the typical working hours or conditions. The newsletter shall include the name and phone number for the construction coordinator and be submitted, reviewed and approved by the Zoning Administrator, or their designees prior to the distribution to the neighborhood. The applicant shall submit content to the Manager and provide photos as requested to include in the newsletter.

The Manager shall also maintain a project web site for the development construction. The site shall include the quarterly newsletter, project schedules, meeting notices, general project information, and contact information should anyone need to contact the Manager, impact coordinator or his/her staff. The site may also provide a video feed from the project site showing real-time views of the construction zone. The site shall be updated and maintained on a regular basis to the approval of the Zoning Administrator. The applicant shall submit content to the Manager and provide photos as requested to include on the project web site. (PLANNING)

Building Conditions D2.1 UNIFIED CONSTRUCTION MANAGEMENT – The land developer shall provide for a unified construction management program (“Program”) of the Bay Meadows Specific Plan Amendment area (the “Project”). The land developer shall be the person or entity responsible for constructing the public infrastructure, streets, utilities, and similar “horizontal” development. The Program shall include responsibility for the operation and maintenance of common areas including common parking, common driveways, landscaping, lighting, signage, security, and similar matters of concern during construction. The Program shall provide for a person to act as the Project wide construction manager (“Manager”), and such person shall be the point of contact for the land developer in resolving overall site coordination issues with the City with respect to construction of the development as shown in the Project area. This includes coordination of the various potential multiple Block builders who will be constructing buildings and other “vertical” improvements within the Project.

A letter shall be submitted to the Building Official by the land

developer designating the Manager prior to the issuance of the first City permit under this, or subsequent, planning applications. This person or a designee shall be on-site at all times that construction activities are underway. Should that designated person change during any phase of construction, the land developer shall submit a new letter to the City giving notification of change and designating a new person to act as the single point of contact. It is acknowledged that this is a phased Project and a full time on-site person may not be continually required. This condition can be modified over the course of the Project with the approval of the Director of Public Works Director or Building Official or their designees. The land developer shall have no obligation to coordinate construction activities with respect to (a) the construction of the Community Park, (b) the one (1) acre of land dedicated to the City for a Below Market Rate housing project, or (c) any activities associated with the potential JPB garage construction. This condition is not intended to limit the land developer to the use of only one contractor for purposes of development of the project, but simply to ensure that all contractors are fully coordinated.

The Manager shall designate an employee or agent as the construction impacts coordinator, to be responsible for receiving calls from residents or businesses regarding specific construction related complaints, including but not limited to noise, dust, vibration, and ground shaking. The coordinator shall be responsible for taking appropriate measures to reduce or eliminate the construction impacts if related to the land development or to coordinate with the Block developer (as described below) to mitigate the complaint. A log of complaints and responses shall be kept on file for review by the City. The construction impact coordinator shall act as a liaison between the residents in the vicinity of the construction and the contractor, so perceived issues are addressed as soon as possible. This coordinator shall be available during all phases of construction and for six months after completion of construction. A letter shall be submitted to the City by the land developer designating this person prior to the issuance of the first City permit. Should that designated person change during any phase of construction, the owner shall submit a new letter to the City giving notification of the change and designating a new person to act as the construction impact coordinator.

The school applicant shall designate a construction manager (“Block Manager”). That person shall be responsible for meeting with the City’s Building Inspector and lead Planner, managing all required testing performed during construction activities, providing all testing results to the City, and be the point of contact for any dialogue between the City and the Block Developer. The Block Developer shall also be responsible to report to and coordinate with the overall Manager (as defined above). The Block Manager shall respond

promptly when contacted by the Manager of any site related construction or coordination issues and shall be required to attend overall site coordination meetings as needed. When requested by Manager, the Block Manager shall also provide input to the Project's public newsletter and Project web site (as described below). The Block Manager shall also be required to submit a construction schedule to the Manager that shall be updated as needed. A letter shall be submitted to the Planning Division and the Manager by the Block Developer designating the Block Manager prior to the issuance of the first building permit relating to any vertical construction on a Block. This person or a designee shall be available at all times that construction activities are underway. Should that designated person change during any phase of construction, the Block Developer shall submit a new letter to the City and the Manager giving notification of change and designating a new person to act as the single point of contact. This condition is not intended to limit the Block Developer or land developer to the use of only one contractor for purposes of development of the project, but simply to ensure that all contractors are fully coordinated. (BUILDING)

**Building
& Public
Works
Conditions**

D3.1

*CONSTRUCTION ACTIVITIES – Per Specific Plan Amendment Condition of Approval #49, the following provisions to control traffic congestion, noise and dust shall be followed during site excavation, grading and construction:

Building Permit Work Hours: The allowed hours of Building construction activities may be waived or modified through an exemption from the hours of work designated in Section 23.06.017, for limited periods, if the Building Official finds that:

- 1) The following criteria are met:
 - a) 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
 - b) Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require acceptance by the City of San Mateo.
 - c) An emergency situation exists where the construction work 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.
- 2) The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.
- 3) 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.

