

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**PA 09-009 92 & Delaware Office Project**  
**1830 South Delaware St./470 Concar Dr.**  
**035-201-020 & 035-202-010**  
**As Approved by the City Council on July 12, 2010**

The development that is the subject of these conditions includes two lots with a single office building (to be constructed) on each lot (each, a "Lot"), and designated as Building 1 and Building 2 on the 92 & Delaware-A Transit Oriented Development Formal Review Application Plan Set (8/12/09) with revisions to sheets . Each Lot is a separate project and may be developed by the Subdivider or its successors separately from the other Lot. If so, all of these conditions shall apply to each Lot, except that (i) the conditions that by their terms pertain to a specific Lot, shall apply only to such Lot, (ii) all indemnities contained in the conditions shall be made by the owner of the Lot only with respect to such Owner's Lot and (ii) the responsibility to satisfy the following conditions shall be assigned between the two Lots as follows:

<b>Conditions</b>	<b>Responsibility</b>
20, 41 and 54-56	Fees shall be allocated between the Projects based on relative square footage. Building #1 (470 Concar) is estimated to be 86,027 SF, or 31%, and Building #2 (1830 S. Delaware) is estimated to be 190,440 SF, or 69%.
22 (item 2)	See Drawings L 1.0 R and L 1.1 R for tree allocation
31L	Allocated Exclusively to Lot #2
31M	Allocated exclusively to Lot #1

The remainder of the conditions apply to the development of the Lots independently, such that the failure of one Lot to comply will not affect development of the other Lot.

**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).**

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

**THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION 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.**

1. 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)
2. CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval on sheet 2 of the plans. (PLANNING)
3. PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The building permit applicant shall check with the Project Planner to determine whether any outstanding planning applications fees exist and those fees shall be paid prior to issuance of any building permits. (PLANNING)
4. GREEN BUILDING/SUSTAINABILITY – The property owner shall be required to comply with the Green Building Requirements, SMMC 23.70, and provide documentation as part of the building permit application. (BUILDING, PLANNING)
5. 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 PA09-009-“92 & Delaware Office Project.”

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)
6. TREE PROTECTION - The applicant shall protect all major vegetation designated to remain from damage during construction. Tree protection shall comply with all provisions of the Heritage Tree Ordinance, approved arborist's report, and any requirements imposed by the City. The following tree protection measures shall be shown on building permit drawings:
  - a) Protective fencing shall be located at the drip line of existing major vegetation to remain. This protective fencing shall be constructed of solid wood, chain link, or other solid materials subject to approval of the Zoning Administrator.
  - b) All recommendations for tree preservation contained in the approved arborist report, and/or additional requirements imposed by the City.

In addition, the following requirements shall be complied with at all times during construction:

- c) Oil, gas, chemicals, or construction materials shall not be stored within the drip line of trees that are designated to be preserved.
- d) Signs, wires, or other types of obstructions shall not be attached to trees.
- e) Trenching under the drip line of trees is to be avoided. If trenching is necessary, trenches are to be hand dug and major roots retained.

***\*Mitigation- All tree protection measures shall be constructed prior to issuance of a grading permit, demolition permit, or building permit. The applicant shall contact the Planning Division to inspect the tree protection measures prior to issuance of any permits on the property. In addition, these measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Planning, Building Division and Public Works Department during demolition and construction activities for the project through routine inspections. (PLANNING)***

7. FINANCIAL SECURITIES FOR TREE PRESERVATION - The applicant shall submit financial securities to ensure the preservation of existing trees. Tree preservation fees shall be determined by the Landscape Unit (LU) value at the rate established in the annual Comprehensive Fee Schedule. In order to reclaim financial securities, the applicant shall request a final project inspection by the Planning Division. ***\*Mitigation- The applicant shall submit the required financial securities prior to the issuance of a building permit. (PLANNING, PARKS AND RECREATION)***
8. TREE REPLACEMENT/IN LIEU FEES - The applicant shall plant trees equivalent to the Landscape Unit (LU) value of trees to be removed or pay a fee in lieu of planting trees at the rate of ninety dollars (\$90.00) per required LU per the arborist report and the mitigation measures contained in the Mitigated Negative Declaration. ***\*Mitigation- The applicant shall pay the required LU fees prior to the issuance of a building permit. The fees will go in to the City's Tree Preservation fund to ensure that replacement plantings are planted within the City of San Mateo. (PLANNING, PARKS AND RECREATION)***
9. PERMIT FOR REMOVAL OF MAJOR VEGETATION - The applicant shall obtain a Site Development Permit from the Planning Division for removal of major vegetation (trees 6" diameter or larger) prior to the issuance of a grading or building permit. Fees for tree removal shall be based on the number of trees to be removed in accordance with City regulations. (PLANNING)
10. MECHANICAL VENTILATION - All mechanical ventilation for subterranean garages shall be incorporated into the building architecture, structure, or landscape areas as delineated on the approved planning application drawings. (PLANNING)
11. ABOVE GROUND UTILITIES, EQUIPMENT, AND DEVICES - All ground level utilities, equipment, and other project related operational devices shall be designed and located as delineated on the approved planning application drawings. These project utilities shall be incorporated into the design of the project and screened from public view by a solid wall or solid fence, and/or perimeter landscaping. (PLANNING)
12. REFUSE MANAGEMENT PLAN - The applicant shall develop a refuse management plan to describe how trash and recycling pickup will be handled for the project. The applicant shall provide information to the City stating that the local refuse company has reviewed and approved the plan. This plan shall then be submitted to the City for review and approval. (PLANNING)
13. RECYCLING COLLECTION AREA REQUIREMENTS – The applicant shall be required to construct and maintain recycling collection areas on the property in accordance with City regulations and Standards

(Municipal Code §27.86). The areas and dimensions for recycling collection areas shall meet the standards established by the local recycling collection provider (Allied Waste). The design, location, size, and number of recycling collection areas approved as part of this planning application shall remain as approved in the planning application as long as the use occupies the property, unless an alternate location is authorized by the Chief of Planning and/or Zoning Administrator. (PLANNING)

