

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**PA #13-049, Espresso Lane**  
**Site Plan and Architectural Review (SPAR),**  
**Site Development Planning Application (SDP),**  
**and Special Use Permit (SUP)**  
**1990 S. El Camino Real**  
**Parcel #039-030-260**

**A. The following conditions shall be completed within 60 days of the PLANNING APPLICATION final approval.**

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| Public Works Conditions | A1.0 | GRANTING OF RIGHT OF WAY TO CALTRANS – The applicant shall coordinate with the City of San Mateo and Caltrans for the project titled, "Intersection Improvements – West 20 <sup>th</sup> Avenue and South El Camino Real." As part of that coordination, the applicant shall coordinate with the City of San Mateo and Caltrans to grant the Right-of-Way in fee for the new southbound right-turn lane, to the State of California within 60 days of the planning application final approval.   |
|                         | A1.1 | DEDICATION OF PUBLIC ACCESS EASEMENT TO THE CITY OF SAN MATEO – The applicant shall coordinate with the City of San Mateo for the project titled, "Intersection Improvements – West 20 <sup>th</sup> Avenue and South El Camino Real." As part of that coordination, the applicant shall coordinate with the City of San Mateo to dedicate a ten (10) foot wide strip of land along the South El Camino Real property frontage for pedestrian access purposes for a sidewalk to the City. The exact dimensions of this easement are shown on the plans for the City's Intersection Improvements' project. The easements shall be approved by the City Engineer, recorded with the County Recorder's Office, and a recorded copy of the document returned to the City within 60 days of the planning application final approval |

**B. The following conditions shall be addressed on the construction plans submitted for any DEMOLITION PERMIT, BUILDING PERMIT, or SITE DEVELOPMENT PERMIT, and shall be satisfied prior to issuance of whichever permit is issued first.**

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| Planning Conditions | B1.0 | CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval on sheet 2 of the plans.  |
|                     | B1.1 | 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 PA13-049, Espresso Lane.”

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.

- B1.2 CONFORMANCE WITH APPROVED PLANNING APPLICATION - All building permit drawings and subsequent construction shall substantially conform with the approved planning application, including: drawings, materials samples, building colors, and other items submitted as part of the approved planning application. Documentation of any changes to the approved Planning Application plan set shall be provided at the time of Building Permit submittal. Any proposed modifications to the approved planning application must be reviewed by the Chief of Planning and/or Zoning Administrator. Modifications to Building Permit plans must be approved prior to construction of the modified improvements. The Chief of Planning and/or Zoning Administrator shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a new planning application must be submitted to permit the proposed project modifications. A new planning application shall be subject to review by the Zoning Administrator, Planning Commission, or City Council.
- B1.3 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.
- B1.4 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.
- B1.5 REQUIRED SIGN PERMIT –There is an abandoned sign on the project site. This sign will need to be removed prior to the issuance of any other permit for signage on the property. 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. The applicant will be responsible for obtaining separate permits for signage through the Building Division.
- B1.6 BICYCLE RACKS: The building permit plans for the bicycle racks shall change the rack type to the Bike Parking Welle Circular Rack, In Ground, Round Pipe, Stainless Steel Alloy finish. The racks shall be located with at least 30 inches clearance in all directions from any obstruction, including but not limited to other racks, fences, walls, parking spaces, trash enclosures and landscaping. A minimum four (4) foot aisle shall be provided in front of the racks to allow for unobstructed access to the racks. The building permit plan revisions related to the bicycle racks are subject to the review and approval of the Zoning Administrator.
- Building Conditions B2.0 SITE SURVEY – The applicant shall provide a 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.
- B2.1 CALGREEN – The building shall be designed to include the green building measures specified as mandatory in the application checklists contained in the California Green Building Standards Code. The applicant shall incorporate the checklist along with a notation on the

checklist to specify where the information can be located on the plans, details, or specifications, etc.

**B2.2 SOILS REPORT** – The applicant shall provide a stamped, signed, and dated soil investigation report containing design recommendations to the Building Official. 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, the applicant shall submit a stamped, signed, and dated letter from the Geotechnical Engineer or Civil Engineer who prepared the soil investigation stating the following:

- 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

**B3.0 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, not including work done as part of the City's project, Intersection Improvements, West 20<sup>th</sup> Avenue and South El Camino Real. 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), 2012, and standard construction practices. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit. Right of way improvements shall include, at a minimum, the following items:

- A. STREET BEAUTIFICATION - The applicant shall improve the street frontage to match the City of San Mateo street beautification program in effect at the time of construction. The applicant shall have beautification plans prepared and obtain Public Works Department approval prior to issuance of an encroachment permit.
- B. STREET TREES - The applicant shall plant street trees to match the City of San Mateo street tree plan in effect at the time of construction. The street tree plans shall be constructed per City Standard Drawings 3-1-847, Tree Planting Details, and will include tree grates.
- C. 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.
- D. SIDEWALK, CURB AND GUTTER - The applicant shall replace to existing City standards all sidewalk, curb and gutter fronting West 20<sup>th</sup> Avenue. Sidewalk, curb and gutter replacement shall be constructed per City Standard Drawing 3-1-141A.
- E. DRIVEWAY APPROACH - The applicant shall install one (1) City

Standard Commercial driveway approach as shown on the approved plans. The new commercial driveway approach shall be constructed per City Standard Drawing 3-1-148.