4) The approved hours of construction activity and contact information will be posted at the construction site in a place and manner that can be easily viewed by any 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.

Public Works Permit Work Hours: Construction activities related to the issuance of any Public Works permit shall be restricted to the weekday between 7:00 a.m. and 7:00 p.m. Please note, however, that no work shall be allowed to take place within the City public right-of-way after 5:00 p.m. In addition, no work being done under the issuance of a Public Works encroachment permit may be performed on the weekend unless prior approvals have been granted by Public Works. Earth haul and materials delivery to and from the site, including truck arrivals and departures to and from the site, will be prohibited between the weekday hours of 4:00 p.m. - 5:30 p.m. Signs outlining these restrictions shall be posted at conspicuous locations on site. The signs shall be per the City Standard Drawing for posting construction hours. The sign shall be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.

The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the and Public Works Director or his designee finds that:

- 1) The following criteria are met:
 - a) 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
 - b) Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require acceptance by the City of San Mateo.
 - c) An emergency situation exists where the construction work 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.

- 2) The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.
- 3) 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.
- 4) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.

The Public Works Director or his designee 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 Public Works Construction Inspector, ten (10) working days prior to the requested date of waiver. (PUBLIC WORKS, BUILDING) *Specific Plan Amendment COA #49*

D3.2 INSPECTIONS - The applicant shall notify the Department of Public Works' Inspection Division at least twenty-four (24) hours prior to starting any work pertaining to on-site drainage facilities, grading, or paving; and all work in the City's right-of-way. The applicant shall notify the Building Inspection Division at least twenty-four (24) hours prior to the need for building inspection. Failure to do so will result in rejection of work that proceeded without inspection. (PUBLIC WORKS, BUILDING)

D3.3 *CONSTRUCTION NOISE CONTROL – Per Specific Plan Amendment Condition of Approval #49, the following provisions to control noise shall be followed during site excavation, grading and construction to reduce potential noise impacts of the project to a less than significant level:

- a) All diesel equipment shall be operated with closed engine doors and should be equipped with factory-recommended mufflers.
- b) Pile-driving activities shall be restricted to between 8:00 a.m. to 5:00 p.m., Monday through Friday, to limit the intrusiveness of pile driving during the morning and evening hours. This measure is suggested only for construction sites that would use pile drivers within 2,000 feet of residential or sensitive land uses.
- c) Stationary construction equipment shall be kept beyond 100 feet of existing residences outside of the Bay Meadows Phase

II project boundary.

- d) Noise attenuation techniques will be employed as needed and feasible to reduce noise levels below 100 dBA Leq in commercial/industrial areas and below 80 dBA Leq at exterior locations in residential areas. Such techniques may include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and affected uses. Noise attenuation techniques will be verified through measurement of noise levels.
- e) Whenever feasible, electrical power should be used to run air compressors and similar power tools.
- f) Contractors shall use "quiet" models of any conventionally noisy construction equipment such as air compressors, jackhammers and other impact tools, as feasible.
- g) Contractors shall designate an employee as the construction noise coordinator and provide an on-site sign that will identify the person and provide a contact number. The coordinator would be responsible for receiving calls from residents or businesses regarding specific construction noise-related complaints. The coordinator would then be responsible for taking appropriate measures to reduce or eliminate noise levels as appropriate. Complaints and the response should be logged and kept on file for review by the City. The construction noise coordinator would act as a liaison between the residents in the vicinity of the construction and the contractor, so perceived noisy activities are addressed as soon as possible. The implementation of this condition shall be monitored throughout construction and verified by the Public Works Department and Building Division. (PUBLIC WORKS, BUILDING)
***Mitigation Measure Noise - BMI; Specific Plan Amendment COA #49**