14. HOLD HARMLESS - Subdivider agrees, on behalf of himself, his successors in interest and assigns, to defend, indemnify, and hold harmless the City of San Mateo, its agents, officers and employees from any claim, action or proceeding against the City of San Mateo, its agents, officers, and employees to attack, set aside, void, or annul an approval by the City of San Mateo concerning the subdivision involved in this planning application. Pursuant to Government Code Section 66474.9, the City shall promptly notify the owner of any claim, action, or proceeding and shall cooperate fully in the defense. Subdivider shall record an agreement to this condition in a form satisfactory to the City Attorney's Office. (PLANNING)
15. HOLD HARMLESS - Subdivider agrees, on behalf of himself, his successor in interest and assigns to defend, indemnify and hold harmless the City of San Mateo, its agents, officers and employees from any claim, action or proceeding for instability, erosion, slippage or any other damage arising from the geological or soils condition of the subdivision site. Subdivider shall record an agreement to this condition in a form satisfactory to the City Attorney's Office. (PLANNING)
16. PHASED PROJECTS - Applicant shall submit a complete phasing plan indicating all infrastructure and other site improvements to be installed in conjunction with the construction of a particular building, parcel, or phase of development. (PLANNING)
17. REQUIRED SIGN PERMIT - Unless otherwise specified in the final approval and project description, all required on-site signage will require a separate permit that is issued through the Building Division. The applicant will be responsible for obtaining separate permits for signage through the Building Division. Signs proposed as part of the project will not be placed in the public right-of-way, nor interfere with any pedestrian, bikeway or vehicle circulation or access in and around the project site.(PLANNING)
18. ALLERGENIC, TOXIC, AND INVASIVE PLANTS SPECIES - No plants which are cited on a City-wide list of allergenic, toxic, and invasive plants species shall be installed on site. In the absence of a City-wide list, all plant material lists will be reviewed with the City Landscape Architect to identify and preclude commonly recognized allergenic, toxic, and invasive plant species. (PLANNING/PARKS AND RECREATION)
19. LANDSCAPE SOIL TESTING - The applicant must submit a soils report prepared by a Soil Testing Laboratory. The report must analyze the existing soil and recommend any corrective action or soil amendment necessary to make the soil suitable to support the proposed plantings. Any proposed corrective action or soil amendments shall be incorporated into the landscape plans. (PLANNING)
20. SCHOOL DISTRICT FEES – All required fees due to School District shall be paid to San Mateo School District and verification of payment shall be submitted to City of San Mateo Building Department prior to issuance of building permit.(BUILDING)
21. 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. (BUILDING, PUBLIC WORKS, PLANNING, FIRE)

22. LANDSCAPE IMPROVEMENTS - All landscape plans shall comply with Chapter 27.71 of the Municipal Code and shall include but not limited to the following:

1. All planting areas shall be protected from common vehicular traffic with an approved barrier designed to withstand reasonable impact from vehicles.
2. The applicant shall include the planting of 13 ginko biloba trees along the South Delaware Street and 15 London Plane trees along the Concar Drive frontages of the project, as delineated on the project landscape plan. The applicant and its successors shall irrigate these street trees at all times that the use permitted under this approval occupies the property. A street tree maintenance easement shall be required if the street trees are to be located on private property and no such easement exists.
3. An automatic irrigation system shall be provided to adequately water all proposed plantings. Backflow prevention devices shall be located in areas that are least noticeable from view and screened.
4. A two-inch (2") depth layer of mulch shall be required in all new planting areas except in areas of turfgrass or annuals.
5. 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. The applicant shall request a final inspection 90 days from building occupancy in order to reclaim cash, bonds, or securities for landscaping. (PLANNING)

24. VECTOR CONTROL PLAN - Prior to the issuance of grading and construction permits, the applicant shall provide a plan for the control and removal of rodents and other pests to prevent infestation of adjacent land uses and surrounding neighborhoods. This plan shall include pest control measures required during all phases of construction, and also for a period of six months after the completion of construction. The applicant shall be required to conform to the plan, which is subject to review and approval by the Zoning Administrator. (PLANNING)

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

26. CLIMATE CHANGE & LEED Gold Certification Standard-The project is anticipated to be constructed in conformance with LEED Gold certification standards. The LEED Gold certification standard is expected to reduce energy consumption below compliance with Title 24 and would potentially include the measures listed below.

#### Construction and Building Materials

- Use locally produced and/or manufactured building materials for construction of the project;
- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers located in public areas; and
- Use "Green Building Materials," such as those materials which are resource efficient, and recycled and manufactured in an environmentally friendly way, including low Volatile Organic Compound (VOC) materials.

#### Energy Efficiency Measures

- Design all project buildings to exceed California Building Code's Title24 energy standard, including, but not limited to any combination of the following:
- Increase insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption; and
- Incorporate ENERGY STAR or better rated windows, space heating and cooling equipment, light fixtures, appliances or other applicable electrical equipment.
- Provide a landscape and development plan for the project that takes advantage of shade, prevailing winds, and landscaping;
- Install efficient lighting and lighting control systems;
- Install light colored "cool" roofs and cool pavements;
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems; and

#### Water Conservation and Efficiency Measures

- Devise a comprehensive water conservation strategy appropriate for the project and location. The strategy may include the following, plus other innovative measures that might be appropriate:
- Create water-efficient landscapes within the development;
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls;
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances, including low-flow faucets, dual-flush toilets and waterless urinals; and
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff. ***\*Mitigation-These measures (and/or their equivalent) shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Building Division during demolition and construction activities for the project through routine inspections. (BUILDING)***

27. BUILDING FOUNDATION-Since a deep foundation will be required to construct the below grade parking it is anticipated that dense to very dense clayey sand with gravel and very stiff to hard sandy clays will be exposed therefore, a mat foundation will be used to support the proposed buildings. This type of foundation will provide adequate support for the load of the proposed buildings and will be effective in resisting hydrostatic uplift due to groundwater, In addition, a mat foundation will reduce the effects of potential earthquake induced settlement. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Building Division during demolition and construction activities for the project through routine inspections. (BUILDING)***

28. GEOLOGY AND GEOTECHNICAL REPORT-The measures identified in the Geotechnical report regarding earthwork, foundation support and pavements will be incorporated as part of the project. This will be verified as part of a final geotechnical report and will be submitted to the building division prior to issuance of a building permit. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Building Division during demolition and construction activities for the project through routine inspections. (BUILDING)***

29. HAZARDOUS MATERIALS- The measures identified in the Phase I and II studies will be implemented as part of the project. This will be verified as part of a final hazardous materials report and will be submitted to the building division within 60 days of a soils inspection for the project.

