

EXHIBIT B
CONDITIONS OF APPROVAL

PA #12 - 040, Draper University and the Collective Entrepreneurs Club
Benjamin Franklin Hotel Building (36-44 E. Third Ave/APNs: 034-143-240, -280, -290),
Fourth Avenue Building (37 E. Fourth Ave/APNs: 034-143-230),
Collective Building (51-65 E. Third Ave/APNs: 034-142-030, -180), and
Publically accessible walkways

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

**Planning
Conditions
A1.0, A1.1, etc.,**

- A1.0 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 and approved by the Chief of Planning and/or Zoning Administrator.** The Chief of Planning and/or Zoning Administrator shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a 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, and/or City Council. (PLANNING)
- A1.1 CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval on sheet 2 of the plans. (PLANNING)
- A1.2 NOTICE OF PROJECT RESTRICTIONS – The property owner shall record a Notice of Project Restrictions in the official records of the County of San Mateo and provide proof of such recordation to the City prior to issuance of any City permit, allowed special use of the property, or Final Map, as applicable. The Notice of Project Restrictions shall provide a description of the subject property, shall identify the Planning Application name and number and any accompanying subdivision or parcel map, including book and page and

recorded document number, if any, and be signed and notarized by each property owner of record and shall state the following:

“This Notice of Project Restrictions is for the purpose of informing interested persons of the fact that development approvals have been given by the City of San Mateo regarding the herein described property and that such approvals are conditioned upon compliance with certain restrictions that run with the land and are binding upon subsequent owners of the property. For more information about the restrictions applicable to this property, contact the Planning Division of the City of San Mateo regarding PA12-040, Draper University and the Collective Entrepreneurs Club.”

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence 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)

- A1.3 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, BUILDING, FIRE, POLICE, PARKS AND RECREATION PUBLIC WORKS)
- 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 REQUIRED SIGN PERMIT – The developer shall be responsible for obtaining separate building permits for all signage that is issued through the Building Division. The signs shown on the Planning Application drawings are for

informational purposes only and are not approved as part of this Planning Application. All signs shall conform to the applicable standards delineated in the Sign Code in effect at the time of building permit application for the signs. (PLANNING)

- A1.6 *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. **Mitigation – These measures shall be incorporated on the project building permit plans prior to the issuance of a superstructure permit or the first building or demolition permit for the project and shall be monitored by the Planning and Building Divisions during plan review and during demolition and construction activities for the project through routine inspections.*
(PLANNING, BUILDING)

- A1.7 * PARKING CONSULTANT RECOMMENDATIONS –
The Nelson Nygaard Memorandum dated November 29, 2012 provides a parking analysis for the project and includes project specific Transportation Demand Management (TDM) Mitigation Program and a Monitoring and Evaluation Program, which in tandem with Draper University’s efforts to prohibit student from bringing vehicles will provide students, as well as, employees with viable alternative models of transportation, and minimize parking impacts.

Also, in addition to the Public Works condition (below) to provide 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 Nelson Nygaard's Draper University and the Collective Entrepreneurs Club Parking Analysis and TDM Plan dated November 29, 2012 and are hereby incorporated as conditions of approval for this project. **Mitigation – These measures shall be incorporated on the project building permit plans prior to the issuance of a superstructure permit or the first building permit or demolition permit for the project and shall be monitored by the Planning and Building Divisions during plan review and during demolition and construction activities for the project through routine inspections.* (PLANNING/PUBLIC WORKS)

- A1.8 BIKE PARKING – The final building permit plans shall incorporate the information shown in the Visitor Bike Parking Exhibit dated December 28, 2012 and the recommendation in Public Work Department's memorandum dated January 3, 2013 regarding Draper University's commitment to convert the required bike loaner program outlined in the Transportation Demand Management (TDM) plan to a system compatible with the City's Bike Share system (commencement date and conversion policy to be determined), (PLANNING, PUBLIC WORKS)
- 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, pending final location approval by the relevant utility provider and the City. 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, or other material subject to the review and approval by the Zoning Administrator or his designee. All parties acknowledge that utility providers may make changes to the design from time to time and any such changes, along with the associated screening, shall be incorporated into the final plans. (PLANNING)