Public Works Conditions

D4.1 MATERIAL HAULING AND CONSTRUCTION WORKER PARKING – For material delivery vehicles larger than a two-axle, six-tire single unit truck (SU) as defined by FHWA Standards, the applicant shall use either of the following truck hauling route, as determined through discussions with the City Engineer, unless an alternate is approved by the City Engineer: Hwy. 101 to Hillsdale Boulevard to Saratoga Drive to E. 28th Avenue to Site, or Hwy. 101 to Route 92 to S. Delaware Street to Site. A letter from the applicant confirming the intention to use the identified hauling route, and designating all on-site haul routes, shall be submitted, for approval, to the Department of Public Works 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, dust control and

street maintenance shall be the responsibility of the applicant. No on-site hauling will be permitted across the San Mateo County Expo Center property without written approval from the County being submitted to the Public Works Department. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that does impact the public right-of-way shall be removed immediately. 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.

The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits. (PUBLIC WORKS)

D4.2 *AIR QUALITY – Per Specific Plan Amendment Condition of Approval #53, to mitigate air quality impacts, the following applicable BAAQMD Basic and Enhanced and Optional Control Measures shall be implemented for all components of construction related to the proposed project site:

- A. Water all active construction areas at least twice daily, or as necessary.
- B. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- C. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the construction sites as necessary.
- D. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at the construction site, or if visible soil material is carried onto adjacent streets.
- E. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- F. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- G. Limit traffic speeds on unpaved roads to 15 mph.
- H. Replant vegetation in disturbed areas as quickly as possible.
- I. Install wheel washers for all trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.

- J. Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.
- K. Suspend excavation and grading activities when winds (continuous gusts) exceed 25 mph and there is evidence of dust being carried by the wind.
- L. All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards. Stationary construction equipment shall be prohibited within 100 feet of existing residences outside of the Bay Meadows Phase II project boundary.
- M. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems will not be allowed.
- N. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation. (PUBLIC WORKS) **Mitigation Measure Air Quality-BM1; Specific Plan Amendment COA #53*

Fire Conditions

- D5.1 FIRE SAFETY DURING CONSTRUCTION – Buildings under construction shall comply with the requirements with Chapter 14 of the California Fire code, 2010 edition. All additional fire permits required by Chapter 14 shall be obtained from the Bureau of Fire Protection and Life Safety. (FIRE)
- D5.2 FIRE HYDRANT CLEARANCE: All fire hydrants shall be operational and accessible at all times. (FIRE)
- D5.3 SECURITY GATES: If site security gates are used the minimum width of site access gates across emergency vehicle access roads shall not be less than 15 feet clear width. (FIRE)
- D5.4 BUILDING EGRESS: Adjacent buildings/properties shall not have their required egress restricted or compromised at any time during construction of this project. (FIRE)

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

Planning Conditions

- E1.1 AUTHORIZED USES- This school (“school”) is allowed those uses and activities typically associated with a school including but are not limited to the following: academic studies, administration, kitchen and dining facilities, daily athletic activities as part of the standard curriculum, interscholastic athletics, performing arts or cultural productions, after school clubs and academies, school-related meetings, parent-teacher conferences, back-to-school nights, graduation ceremonies, educational conferences, teaching institutes

and training programs, tutoring, speaker series, summer camps/programs, performing arts presentations and any other use related to a school use. The school facility is hereby authorized to be utilized by other organizations that are not affiliated with the school for private or public events subject to the Special Events Ordinance in effect at that time. Additional uses not specified herein are subject to a determination by the Zoning Administrator that the proposed use is similar to those listed uses. (PLANNING)

E1.2 SCHOOL ENROLLMENT - The school shall be limited to a maximum of 450 full and part time on-site students during the two-semester academic year and summer terms. The maximum number of on-site staff and faculty during the two-semester academic year and summer terms shall not create a parking demand that exceeds the dedicated supply of 60 faculty and staff parking spaces. For the purposes of this condition, enrolled students do not include visiting students that are enrolled in other schools. (PLANNING)

E1.3 OFF-SITE PARKING FOR SCHOOL EVENTS – A parking agreement for off-site parking for school events shall be executed between the project sponsor and the City of San Mateo County Events Center or alternative facility which provides a minimum of 31 and up to 270 off-site parking spaces at the San Mateo County Event Center or alternative facility for school events. These school events include but are not limited to: Back-to-School Night, Performing Arts Presentations, Culmination Presentations, and Graduation. These events shall be related to the school use. This offsite parking is required for school events that require an amount of parking that exceeds the on-site supply of 125 spaces as documented in the “Nueva High School Transportation Management Plan” dated November 26, 2012 prepared by Kimley-Horn and Associates, Inc. or as modified in accordance with Nueva High School SPAR Condition of Approval A3.1.