- a) Properly designed and readily-available engineered controls (passive or active vapor barriers), as well as the currently planned underlying parking garage, will be incorporated into the project to provide sufficient measures to address potential vapor intrusion concerns at the property, associated with the identified contamination.
- b) Wastewater potentially generated during site construction through dewatering activities would be discharged to the municipal sanitary sewer and a treatment system to this water will be employed to meet local, state and federal regulations for the discharge of this water.
- c) Excavated site soils will be tested prior to disposal to confirm that the concentration of constituents present in site soils do not exceed hazardous waste criteria local, state and federal regulations. If the concentration of constituents in the project site soils do exceed hazardous waste criteria, they will be disposed of as hazardous waste in accordance with local, state and federal regulations.
- d) As required by state law, an asbestos and lead paint abatement scope of work will be developed and submitted for approval by the City prior to issuance of a demolition permit for the structures on the project site. Measures outlined in this scope of work will implemented as part of the project. This scope of work will outline the performance parameters for hazardous remediation standards and regulatory compliance criteria. In addition, any asbestos abatement contractors performing work on the site will be licensed by the State.
- e) A scope of work to test equipment in the existing structures for mercury or encapsulated PCBs will be developed and submitted for approval by the City prior to issuance of a demolition permit for the structures on the project site(s). Measures outlined in this scope of work will implemented as part of the project. This scope of work will outline the performance parameters for hazardous remediation standards and regulatory compliance criteria in accordance with U.S. EPA regulations.

***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a superstructure permit for the project and shall be monitored by the Planning, Building Division during demolition and construction activities for the project through routine inspections. (PLANNING, BUILDING)***

- 30. HAZARDOUS MATERIALS CONSULTATION - The project applicant shall be responsible for notifying the County of San Mateo Health Services Agency regarding the project, prior to the start of grading on the project site. Based upon consultation with this agency, the applicant shall follow any protocol regarding the removal of hazardous materials outlined by this agency and/or the Regional Water Quality Control Board. A letter summarizing the required protocol shall be submitted to the Building Division prior to the issuance of a grading permit. ***\* \*Mitigation-These measures shall be incorporated into the project plans prior to the issuance of a grading permit. The implementation of these measures shall be monitored and verified by City inspectors during the building permit plan check and field inspections (BUILDING).***
- 31. ENCROACHMENT PERMITS, BONDS, AND INSURANCE - The applicant must obtain an encroachment permit, posting the required bonds and insurance, for all work to be done in the City's right-of-way. This encroachment permit shall be obtained prior to the issuance of a foundation building permit and prior to any work being done in the City's right-of-way. The applicant shall have street improvement plans prepared for all work in the public right-of-way by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Prior to issuance of the encroachment permit, the applicant shall submit any applicable pedestrian or traffic detour plans for any lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the State of California Manual of Uniform Traffic Control Devices (MUTCD), 2003, and standard construction

practices. Construction plans for improvements in the right-of-way shall be submitted to the City Engineer at 30%, 60%, and 90% design for review. All design assumptions and criteria shall be submitted with each phase of design submittal. Project specifications shall be included for review with the 90% design review. Public Works will review each submittal within two weeks, and provide written comments back to the project engineer, or his representative. 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 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. (PUBLIC WORKS)
- B. LANDSCAPE/HARDSCAPE IN RIGHT-OF-WAY – The applicant shall maintain all landscape/hardscape, used for pedestrian protection, greenscape, or stormwater treatment along the building frontage of South Delaware Street and Concar Drive. Due to the elevated pedestrian walkway and at grade landscape, the applicant will not be allowed to block a traffic lane on South Delaware Street or Concar Drive unless approved with an encroachment permit from the department. (PUBLIC WORKS)
- 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. (PUBLIC WORKS)
- D. SIDEWALK - SIDEWALK - The applicant shall replace to existing City standards all sidewalk surrounding the project site. Sidewalk replacement shall be constructed per City Standard Drawing 3-1-141A (or 3-1-141B) and with the sidewalks as drawn on the project plans. Sidewalk shall be continuous along the entire project frontage and shall tie in with appropriate transitions to the directly adjacent sidewalks to the approval of the City Engineer. Any public sidewalk located on private property shall be within a pedestrian access easement, which shall be recorded by the applicant to the approval of the City Engineer prior to the issuance of the encroachment permit. (PUBLIC WORKS)
- E. CURB RAMP(S) - The applicant shall construct one curb at the Building 2 site corner of Concar/Delaware associated with reconstruction of the pork chop island.. A second curb ramp shall be constructed along the Building 1 frontage in association with the bulb-out and mid-block crosswalk location. The actual ramp "Case" shall be identified on the plans, shall be in accordance with State Standard Drawing No. RNSP A88, and shall be to the approval of the City Engineer. (PUBLIC WORKS)
- F. CURB AND GUTTER - The applicant shall replace to existing City standards all curb and gutter surrounding the project site. New curb and gutter shall be constructed per City Standard Drawing 3-1-141A. (PUBLIC WORKS)
- G. DRIVEWAY APPROACHES - The applicant shall install two (2) City Standard Commercial

driveway approaches as shown on the approved plans. The new commercial driveway approach shall be constructed per City Standard Drawing 3-1-148. Due to potential driver/pedestrian conflict at the Delaware driveway for Building 2, the applicant shall install signage for pedestrians indicating to watch for cars exiting the site via the ramp, and signage for vehicles using the ramp to watch for pedestrians. Pedestrian/vehicle interaction at the project driveways shall be reviewed during plan check of construction drawings, and appropriate warning signage shall be placed to the approval of the City Engineer. (PUBLIC WORKS)

