

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**PA 14-075, 727 East 3<sup>rd</sup> Avenue Staging Area SPAR & SUP**  
**727 East Third Avenue**  
**APN: 033-163-150**

**As Approved By The Planning Commission On October 28, 2014**

- A. 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.**

Planning Conditions      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. 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.

A1.1 CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval on sheet 2 of the plans.

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 "PA 14-075, Metropolitan Apartments Staging Area SPAR & SUP".

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.

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.

A1.4 FENCE SCREENING MATERIAL – The chain link fence enclosing the project site shall be covered with a material to screen the visibility of the structures and activities at the project site. Such material shall be of sufficient substance and shall be maintained and kept in good condition for the duration of the use of site as specified in the Special Use Permit. This condition shall be implemented within thirty (30) days of approval of this planning application.

A1.5 SPECIAL USE PERMIT END DATE – This Special Use Permit shall expire on April 19, 2016

Building  
Conditions

A2.0 BUILDING PERMIT – The applicant shall acquire a building permit from the City of San Mateo per Section 3103.1 of the 2013 California Building Code.

A2.1 REMOVAL OF TEMPORARY STRUCTURES – The temporary structures on the site shall be removed and the site cleaned by April 19, 2016. The site shall be cleaned per the provisions of SMMC 23.06.100 (b) (2) – (5)  
DEMOLITION PERMIT CONDITIONS:

(2) The site shall be fenced when open holes in the ground exist, if required by the building official because of other hazards or to ensure maintenance of the site.

(3) All debris, weeds, and other nuisances shall be removed from the

site, and the site shall be leveled unless requirements regarding hazardous wastes make leveling infeasible. If planting is not required by subsection (b)(4) of this section, and construction does not commence within 30 days after demolition, the soil shall be treated with a weed inhibitor approved by the City.

(4) The entire site shall be planted and maintained with a drought tolerant ground cover that will fully cover all exposed soil within six months of planting, or covered to a minimum depth of two inches with crushed rock.

(5) The site shall be fenced according to code and any driveway curb cuts not used be provided with bollards and chains, located and installed so as to prevent vehicular entry into the site.

A2.2 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 sub-contractors. Departments having conditions of approval for the project will represent the City.

Public  
Works  
Conditions

A3.0 VISIBILITY OF PEDESTRIANS – The fence at the corner of South Fremont and East Third Avenue shall be cleared of cover material at a 45 degree angle for 10-feet to increase visibility of pedestrians. The vehicle entrance gate and one panel (approximately 8-feet) of the fence on either side shall be cleared of cover material for pedestrian visibility. This condition shall be implemented within thirty (30) days of approval of this planning application.

Police  
Conditions

A4.0 EXTERIOR SITE LIGHTING STANDARDS – The applicant shall submit a photometric plan in compliance with the Building Security Code “Exterior Security Lighting” (San Mateo Municipal Code Section 23.54.060). 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-accessibly 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 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. The photometric plan shall be approved by the Chief of Police or their designee prior to the issuance of the first building permit for the project. Any subsequent building permits that include any site lighting shall also meet these requirements. This condition shall be implemented within thirty (30) days of approval of this planning application.

A4.1 SECURITY VISIBILITY – The applicant shall modify the fence covering to allow patrol officers visibility inside the premises to better police and protect the premises and property. Observation windows measuring 9 square feet shall be provided every 10 feet and located to provide clear visibility from a patrol vehicle window. This condition shall be implemented within thirty (30) days of approval of this planning application.

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

Building Conditions B2.0 BUILDING CONSTRUCTION ACTIVITIES - The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction:

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

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

- a) The following criteria are met:
  - 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.

Public Works Conditions      B3.0 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) 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.
  - E) 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.
- B3.1 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>

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

Planning Conditions A1.0 PEDESTRIAN SAFETY PLAN – In order to ensure the safety of crewmembers crossing Third Avenue to and from the staging lot, during working hours Reconstruction Services will have an employee in place at the intersection of Third Avenue and South Fremont Street to act as a pedestrian crossing guard. Crewmembers will only cross at the intersection, when the traffic light is green. This rule shall be effective immediately upon approval of this planning application and will be strictly enforced and will be reiterated at construction crew weekly safety meetings.

City Attorney Conditions 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.

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.