A1.10 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 materials shall be aesthetically compatible with the building exterior, and shall be subject to the review and approval of the Zoning Administrator or his designee, including any third party consultant for consistency with Secretary of Interior Standards for Historic buildings. (PLANNING)

A1.11 LANDSCAPE IMPROVEMENTS - All landscape plans shall comply with Chapter 27.71 of the Municipal Code. In addition, the following items shall be shown on the final project plans:

- a) All planting areas 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) All new trees shall be planted

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)

A1.12 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://webecoist.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)

A1.13 FINANCIAL SECURITIES FOR LANDSCAPING - property owner 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)

A1.14 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM – A Transportation Demand Management (TDM) Program has been prepared for this project (refer to the Nelson Nygaard report dated November 29, 2012). This document has been approved by the City Council as part of this Project Approval. This program is to be implemented using a selection of programs. These programs, once implemented, 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 for each building. Additionally, it shall be a requirement that the property owner or their designee participate in the formation of the Downtown Transportation Management Agency (TMA). Once it is formed, the TMA shall oversee compliance with the TDM Program. (PUBLIC WORKS, PLANNING)

A1.15 AESTHETICS DURING CONSTRUCTION – The applicant/property owner 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 or adjacent properties (including those in Benjamin Franklin Court), the applicant/property owner shall maintain the pedestrian access, providing adequate ADA clearance and pedestrian protection from overhead construction activities. Areas 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.

Such screening is intended to control dust and maintain the aesthetic look of the site. The fencing shall remain in place and be maintained in good condition until completion of development. 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, PUBLIC WORKS)

A1.16 NOISE CONTROL - The project sponsor shall implement noise control measures for any mechanical equipment as needed to reduce noise levels to DNL of 65 dB at the property line, per the City's Noise Element. At a minimum, the following shall be implemented:

A. A noise barrier or enclosure shall be constructed around mechanical equipment to block line-of-sight between the equipment and provide sound attenuation to reduce noise levels to DNL of 65 dB at the property lines.

B. The project sponsor shall pay for the City's noise consultant to review the final designs for the noise barrier or enclosure and to provide a letter of verification that the mechanical equipment meets the City's Noise Element prior to final inspections by Planning and Building Divisions.

(PLANNING, BUILDING)

A1.17 PUBLICALLY ACCESSIBLE WALKWAYS – The applicant shall improve the public access walkways, including the area generally known as Benjamin Franklin Court. The applicant shall provide final construction details for:

- a) New pavement and associated drainage adjustments – These improvements include all new pavement for the publically accessible walkways that connect Fourth Avenue to Benjamin Franklin Court, Third Avenue, Central Parking Garage, and to the easement area in front of the businesses that face the Benjamin Franklin Court; and adjustments to drainage due to changes to the walkways.
- b) New lighting and security cameras – The applicant shall provide a photometric plan for the project and the publically accessible walkways/alleys/easements. In addition to the new lighting for the publically accessible walkways, that are shown on the planning application plans, the applicant shall explore ways to further enhance security in and around the project site, including the provision of additional lighting and security cameras.
- c) New landscaping & trees – The applicant shall provide planting, construction, and irrigation details for all new landscaping and trees consistent with the approved planning application drawings.
- d) New directional signage – The applicant shall provide new directional signs and shall submit a separate sign permit application to the City for review.