- H. DRIVEWAY REMOVAL - The applicant is to remove all existing driveway approaches along the project frontage that will not be used by the project and replace them with sidewalk, curb and gutter per City Standard Drawing 3-1-141A. (PUBLIC WORKS)
- I. SEWER LATERAL – The applicant shall install as a minimum a six (6) inch City Standard sewer lateral connection from the property line to the tie-in point. No connection shall be made directly to the 30” sanitary sewer line on Concar, or the 33” sanitary sewer line along the Delaware project frontage. Instead, the sewer connections from the site shall be made directly to the sanitary sewer manholes along the project frontage to the approval of the City Engineer. The installations shall be done in accordance with City Standard Drawing 3-1-101 including a 6" property line clean-out. (PUBLIC WORKS)
- J. STREET LIGHT(S) - City-Wide Post Top. The applicant shall provide and install post top street lights per City Standards along the project frontage and contribute to the City one hundred and thirty-five dollars (\$135.00) per street light service point to the City to cover PG&E hook-up charges. Any new service point connection required to power the new lights shall be shown on the construction drawings along with the conduit, pull boxes and other items necessary to install the street lights. The lights shall be (150) watt with mogul socket, (240) volt (HPSV or Multi-top balast) with a Type III distribution. The light shall be either:  
a) Holophane Washington Series Post Top fixture with finial, ribs, bands and medallions mounted on a 14’ fluted North Yorkshire style cast aluminum pole; or b) Hadco Post Top Fixture (Dwg. No. S7557A) with finial, ribs, bands and medallion mounted on a 14’ fluted Hapco (Dwg. No. B81200) cast aluminum pole; or c) Approved equal. The color of the pole shall be Tiger Drylac Brand Midnight Green (49/51540, RAL 6012, batch #CAL 7572). The base shall fit the City Standard 11” bolt circle pattern slotted for adjustment from 10” to 12” and shall be constructed on a street light base per City Standard Drawing 3-1-161 with 1” bolts. The square bolt pattern configuration shall be installed parallel to the face-of-curb. The final location and style of street lights and poles are to be reviewed and approved by the Zoning Administrator and City Engineer during review of the submitted construction lighting plan. As these lights are a long lead-time item, it is recommended that the applicant contact the manufacturer early in the construction phase of the project. (PUBLIC WORKS)
- K. COMPLIANCE WITH CORRIDOR AREA STREETScape MASTER PLAN –  
The landscape/streetscape plans for the project shall comply with any streetscape improvements, including street lighting type, street furniture, bicycle facilities or other such enhancement, as defined in the Corridor Area Streetscape Master Plan. Bicycle facilities shall include two city standard (inverted U or similar bike racks) as close as possible to each building entry, clear of pedestrian travel path. Construction plans shall show these improvements to the approval of the City Engineer. (PUBLIC WORKS)

- L. PORK-CHOP ISLAND RECONSTRUCTION – The development within the Corridor Plan area will generate additional pedestrian trips at the Concar/Delaware intersection. It has been determined that this project will contribute 33% of those new pedestrian trips. The southwest quadrant of the intersection contains a pork chop island which allows free right-turn movement from eastbound Concar to southbound Delaware. To promote pedestrian crossing safety in this intersection quadrant, Public Works recommends the removal of the pork chop island and reconstruction of the southwest intersection quadrant. The estimated cost of this improvement is \$265,000. The applicant shall fund thirty-three percent of the \$265,000 cost of the pork chop island removal improvements, or \$87,450 as described in the project development agreement. Per the development agreement, the applicant shall fund and construct the pork chop island improvements. The applicant is responsible to pay the \$87,450 for their portion of the construction, with an additional \$116,600 towards the project as public benefit, and can only be reimbursed up to \$60,950. (PUBLIC WORKS)
- M. CONCAR MID-BLOCK CROSSWALK – The applicant shall construct a mid-block lighted crosswalk across Concar Drive and pedestrian bulb-out as shown on the approved plans for Building 1. Details of the lighted crosswalk shall be shown on the construction drawings and shall be to the approval of the City Engineer. If other projects in the project area are developed within the timeline of the project development agreement, the City will condition these projects to reimburse the applicant for a portion of the cost of the lighted crosswalk improvements (not including the pedestrian bulb improvements on along the Hines frontage). (PUBLIC WORKS)
- N. S. DELAWARE ST. SIDEWALK – The sidewalk along S. Delaware Street adjacent to the project site along Building 2 and S. Delaware St. shall be designed in accordance with the Exhibit titled-Sheet L1.0R-Building 2 Landscape Layout Plan, and Sheet L2.2 Street Sections subject to the satisfaction and approval of the City Engineer (PUBLIC WORKS).
- O. CONCAR ST. SIDEWALK – The sidewalk along Concar Street adjacent to the project site along Building 1 and Concar Street. shall be designed in accordance with the Exhibit titled-Sheet L1.1R- Building 1 Landscape Layout Plan and Sheet L2.3-Street Sections, subject to the satisfaction and approval of the City Engineer (PUBLIC WORKS).
32. INTERIOR FLOOR DRAINS – All interior floor drains shall be plumbed to connect to the sanitary sewer system, and shall not be connected to stormwater collection system per the County's C.3 Stormwater Pollution Prevention Program requirements. (PUBLIC WORKS)
33. STORM DRAIN INLETS AND WATERWAYS - Per the County's C.3 Stormwater Pollution Prevention Program requirements, the applicant shall mark with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City standards on all storm inlets surrounding and within the project parcel. (PUBLIC WORKS)
34. LOADING DOCKS – Per the County's C.3 Stormwater Pollution Prevention Program requirements, the applicant shall cover loading docks to minimize run-on to and run-off from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area. Water from covered loading dock areas shall be drained to the sanitary sewer. (PUBLIC WORKS)
35. CLEAN, INSPECT AND REPAIR STORM LINE - The applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project tie-in. The owner of Building 1 is responsible for its frontage and the owner of Building 2 is responsible for its frontage. The video inspection shall be done by a professional video inspection company, to City standards, and be completed prior to building permit issuance. The video inspection shall be

conducted within 6-months of obtaining the building permit. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. The required repairs, as determined by the Public Works Department, shall appear on the improvement plans submitted by the applicant for permit plan check. All necessary repairs to the storm line shall be completed and approved prior to connection from the project site. (PUBLIC WORKS)

36. UNDERGROUND UTILITIES - The applicant must agree to 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. (PUBLIC WORKS)
37. DRAINAGE - All storm runoff drainage shall be directed to the public street, fronting the project site unless otherwise approved by the City Engineer, with a minimum grade of two (2) per cent over landscaped areas and one-half (1/2) per cent over paved areas. Drainage structures designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site is encouraged, subject to the approval of the City Engineer. Where necessary, sidewalk drains per City Standard Drawing 3-1-120 shall be provided to direct the water under the sidewalk and through the curb. 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 drainage improvements 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.