This Agreement shall be executed prior to the final inspection for the first building permit for the school campus. The school Commute, Transportation and Parking Coordinator shall actively manage all off-site parking including the installation (and removal the following morning) of temporary signage the evening of all school events that utilize off-site parking. These signs shall be professionally created plastic sandwich board type signs (or equivalent) located at the two site entrances that clearly direct drivers to the off-site parking. Advance notification of the location of the off-site parking shall be distributed to all attendees and included on any website or email announcements related to the event.

Should an Agreement not be executed with the San Mateo Events Center, an agreement for off-site parking shall be executed with property owners at another alternative location with available off-

peak hour parking spaces. The alternative location and lease agreement shall be reviewed and approved by the Zoning Administrator. If required by the Zoning Administrator, a parking demand analysis shall be prepared for alternative parking locations that documents that there are available surplus or off-peak hour parking spaces.

In the event that the parking agreement for off-site parking for school events at the San Mateo County Events Center is terminated, the school shall submit a letter to the Planning Division within 30 days of termination of the agreement. This letter shall indicate that all special events that require an amount of parking that exceeds the onsite supply of 125 spaces will be suspended until an agreement for off-site parking is executed with property owners at an alternative location . (PLANNING)

- E1.4 USE OF SCHOOL FACILITIES BY OTHER ORGANIZATIONS AND OFF SITE PARKING REQUIREMENTS FOR EVENTS– Should organizations that are not affiliated with Nueva School wish to use any portion of the school facility, the event must not conflict with any other school events. Should the parking demand for the event exceed the available onsite supply of up to 125 spaces, a parking agreement for off-site parking for these events shall be executed between the project sponsor and the San Mateo County Events Center or alternative facility which provides off-site parking spaces at the San Mateo County Event Center or alternative facility for events.

This Agreement shall be executed at least one month prior to the use of school facilities. The school Commute, Transportation and Parking Coordinator shall actively be involved in all off-site parking for non-Nueva events including the installation (and removal the following morning) of temporary signage the evening of all special events that utilize off-site parking. These signs shall be professionally created plastic sandwich board type signs located at the two site entrances that clearly direct drivers to the off-site parking. Advance notification of the location of the off-site parking shall be distributed to all attendees and included on any website or email announcements related to the event.

Should an Agreement not be executed with the San Mateo Events Center, an agreement for off-site parking shall be executed with property owners at an alternative location with available off-peak hour parking spaces. The alternative location and lease agreement shall be reviewed and approved by the Zoning Administrator. If required by the Zoning Administrator, a parking demand analysis shall be prepared for alternative parking locations that documents that there are available surplus or off-peak hour parking spaces. (PLANNING)

- E1.5 SUMMER CAMP OR PROGRAMS – Use of the school facilities by summer camp or programs must adhere to the provisions for TDM measures for students documented in the “Nueva High School Transportation Management Plan” dated November 26, 2012 prepared by Kimley-Horn and Associates, Inc., or as modified in accordance with Nueva High School SPAR Condition of Approval A3.1. (PLANNING)
- E1.6 USE OF INTERIM OUTDOOR AMPHITHEATRE – Use of the interim outdoor amphitheatre located on the site of the Theatre that will be built in Phase II shall be limited to the hours of 8:00 am and end at the later of 6:00 pm or dusk. Noise shall be in compliance with applicable provisions of the San Mateo Municipal Code Chapter 7.30 “Noise Regulations” (PLANNING)
- E1.7 COMMUTE, TRANSPORTATION, AND PARKING COORDINATOR: A Commute, Transportation, and Parking Coordinator shall be employed by the school to oversee all programs and practices including staff and student parking, special events parking, communications, and enforcement, and will work with designated faculty, staff, students, and contractors. The scope of ongoing monitoring and enforcement will include shared transportation programs, promotion, and actual usage; ride-matching services; pick-up and drop-off; annual transit pass distribution; specifically assigned faculty and staff parking permits; single-day, exception-based, student-use permits; visitor traffic; management of tandem and alternative-energy parking spaces; special events; and the annual commute, transportation, and parking survey to ensure achievement and maintenance of TDM and parking requirements included in the “Nueva High School Transportation Management Plan” dated November 26, 2012 prepared by Kimley-Horn and Associates, Inc., or as modified in accordance with Nueva High School SPAR Condition of Approval A3.1. The contact information including email and phone number for the Commute, Transportation, and Parking Coordinator shall be listed prominently on the school website. (PLANNING)
- E1.8 SCHOOL VEHICULAR ENTRANCE MONITORING - The primary campus and facility entrances and exits on 28th Avenue and the north and east perimeter access road shall be staffed and monitored by school safety personnel during regular school bell hours and beginning at least 30 minutes before morning bell peak arrivals and at least until 30 minutes after afternoon bell peak departures. (PLANNING)
- E1.9 VEHICLE REGISTRATION AND PARKING: The project shall provide 125 parking spaces on site for staff, faculty, and visitor use, as well as for students on a single-day use exception, as provided in

