

EXHIBIT B
CITY OF SAN MATEO PLANNING APPLICATION
CONDITIONS OF APPROVAL & MITIGATION MONITORING PROGRAM
PA #15-055, STATION PARK GREEN
FORMAL SITE PLAN AND ARCHITECTURAL REVIEW (SPAR), SITE DEVELOPMENT PLANNING (SDP),
AND VESTING TENTATIVE PARCEL MAP (VTM)
1700-1790 SOUTH DELAWARE STREET
PARCEL(S) #035-200-060 & 035-200-180
AS APPROVED BY THE PLANNING COMMISSION ON 01/13/2015

These Conditions of Approval & Mitigation Monitoring Program (Conditions of Approval) amend, restate, augment, and supersede in their entirety the Conditions of Approval & Mitigation Monitoring Program adopted by the City of San Mateo (City) in connection with PA #07-030, on January 18, 2011. Unless otherwise specified in these Conditions of Approval, responsibility for each enumerated condition of approval is assigned to either the applicant for Planning Application #14-055 (PA #14-055), which is ARJAX Railroad Associates II, LLC (Applicant).

The following conditions of approval apply to the project referenced above. The conditions of approval are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance.

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

1. CONFORMANCE WITH APPROVED PLANNING APPLICATION - All building permit drawings and subsequent work undertaken at the Project Site in connection with the Project, including subdivision, demolition, grading, construction, and landscaping, shall substantially conform to the Station Park Green Specific Plan (Specific Plan), Station Park Green Design Guidelines (Design Guidelines), the Site Plan and Architectural Review (SPAR) application, the Site Development Planning (SDP) application, and the Vesting Tentative Parcel Map (VTM), together constituting PA #14-055, approved by the Planning Commission on January 13, 2014, and the City Council on February __, 2015, as well as the *Development Agreement by and between the City of San Mateo and ARJAX Railroad Associates IL LLC Relative to the Development Known as Station Park Green*, approved by the San Mateo City Council on February 7, 2011, effective March 9, 2011, and recorded on March 4, 2011, in the Official Records of the County of San Mateo, as Document No. 2011-026486 CONF (Development Agreement), as such substantial conformity is determined by the Chief of Planning.

Documentation of any changes to the drawings approved through SPAR shall be provided at the time of building permit submittal. The Chief of Planning and/or Zoning Administrator of the Planning Division of the City's Community Development Department (Planning Division) shall review any proposed modification to PA #14-055. Modifications to building permit plans shall 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 to PA #14-055, or whether a new planning application shall 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, as required by the City's Municipal Code (Municipal Code).

2. MITIGATION MONITORING - The Applicant shall be responsible for compliance with the mitigation measures adopted as part of the Initial Study and Mitigated Negative Declaration for the Project approved by the City Council on January 18, 2011 (MND), for which the City filed the Notice of Determination on January 20, 2011, and the Addendum to the MND approved by the Planning Commission on January 13, 2014, and the City Council on February ____, 2015 (Addendum), all in satisfaction of the California Environmental Quality Act (CEQA). The Mitigation Monitoring and Reporting Program (MMRP) for the Project identifies the time frame and responsible party for implementation and monitoring of each mitigation measure adopted by the City Council; and is hereby incorporated into these Conditions of Approval in accordance with California Public Resources Code Section 21081.6. In the event that a specific condition of approval as adopted by the City Council with respect to any project-related impact is worded differently than the mitigation measure specified in the MND or Addendum, then the condition of approval shall take precedence, consistent with CEQA Guidelines Section 15074.1.
3. CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval beginning on sheet 2 of the plans. (PLANNING)
4. NOTICE OF PROJECT RESTRICTIONS – The Applicant 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 #14-055, Station Park Green Specific Plan, Design Guidelines, SPAR, SDP, and VT.M.