For project sites which involved land disturbance of one or more acres (Type IV projects): The project applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board to obtain coverage under the State General Construction Activity NPDES Permit. Proof of permit must be provided to the Public works Department prior to issuance of the Encroachment Permit. (PUBLIC WORKS)

38. UNDERGROUND PARKING GARAGE DRAINAGE - Water from the underground parking garage shall not be discharged onto the public street. The applicant shall design a storm system to separate the oil and water and connect to the City's sanitary sewer system. The design shall be done by a licensed Civil Engineer who shall provide hydraulic calculations and drawings subject to the approval of the City Engineer. (PUBLIC WORKS)
39. PARKING LOTS - The applicant shall submit plans for all required off-street parking lots showing proper grading, drainage, ramps profile, 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. The ramp profile shall include ten foot vertical curves at the top and bottom of each ramp as per City standard drawing 3-1-170. (PUBLIC WORKS)
40. TRIANGULAR AREA OF VISIBILITY – Landscaping and permanent structures located within the 10' triangular area of visibility at the driveway, and 45' triangular area of visibility at any project corner, shall have a minimum vertical clearance of 7', and/or be less than 3' in height. This includes all PG&E above ground structures and other utility facilities. (PUBLIC WORKS)

41. SITE DEVELOPMENT PERMIT-GRADING - The applicant must obtain a site development permit from the Public Works Department for site grading and excavation and shall submit to Public Works, for review with the building permit application and construction plans, a site grading and drainage plan prepared by a registered Civil Engineer with all supporting data, including hydraulic calculations, in accordance with requirements of the City's Site Development Code (SMMC 23.40). A deposit and non-refundable fee shall be submitted by the applicant based upon the Comprehensive Fee Schedule, established by the City Council, in effect at the time the building permit application is made. Using the current Comprehensive Fee Schedule, the site development permit fee for this project will be \$32.00 and the deposit is calculated to be \$25,000.00. Public Works plan checking of the site grading and drainage plans submitted with the building permit plans cannot proceed until fee and deposit are paid. 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)
42. 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)
43. CALTRANS PERMIT - Prior to the issuance of a foundation building permit, the applicant must submit evidence to the Public Works Department of approval by the State of California for the performance of any work within the State right-of-way. If the City is required to be a party to the permit application and a fee is required, the applicant shall reimburse the City for its cost. The Applicant is encouraged to contact the Caltrans permit office as soon as possible to learn what is required to obtain Caltrans approval and issuance of a State Encroachment Permit. This condition applies only to the project, not the Public Benefits Associated with the Development Agreement for the project. (PUBLIC WORKS)
44. 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)
45. FLOOD HAZARD AREA - The lot is located within an area designated as Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA).

In all areas of special flood hazards the following standards are required:

1. Anchoring:
  - a. All new construction shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. Construction materials and methods - All new construction and substantial improvement shall be constructed:
  - a. with flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, or as amended, and utility equipment resistant to flood damage;
  - b. using methods and practices that minimize flood damage;

- c. with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- 3. Elevation and floodproofing - Nonresidential construction shall either be elevated to conform with San Municipal Code, Section 23.33.050(a)(3)(i) or together with attendant utility and sanitary facilities:
  - a. be floodproofed below the elevation recommended under San Municipal Code, Section 23.33.050(a)(3)(i) so that the structure is watertight with walls substantially impermeable to the passage of water, additionally conforming to the standards specified in FEMA Technical Bulletin TB 3-93 and FEMA Technical Bulletin TB 6-93 , or as amended;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - c. prior to the approval of the building permit application, provide a completed floodproofing certificate;
  - d. be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator upon completion of the project.

*(BUILDING) \*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Building Division during demolition and construction activities for the project through routine inspections. (BUILDING)*

- 47. SHORING/SCAFFOLDING - A separate building permit shall be required for all shoring and scaffolding work. Shoring /scaffolding plans, calculations, etc., shall be reviewed and approved by Building Division. The applicant will be required to obtain an encroachment permit from the Public Works Department for scaffolding erected within the public right-of-way. (BUILDING)
- 48. 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 prepare the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the City of San Mateo.
 Prior to final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading and associated site work substantially conform to the approved plans, specifications and investigations. (BUILDING)
- 49. DEMOLITION - Demolition permits shall be issued in accordance with California Building Code Chapter 33. Prior to permit issuance, a completed Worksheet/Application and a Demolition Plan must be submitted and approved by the Building Official. This form is available at the Building Division Counter. (BUILDING)
- 50. SECURITY ORDINANCE REQUIREMENTS – The building permit plans shall comply with the City’s Security Ordinance; San Mateo Municipal Code 23.54. In particular, the following sections

shall apply:

- 1) 23.54.050 \*
- 2) 23.54.060
- 3) 23.54.090
- 4) 23.54.110

\* According to the plan review at this phase, there is no indication that any financial institution would occupy the building. If that does occur, additional security conditions would be imposed. (POLICE, BUILDING).