The final plans submitted for building permit shall include all of the above details, which shall be subject to the review and approval of the Zoning Administrator, Police Chief, and City Engineer or their respective designees, including any third party consultants. (PLANNING, POLICE, PUBLIC WORKS)

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

- A1.18 NEIGHBORHOOD COMMUNICATION PLAN – The applicant shall submit a Neighborhood Communication Plan for review and approval by the Zoning Administrator prior to the issuance of the first superstructure permit. The Plan shall address the proposed communication with the neighborhood and interested parties including the dates of any event at the school site with an anticipated attendance. The Plan shall include the creation and maintenance of an opt-in email notification list for correspondence with interested parties for notification of events, creation of a website listing event dates or other means of communication with interested parties, including the provision of a primary after hours point-of-contact for concerns related to the event. (PLANNING)
- A2.0 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 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)
- A2.2 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)
- A2.3 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. **TRAFFIC AND PEDESTRIAN CONTROL** - The applicant shall apply for an encroachment permit for any activities that require closure of any traffic lanes, parking strips, or sidewalk, including, but not limited to, loading of materials for student move-in and move-out. All work shall be shown on the required detour plans. (PUBLIC WORKS)
 - B. **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 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 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 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)
- A4.3 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)
- A4.4 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)
- A4.5 PUBLIC HYDRANT: Install public hydrant at 300 ft spacing for commercial, industrial, multi-residential and single-family development. All fire hydrants in vicinity to the project site shall be upgraded to a Clow model 960 or equivalent consisting of (2) 2½ inch and (1) 4½ inch outlet. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with California Water Service specifications. The water supply shall be tested, flushed and approved 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. (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 COLLECTIVE BUILDING (51 – 65 E. Third Ave) – On the final building permit plans, provide information to address the following:
a) Provide ordinary type 2 sprinkler in basement trash room (FIRE)
- A4.8 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)
- A4.09 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. (FIRE)
- A4.10 FIRE APPARATUS ACCESS: Maintain a not less than 20 ft. wide clear all weather surface (paving) for emergency vehicle access. This access shall be provided and approved by the fire department before any construction or combustible material will be allowed. (FIRE)
- A4.11 HYDRANT CLEARANCE: Maintain a 3 ft clear space around all fire hydrants and accessible. Hydrants shall be installed, tested, flushed and approved by the fire department prior to any combustible materials brought onto the work site. (FIRE)
- A4.12 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)

- A4.13 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)
- A4.14 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)
- A4.15 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: (FIRE)
- 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.
- A4.16 BARRICADES, FENCES, or GATES ACROSS FIRE ACCESS ROADWAYS: The installation or use of barricades, fences, or gates across emergency vehicle access roads shall have prior approval of the fire chief. (FIRE)
- A4.17 BUILDING EGRESS– Adjacent buildings/properties shall not have their required egress restricted or compromised at *any time* during the construction of this project. (FIRE)
- A4.18 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)

**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 (alleyways) to Fourth Ave. (south from Ben Franklin Court) and the Central Parking Garage (east from Ben Franklin Court). 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)

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

**Parks & Rec.
Conditions
A1.0, A1.1, etc.,**

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.

**Planning
Conditions
D1.0, D1.1, etc.,**

**Building
Conditions
D2.0, D2.1, etc.,
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)

**Fire Conditions
D4.0, D4.1, etc.,
Police Conditions
D5.0, D1.1, etc.,
Parks & Rec.
Conditions
D1.0, D1.1, etc.,**

- 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 architect of record for each building permit 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)
- E1.2 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)

**Building
Conditions
E2.0, E2.1, etc.,**

- E2.0 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)

**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)

E4.1 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. (FIRE)

Police Conditions
E5.0, E1.1, etc.,
Parks & Rec.
Conditions
E1.0, E1.1, etc.,

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

Planning
Conditions
F1.0, F1.1, etc.,
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:

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 23.06.060, 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 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)

- 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: Downtown project site to El Camino Real to State Highway 92 to Highway 101. To: State Highway 101 to Highway 92 to El Camino Real to downtown project 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)
- F3.3 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)
- F3.4 CONSTRUCTION NOISE CONTROL –The following provisions to control noise shall be followed during 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) 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.

- c) Whenever feasible, electrical power should be used to run air compressors and similar power tools.
- d) Contractors shall use "quiet" models of any conventionally noisy construction equipment such as air compressors, jackhammers and other impact tools, as feasible.