the “Nueva High School Transportation Management Plan” dated November 26, 2012 prepared by Kimley-Horn and Associates, Inc., or as modified in accordance with Nueva High School SPAR Condition of Approval A3.1. All employee and student vehicles shall be required to be registered at employment and enrollment, respectively, and updated accordingly. Parking shall be by permit and enforced by the Commute, Transportation, and Parking Coordinator and assigned safety and security staff overseeing assigned faculty and staff parking spots and shared student and visitor parking areas. Enforcement to encourage compliance shall include robust communication programs targeted to students and parents, signage, warnings, financial penalties, towing, revocation of driving/parking privileges, and, if required, employee termination or student expulsion. Monitoring and enforcement shall also include regular patrol of the immediate adjacent public streets and parking to ensure compliance. (PLANNING)

E1.10 TANDEM, RIDE SHARE, AND ALTERNATIVE ENERGY VEHICLE PARKING SPACES: Constrained tandem parking spaces (21 of the 125 spaces) shall be assigned by permit to individual commuter faculty and staff only. Access and departure shall be facilitated by controlled access to permit and space-specific lockbox under the supervision of the Commute, Transportation, and Parking Coordinator. Other faculty and staff shall have access by permit to assigned standard parking spaces. (PLANNING)

E1.11 WRITTEN ANNUAL COMPLIANCE LETTER- Nueva School shall submit a written letter to the Zoning Administrator of the City Planning Division on an annual basis no later than September 1st of each academic year that includes the following information: a written assessment of compliance with applicable conditions of approval related to ongoing operations including the results of the annual commute, transportation, and parking survey, the number of enrolled students in each grade for the subject academic year and a list of projected events that require off-site parking. (PLANNING)

E1.12 SCHOOL HOURS OF OPERATION- The following sets forth the hours of operation for the school property:

- a. Monday through Friday: 6:00 am to 11:00 pm.
- b. Saturday: 7:00 am to 11:00 pm.
- c. Sunday: 8:00 am to 8:00 pm.

The hours of operation established in this condition do not include a) faculty, staff or maintenance workers on-site or b)time for the dispersal of persons attending events or activities on campus and for the clean up after the event or activity. Dispersal of persons attending events or activities and clean up shall be completed within 60 minutes after the event or activity. (PLANNING)

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| Public Works Conditions | E2.1 | <p>POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) – 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, the applicant shall:</p> <ul style="list-style-type: none">a. Owner/occupant shall inspect private storm drain facilities at least two (2) times per year and sweep parking lots immediately prior to and once during the storm season.b. The applicant shall pay a fee on a yearly basis for cost associated with, but not limited to, biannual inspection of the private storm drain facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair in the event that the treatment facility is no longer able to meet performance standards or has deteriorated. The annual fee shall be in the amount of one thousand (\$1,000.00) and shall increase by CPI on an annual basis.c. Label new and redeveloped storm drain inlets with the phrase “No Dumping – Drains to Bay”, (by stenciling, branding or plaques) to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available from the Department of Public Works.d. All process equipment, oils fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times. (PUBLIC WORKS) |
| | E2.2 | <p>*TDM MONITORING – Per Specific Plan Amendment Condition of Approval #43, the short-term, mid-term and long-term trip reduction goals shall be in compliance with the adopted “Final Bay Meadows II Traffic Management Plan”, updated December 4, 2012 prepared by Kimley-Horn and Associates, Inc., and shall be monitored and verified by the City or TMA. (PUBLIC WORKS, PLANNING)
<i>*Mitigation Measures Traffic and Circulation - BM11, BM14; Specific Plan Amendment COA #43</i></p> |
| City Attorney Conditions | E3.1 | <p>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. (CITY ATTORNEY)</p> |
| | E3.2 | <p>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,</p> |

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. (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.*