51. FIRE HYDRANTS: Install fire hydrants at 300 ft spacing. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure and shall be equipped with (1) 4 ½" x (2) 2 ½" connections. Water supply for fire protection is required to be installed in accordance with the San Mateo Fire Department and the California Water Service specifications. The water supply shall be operable PRIOR 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)
52. BARRICADES, FENCES, OR GATES: The installation or use of barricades, fences shall have prior approval of the Bureau of Fire Protection and Life Safety. (FIRE)
53. FIRE SAFETY DURING CONSTRUCTION – Buildings under construction shall comply with the requirements with the California Fire Code chapter 14. All additional fire permits required by the California Fire Code shall be obtained from the Bureau of Fire Protection and Life Safety. (FIRE)

**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.**

54. 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. Currently, the estimated fee for this project \$53,226.89. The final fee shall be calculated from the final plans using the fee schedule in effect at the time of building permit application. The fee shall be paid prior to issuance of the superstructure building permit. (PUBLIC WORKS)
55. 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. Currently, the estimated transportation improvement fee for this project is \$1,249,036.93. The final fee shall be calculated from the final plans using the fee schedule in effect at the time of building permit application. The fee shall be paid prior to issuance of the superstructure building permit. (PUBLIC WORKS)
56. SEWER CHARGE – SOUTH TRUNK RELIEF PROJECT CHARGE - 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 final fee shall be calculated from the final plans using the rate schedule in effect at the time of the building permit application. The fee shall be paid prior to

issuance of the superstructure building permit. (PUBLIC WORKS)

57. FIRE SPRINKLER SYSTEM: Install an N.F.P.A. 13 or 13R or 13D fire sprinkler system complying with local amendments. Submit under separate fire plan check and permit. Separate plan check permit is required for the underground fire service. (FIRE)
58. COMBINATION SPRINKLER/STANDPIPE: Install a combination fire sprinkler/standpipe system on each level with 2½" x 1½" reducer caps. Submit under separate fire plan check and permit. Use installation standard NFPA 14 and local amendments. (FIRE)
59. FIRE ALARM SYSTEM: Install an N.F.P.A. 72 manual  or automatic  fire alarm system complying with local amendments. Submit under separate fire plan check and permit. (FIRE)
60. ACCESS: The applicant shall provide red curbs, curb lettering or fire lane signs in accordance with local amendments. (FIRE)
61. FIRE-SAFETY—Building under construction shall comply with the California Fire Code chapter 14. (FIRE)
62. BARRICADES, FENCES, or GATES: The installation or use of barricades, fences, or gates shall have prior approval of the fire chief. (FIRE)
63. 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)
64. ELECTRICAL POWER DISCONNECTING MEANS: An approved key switch shall be provided to disconnect (shunt) electrical power by Fire Department personnel. Contact the Bureau of Fire Protection and Life Safety to coordinate the exact location for such devices. (FIRE)
65. 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, HVAC smoke detection as required, elevator recall and building address numbers shall be installed and approved by the fire department before clearance for certificates of occupancy. (FIRE)

**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.**

66. TRANSPORTATION DEMAND MANAGEMENT PROGRAM – The project must implement a Transportation Demand Management Program using programs in compliance with the San Mateo City/County Association of Governments (C/CAG) Guidelines for Trip Reduction. These programs, once implemented, must be on-going for the occupied life of the development. The C/CAG Guidelines specify the number of trips that may be credited for each TDM measure. The actions included in the plan will include those listed in the project Trip Reduction Plan (Secure Bicycle Storage; Shower Changing Facilities, Guaranteed Ride Home Program; Information on Transportation Alternatives; Carpool Matching Program and Preferential Parking for Carpools/Vanpools; Employee Transportation Coordinator; TMA Participation; Parking Reduction; Carsharing; Shuttle Participation; Flexible Work Hours/Telecommuting and an option to participate in the Caltrain GO Pass Program.) prepared by Nelson/Nygaard dated October 27, 2009, the project Traffic Impact Analysis dated April

8, 2010, or a combination of other actions based on the C/CAG Guidelines, that result in a 25% reduction of project generated trips. The program shall be recorded in a manner deemed appropriate by the City Attorney.

The adjacent neighborhoods may provide notice to the City that the project appears to be causing a greater impact to neighborhood parking or corridor traffic or that the projects do not appear to be meeting its project trip reduction goals. Upon receipt of said notice, staff shall conduct the necessary parking and traffic counts to validate the identified concerns and will agendize a meeting at the next available Public Works Commission meeting to review the traffic conditions within the corridor and the results of the data collection.

- a) Required Trip Reduction: The trip reduction shall be reduced as follows:
  - A threshold of a 25% peak hour trip reduction (from 504 AM peak hour trips to 378 AM peak hour trips, and 484 PM peak hour trip to 363 PM peak hour trips) shall begin upon occupancy of the project per the Trip Reduction Plan prepared by Nelson/Nygaard dated October 27, 2009 and the project Traffic Impact Analysis dated April 8, 2010.
  
- b) Monitoring: The trip reduction requirements shall be monitored and verified by the City and Transportation Management Association (TMA), and shall be reported annually to the City Council. Prior to monitoring, the City and TMA shall retain a scope of work for review from a consultant experienced with traffic monitoring. The method of monitoring will be coordinated through City and TMA efforts and could consist of the following:
  - Driveway Counts, Queuing and Circulation – PM peak hour driveway counts (covering at least the period 4 PM to 6 PM) conducted annually for at least a five-day period (Monday through Friday). Commencement of the driveway counts shall begin within 60 days of full occupancy and shall be performed annually thereafter. The City or TMA may conduct supplemental counts to measure progress as necessary. During the collection of driveway count data, a queuing analysis shall also be conducted for both entering and exiting vehicles. A review of the driveway(s) circulation shall also be conducted for conformance with the analysis done in the project traffic impact analysis.
  - Cordon Counts – Cordon counts of major roadways that provide access to the Corridor Plan area to identify cumulative trip reduction trends and determine if the Corridor Plan area is meeting the overall goal of 25% trip reduction.
  - Intersection Counts – Intersection counts along the Delaware corridor to determine change in intersection volume and level of service due to increased development along the corridor and for conformance with General Plan level of service standards.

If the 25% trip thresholds are not met, the building owners shall work with the City and TMA to improve the effectiveness of their TDM program.