- F. STORM DRAIN LINE – The applicant shall install as a minimum a twelve (12 inch storm drain connection from the property line to the storm drain manhole located in the street right-of-way, as shown on the approved plans.
- B3.1 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 San Mateo Countywide Water Pollution Prevention Program’s C.3 requirements.
- B3.2 STORM DRAIN INLETS AND WATERWAYS - Per the San Mateo Countywide Water Pollution Prevention Program’s C.3 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.
- B3.3 UNDERGROUND UTILITIES - The applicant must install all new, and upgraded, utility service, including telephone, electric power, and other communications lines underground to the building in accordance with City of San Mateo Municipal Code 26.32.020.
- B3.4 DRAINAGE - Drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented, to extent feasible, subject to the approval of the City Engineer. 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 storm water bio-retention areas as shown on the approved plans. 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 on the property deed.

- B3.5 CHARGES FOR PUBLIC WORKS SERVICES - Prior to plan checking, the applicant shall be required to deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of the project. The amount of the deposit shall be \$2,000.00. 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.

**C. The following conditions shall be addressed on the construction plans submitted for BUILDING SUPERSTRUCTURE PERMIT and shall be satisfied prior to issuance of whichever permit is issued first.**

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| Public Works<br>Conditions | C1.0 | 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 collected by the Public Works Department and paid prior to issuance of the first superstructure building permit.   |
|                            | C1.1 | TRANSPORTATION IMPROVEMENT FEE – Municipal Code section 27.13.090(a) provides that an applicant may obtain a fee credit if an improvement is identified in the City's Transportation Improvement Fee Technical Report and the applicant dedicates land for the improvement. Here, the applicant's transportation improvement fee is estimated to be \$22,578. The applicant has agreed to dedicate land for the addition of a turn lane on El Camino Real, which is an improvement identified in the City's Transportation Improvement Fee Technical Report. Accordingly, the applicant is entitled to a credit of \$22,578 against the City's |

Transportation Improvement Fee. The land to be dedicated is of equivalent value to the amount of the fee.

SOUTH TRUNK AREA SEWER IMPROVEMENT FEE - In order to meet the increased demands on the South Trunk Sewer system created by this project, the applicant shall contribute fees toward the construction cost to increase its capacity based upon the project's average projected sanitary flow. 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 collected by the Public Works Department and paid prior to issuance of the first superstructure building permit.

- Fire Conditions C2.0 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.
- C2.1 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.
- C2.2 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.
- C2.3 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.
- C2.4 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.
- C2.5 BUILDING EGRESS: Adjacent buildings/properties shall not have their required egress restricted or compromised at *any time* during the construction of this project.

**D. The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first.**

Public Works Conditions D1.0 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.

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

Building Conditions E1.0 BUILDING CONSTRUCTION ACTIVITIES - The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:

Construction activities related to the issuance of any building permit shall be restricted to Monday through Friday between 7:00 a.m. and 7:00 p.m., Saturdays from 9:00 a.m. to 5:00 p.m., and Sundays or legal holidays from 12:00 pm (noon) to 4:00 p.m. These hours do not apply to construction work that takes place inside a completely enclosed building and does not exceed the exterior ambient noise level as measured 10 feet from the exterior property lines.

The allowed hours of Building construction activities may be waived or modified through an exemption from the hours of work designated in Section 23.06.060, 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      E2.0      PUBLIC WORKS CONSTRUCTION ACTIVITIES - The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:

- A) 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 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 City Engineer 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 approval of the City Engineer.
  - 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 extended 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 City Engineer 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.

- B) All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
- C) Newly disturbed soil surfaces shall be watered down regularly by a water trucks or by other approved method maintained on site during all grading operations. 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.
- D) Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- E) All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
- F) Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, 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), 2012, and standard construction practices. (PUBLIC WORKS)

E2.1 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 project sponsor shall require contractors to prohibit trucks from using “compression release engine brakes” on residential streets. The haul route for this project shall be: **Site to W. 20<sup>th</sup> Avenue to S. El Camino Real to Highway 92**. 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. The applicant must provide an approved method of cleaning tires and trimming loads on-site. 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.

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 complied with at all times during construction. Failure to enforce the parking plan may result in suspension of the City permits.

- E2.2 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 Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at: <http://www.flowstobay.org/documents/business/construction/SWPPP.pdf>

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

- City Attorney F2.0 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.
- F2.1 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.

**\* 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.