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)

**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)

Police Conditions
F5.0, F1.1, etc.,
Parks & Rec.
Conditions
F1.0, F1.1, etc.,

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 OPERATIONAL REQUIREMENTS – The three buildings and the private parking lot (located behind the Collective Building) together comprise the Draper University and Collective Entrepreneurs Club facilities, and use of these facilities shall be subject to compliance with the following:

1) School Hours of Operation - The following sets forth the hours of operation for the school property:

- Monday through Friday: 9 am to 11:00 pm.
- Saturday: 9:00 am to 11:00 pm.
- Sunday: 9:00 am to 11:00 pm.

Special Event Hours of Operation – The following sets forth the hours of operation for Special Events:

- Monday through Friday: 6:00 pm to 11:00 pm.
- Weekends: 10:00 am to 10:00 pm, and Special Events shall not conflict with Draper University’s use of the facilities

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.

2) The maximum number of students shall be limited to 180 per term based on double occupancy of dormitory rooms within the Benjamin Franklin hotel building located at 44 East Third Avenue.

3) The maximum number of administrators, resident assistants, contract employees, staff, and other employees for all three buildings shall be limited to 12 persons.

- 4) The maximum number of administrators, resident assistants, contract employees, staff, and other employees for all three buildings shall be limited to 12 persons.
- 5) School administration shall prohibit students from bringing vehicles to the school and shall make all efforts to enforce the prohibition, and shall provide an annual reporting of the efforts and student compliance. Penalties for a student's non-compliance must include expulsion from Draper University.
- 6) 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.
- 7) Special Events – Special events are categorized as any activities or events that are open to the public. These may include Draper University speaker events that are open to the public or a non-Draper University event,
- 8) Off-Site Parking for Special Events - A parking agreement for off-site parking for school events shall be executed between the property owner, or his/her legal representative, and the off-site property owner. The lease agreement, the off-site parking location, and the annual list of special events shall be provided to the Zoning Administrator or his/her designee for review and approval at least two months prior to the start of the first event for each academic year. This process shall be repeated each academic year, unless the property owner provides in writing that there would be no special events for the year.
- 9) Additionally, the property owner shall provide advance notification of the location of the off-site parking and shall ensure the information be distributed to all attendees and included on any website or email announcements related to the event.
- 10) The first floor of the Fourth Avenue building shall be used for Draper University school administration purposes and as a retail store for Draper University related

merchandise. The retail store and the administration offices shall be open to Draper University students as well as the general public on an unannounced drop-in basis during posted business hours.

11) The existing general office use on the second floor of the 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 first obtaining the required planning approvals and building permits for the change of use.

The multipurpose room (aka speaker's forum) room in the basement of the Collective building shall be for the exclusive use of Draper University during Draper University's school hours. Any special events that utilize the multipurpose room must comply with the same hours of operation as the university.

G1.2 HISTORICAL CONSULTANT RECOMMENDATIONS AND USE OF PREMISES – All subsequent 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 – The Nelson Nygaard Memorandum dated November 29, 2012 provides a parking analysis for the project and includes project specific Transportation Demand Management (TDM) Mitigation Program and a Monitoring and Evaluation Program, which in tandem with Draper University's efforts to prohibit student from bringing vehicles will provide students, as well as, employees with viable alternative models of transportation, and minimize parking impacts.

Also, in addition to the Public Works condition (below) to provide 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 Nelson Nygaard's Draper University and the Collective Entrepreneurs Club Parking Analysis and TDM Plan dated November 29, 2012 and are hereby incorporated as conditions of approval for this project. **Mitigation – These measures shall be incorporated on the project building permit plans prior to the issuance of a superstructure permit or the first building permit or demolition permit for the project and shall be monitored by the Planning and Building Divisions during plan review and during demolition and construction activities for the project through routine inspections. (PLANNING/PUBLIC WORKS)*

**Building
Conditions
G2.0, G2.1, etc.,
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, for business operations. The permit will be considered per the code in effect at the time of application. In addition, the applicant must comply with the City's ordinance and apply for a permit for any valet parking service requested for large events at the school open to the public. (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)

**Police Conditions
G5.0, G5.1, etc.,
Parks & Rec.
Conditions
G6.0, G6.1, etc.,
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.