- c) Non-Compliance with 25% Trip Reduction Measures: If during review of the annual TMA monitoring it is determined that the project has not met its site 25% trip reduction, it will be identified as being in non-compliance status. Notification will be sent to the developer by registered mail indicating this status. Within ninety (90) calendar days of receipt of the non-compliance notice, the developer will be required to submit a revised TDM program that includes more aggressive trip reduction strategies. The revised program is to identify what TDM measures will be replaced and what new measures will be implemented. Review of the revised TDM program will be scheduled for review at the next available Public Works Commission meeting. The new TDM measures are to be implemented within ninety (90) calendar days of approval by the Public Works Commission. Annual site counts shall take place 12 months after implementation of the revised TDM measures. A second consecutive

count period that shows that the project is not meeting its 25% trip reduction will trigger a review of the project TDM program by the City's Planning Commission which may result in the City implementing stricter or more aggressive trip reduction measures or strategies on behalf of the developer. This does not preclude an earlier meeting with the Public Works Commission that may be requested through the adjacent neighborhoods though such meeting shall not alter the 12-month timeframe mentioned above. Planning Commission review will focus on alternative industry-standard TDM measures used in the Bay Area, or increasing the effectiveness of the TDM measures listed in the Nelson/Nygaard report dated October 27, 2009.

If necessary, the final step in TDM plan program modification may be the implementation of paid parking (or parking cash-out). Dependent on the make up of the TMA, it may be necessary to modify the monitoring of the TDM measures outlined above, however, any changes to the monitoring will not change the essence of the requirements and will still ensure that the trip reduction requirements are met. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the operation of the project through routine inspections. (PUBLIC WORKS)***

67. TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) – The project shall participate in the TMA formed to manage projects within the Corridor Plan. As a participant, the project would be required to share the costs to fund annual TMA administration and management and share the costs of programs and services provided to participants. The TMA could conduct and coordinate annual trip generation monitoring, which would be paid for through the annual membership fees. (PUBLIC WORKS) ***\*Mitigation-The project shall participate in the TMA and shall be monitored by the Public Works Department during the operation of the project through routine inspections (PUBLIC WORKS.)***

68. RECORD DRAWINGS - The applicant shall submit one full set of original Mylar record drawings and construction specifications for all off-site improvements to the Department of Public Works prior to the issuance of any occupancy permit. All underground facilities shall be shown on the record drawings as constructed in the field. The applicant shall also provide the City with an electronic copy of the as-builts in either AutoCAD version 14 or 2000 - 2006 (.dwg or .dxf format). (PUBLIC WORKS)

69. RESTORATION OF ROADWAY – The construction traffic generated by this project will damage the pavement along the haul route and along the project frontage. The applicant shall restore the pavement to a condition prior to construction by grinding and overlaying with 0.20 feet of asphalt concrete the roadways anticipated to be damaged as a result of construction activities within the general area of the project and along the designated haul route, or pay for its fair share of the pavement improvements to the satisfaction of the City Engineer. The City Engineer shall approve the roadway repair prior to the first occupancy of the building. (PUBLIC WORKS)

RESTORATION OF PUBLIC IMPROVEMENTS - The applicant shall repair or replace all existing improvements not designated for removal which are damaged or removed as a result of his operations. Improvements such as, but not limited to, curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, or signs shall be repaired and replaced to a condition equal to or better than the original condition. The applicant shall also protect all underground utilities within the right-of-way, or on-site easement, intended to remain operational at the end of project construction. Existing improvements to be repaired or replaced shall be at the direction of the Public Works inspector. Applicant shall request a walk-through with the Public Works inspector prior to the start of construction to verify existing conditions. (PUBLIC WORKS)

70. STORM WATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT – The applicant shall execute a maintenance agreement with the City's as specified in Chapter 7.39.210-230 of the Stormwater Management and Discharge Control ordinance. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. This agreement shall be executed prior to the first occupancy of the building. (PUBLIC WORKS)
71. PRE-OCCUPANCY INSPECTION – A minimum of 10 days prior to anticipated occupancy, the applicant shall have scheduled final inspections by all Departments requiring conditions of approval. (BUILDING)
72. ART IN PUBLIC PLACES - The applicant shall comply with Building Code Chapter 23.60 Art in Public Places or pay a fee in lieu of dedication of public art equal one-half of one percent of the total building valuation, excluding land acquisition and off-site improvement costs (Chapter 23.60). The final fee will be paid into the Art in Public Places Fund and will be determined based on the approved project and construction drawings. The fee shall be paid prior to occupancy. (BUILDING)
73. LETTER OF COMPLIANCE – The designer or architect of record shall submit a stamped and signed letter of compliance that the construction is consistent with the approved building permit plans, prior to scheduling the final Planning Division inspection. (PLANNING)
74. VERIFICATION OF LANDSCAPE INSTALLATION – The applicant shall submit a letter prepared by the project landscape architect stating that all landscape improvements (including trees, shrubs, and irrigation systems) have been installed in compliance. (PLANNING)

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

75. 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.

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), 2003, and standard construction practices. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the construction of the project through routine inspections. (PUBLIC WORKS)***

76. 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: US 101 to SR92 to Delaware Street to the 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. 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. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work.

The applicant shall provide a construction-parking plan that minimizes the effect of construction worker parking in the neighborhood and shall include an estimate of the number of workers that will be present on the site during the various phases of construction and indicate where sufficient off-street parking will be utilized and identify any locations for off-site material deliveries. Said plan shall be approved by the City Engineer prior to issuance of City permits and shall be enforced during construction. Failure to enforce the parking plan may result in suspension of the City permits. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the construction of the project through routine inspections. (PUBLIC WORKS)***

77. ARCHAEOLOGICAL FINDS - The City of San Mateo shall require implementation of a monitoring and response procedure during construction of any proposed project within the project area in order to avoid adverse effects on potentially significant archaeological resources. Specific steps in the procedure are described below:
- a) Prior to construction, the construction contractor and subcontractors shall be informed of the legal and regulatory consequences of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other significant cultural materials from the site. Significant cultural materials include but are not limited to: aboriginal human remains; chipped stone; groundstone; shell and bone artifacts; concentrations of fire-cracked rock; ash and charcoal; shell; bone; and historic features such as privies or building foundations.
  - b) If, during any phase of project construction, archaeological resources or human remains are discovered, work shall be halted within a 50-foot radius of the find. Work shall not be resumed until the find has been evaluated and potential significance determined by a qualified professional archaeologist.
  - c) If the qualified archaeologist determines that any finds are significant, then representatives of the construction contractor, the City of San Mateo, and the qualified archaeologist shall determine the appropriate course of action. In the event that human remains are discovered, the provisions outlined in CEQA Guidelines Section 15064.5 shall be implemented. This would require consultation with the Native American Heritage Commission, if the remains are Native American.
  - d) All artifacts or samples collected as part of the initial discovery, monitoring, or mitigation shall be properly preserved, catalogued, analyzed, evaluated, and curated along with the associated documentation in a professional manner consistent with current archaeological standards.

***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Planning and Building Divisions during the construction of the project through routine inspections. (PLANNING, BUILDING)***

78. PALEONTOLOGICAL RESOURCES - Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery. The City of San Mateo Planning Division shall be immediately notified, and the applicant shall be responsible for retaining the services of a qualified paleontologist to determine the significance of the discovery. The paleontologist shall evaluate the uniqueness of the find, and prepare a written report documenting the find and recommending further courses of action. Based on the significance of the discovery, the actions may include avoidance, preservation in place, excavation, documentation, recovery, or other appropriate measures as determined by the paleontologist. (PLANNING)
79. WASTEWATER DISCHARGE-Wastewater potentially generated during site construction through dewatering activities would be discharged to the municipal sanitary sewer and a treatment system to this water will be employed to meet local, state and federal regulations for the discharge of this water. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the construction of the project through routine inspections. (PUBLIC WORKS)***
80. EXCAVATED SOILS-Excavated site soils will be tested prior to disposal to confirm that the concentration of constituents present in site soils do not exceed hazardous waste criteria local, state and federal regulations. If the concentration of constituents in the project site soils do exceed hazardous waste criteria, they will be disposed of as hazardous waste in accordance with local, state and federal regulations. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Planning and Building Divisions during the construction of the project through routine inspections. (PLANNING, BUILDING)***
81. CONSTRUCTION ACTIVITIES - To control traffic congestion, noise, and dust during site excavation, grading and construction, construction activities related to the issuance of any building permit shall be restricted to the weekday hours between 7:00 a.m. and 7:00 p.m. Building construction activities may be conducted on Saturday from 9:00 a.m. - 5:00 p.m. and on Sunday from 12:00 noon - 4:00 p.m. The hours of construction do not apply to construction work that takes place inside a completely enclosed building that does not exceed the exterior ambient noise level as measured ten feet from the exterior property line. 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 7:30 - 8:30 a.m. and 4:00 - 5:30 p.m. No work being done under the issuance of a Public Works encroachment permit may be performed on the weekend. Signs outlining these restrictions shall be posted at conspicuous locations on site***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the and Building Divisions during the construction of the project through routine inspections. (BUILDING)***
82. AIR QUALITY - The following measures are included in the project to reduce potentially significant air quality impacts to a less-than significant level.
- a) Water all active construction areas at least twice daily.

- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- g) Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- h) Limit traffic speeds on unpaved roads to 15 mph.
- i) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j) Replant vegetation in disturbed areas as quickly as possible. ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the construction of the project through routine inspections. (PUBLIC WORKS)***

83. 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. Detail information can be located at: <http://www.flowstobay.org/documents/business/construction/SWPPP.pdf> (PUBLIC WORKS) ***\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the construction of the project through routine inspections. (PUBLIC WORKS)***

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

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

- 1) The following criteria are met:
  - a) Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or
  - b) Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require acceptance by the City of San Mateo.
  - c) An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health

and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.

- 2) The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.
- 3) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the construction activity.
- 4) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.

The Building Official may revoke the exemption at any time if the contractor or owner of the property fails to abide by the conditions of exemption or if it is determined that the peace, comfort and tranquility of the occupants of adjacent residential or commercial properties are impaired because of the location and nature of the construction. The waiver application must be submitted to the Building Official ten (10) working days prior to the requested date of waiver.

*\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Building Division during the construction of the project through routine inspections. (BUILDING)*

85. FIRE APPARATUS ACCESS: Maintain a 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.
86. 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.
87. PREMISE NUMBER: The applicant shall insure that any and all buildings will be posted with an address number easily visible from the access road.
88. PROGRAM SUPERINTENDANT: 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.
89. GEOTECHNICAL MONITORING- A Geotechnical Engineer will be retained to observe site grading and foundation installation and to observe compliance with the design concepts, specifications and recommendations in the Geotechnical report. *\*Mitigation-These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Building Division during the construction of the project through routine inspections. (BUILDING)*

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

90. POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) -- In accordance with the City's Storm Water Management and Discharge Control Rules and Regulations (SMMC 7.38.020),

and the San Mateo Countywide Stormwater Management Plan (SWMP) by reference, the applicant shall:

- A. Owner/occupant shall inspect private storm drain facilities at least two (2) times per year and sweep parking lots immediately prior to and once during the storm season.
- B. The applicant shall pay a fee on a yearly basis for cost associated with, but not limited to, biannual inspection of the private storm drain facilities, emergency maintenance needed to protect public health or watercourses, and facility replacement or repair in the event that the treatment facility is no longer able to meet performance standards or has deteriorated. The annual fee shall be as outlined in the agreement per condition # 70, STORM WATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT.
- C. Label new and redeveloped storm drain inlets with the phrase "No Dumping – Drains to Bay", (plaques) to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Template ordering information is available from the Department of Public Works.
- D. All process equipment, oils fuels, solvents, coolants, fertilizers, pesticides, and similar chemical products, as well as petroleum based wastes, tallow, and grease planned for storage outdoors shall be stored in covered containers at all times. (PUBLIC WORKS) ***\*Mitigation- These measures shall be incorporated on the project building plans prior to the issuance of a building permit for the project and shall be monitored by the Public Works Department during the construction of the project through routine inspections. (PUBLIC WORKS)***

91. PENALTY – In accordance with San Mateo Municipal Code section 27.02.210-Violations of Planning Application Conditions, any violation of any of the conditions of approval is unlawful and will subject the property owner to the penalties set forth in Chapter 1.04-General Penalty of the San Mateo Municipal Code as well as any other available legal remedies. (CITY ATTORNEY)

92. 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. (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.