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)

5. PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The 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)
6. PRE-CONSTRUCTION CONFERENCE FOR LARGE PROJECTS- Prior to permit issuance of any demolition permit, SDP, or building permit, a pre-construction conference shall be held at a time and location agreed upon by the City and the Applicant for the purpose of reviewing Conditions of Approval and construction-site procedures. The Applicant shall be represented at such meeting by its designer(s) of record, as well as its general constructor, and any sub-contractors. With the exception of the City Attorney’s Office, those departments administering and/or enforcing Conditions of Approval for the project shall represent the City at such meeting. (BUILDING)
7. SITE DEVELOPMENT PERMIT FOR REMOVAL OF TREES - The Applicant shall obtain a Site Development Permit from the Planning Division for removal of existing trees with a diameter of 6" diameter or larger, prior to the issuance of a grading or building permit, whichever comes first. In lieu fees for tree removal shall be based on the Landscape Unit value of trees to be removed and the fee shall be based on the rate established in the annual Comprehensive Fee Schedule at the time the fee is paid. (PLANNING)
8. TIMING OF PARK IMPROVEMENTS - Park improvements shall be designed and constructed as specified in PA #14-055. All such designs and construction shall be reviewed and implemented in accordance with the following phasing schedule:

The Park (OS-5) – Construction of *The Park* and “C” Street around it shall be substantially complete no later than upon issuance of the first certificate of occupancy for Block RE-2.

The Gateway Park (OS-8) – Construction of *The Gateway Park* shall be substantially complete no later than upon issuance of the first certificate of occupancy for Block RE-2.

The Community Park (OS-9) – Construction of *The Community Park* shall be substantially complete no later than upon issuance of the first certificate of occupancy for Block RE-4.

The Greenway Pocket Parks (OS-10) - Construction of *The Greenway Pocket Parks* shall be substantially complete no later than upon issuance of the first certificate of occupancy for Block RE-3. (PUBLIC WORKS)

9. CULTURAL RESOURCES - Although the likelihood of encountering subsurface cultural resources on the Project Site is low, the Project includes the following measures to ensure an appropriate response if any resources are determined to exist on the Project Site. The City shall require implementation of a monitoring and response procedure during any proposed construction within the Project Site 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; ground stone; 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 a qualified professional archaeologist has evaluated the find and determined its potential significance.
 - c) If the qualified archaeologist determines that any finds are significant, then representatives of the construction contractor, the City, 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.
10. 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 (6) 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)

11. REQUIRED SIGN PERMIT - All on-site signage will require a separate permit that is issued through the Building Division. All signs shall conform to the standards delineated in the Sign Code. No signage is approved as part of this Planning Application. The applicant will be responsible for obtaining separate permits for signage through the Building Division. (PLANNING)
12. LOCATION AND FULL SCREENING OF ABOVE GROUND UTILITIES, EQUIPMENT, AND DEVICES INCLUDING TRANSFORMERS AND BACK FLOW PREVENTORS - All ground level utilities, equipment, and other project related operational/utility devices (“Items”) shall be shown on the building permit plans, consistent with the approved planning application plans. All Items should be fully screened on all four sides from public view by a solid wall or solid wood fence that complies with Municipal Code Chapter 27.84 Fences, Trees and Hedges. Landscaping in the form of densely planted tall shrubs may be utilized where placement of a fence is infeasible, subject to review and determination by the Zoning Administrator. These Items shall be setback as far as feasible from street frontages and shall be fully screened with landscaping or other screening material. The building permit plans shall show the location and screening of these items; however; the final location and required screening of all Items shall be reviewed and approved by the Zoning Administrator before issuance of a certificate of occupancy/final of the project. (PLANNING)
13. TRASH AND RECYCLING ENCLOSURES - All ground level trash and recycling enclosures must be screened from public view as approved under the Specific Plan. These facilities shall be designed and located as delineated on the approved planning application drawings. (PLANNING)
14. SCREENING OF ROOFTOP MECHANICAL EQUIPMENT – All rooftop mechanical equipment must be screened by a solid enclosure or parapet wall, in conformance with the approved planning application. Rooftop screening shall be constructed with the same building materials as the building exterior, or other compatible materials as approved by the Chief of Planning and/or Zoning Administrator. (PLANNING)
15. LANDSCAPE IMPROVEMENTS - All landscape plans shall comply with Chapter 27.71 of the Municipal Code. In addition, the following items shall be shown on project plans:
 - a) All planting areas shall be protected from common vehicular traffic with an approved barrier or separation.

- b) The Applicant shall install the following public street trees: 19 Ginkgo biloba trees, 36-inch box size, along S. Delaware Street; and 26 Platanus acerifolia 'Columbia', 36-inch box size, along Concar Drive in accordance with City Standards and the City Street Tree Master Plan. Street trees that are located in sidewalk areas shall be constructed per City Standard Drawings 3-1-847, Tree Planting Details. 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. The Applicant shall install the following private street trees: 42 Tristania conferta and 5 Fraxinus Americana, 36-inch box size, along Station Park Circle; 19 Zelkova serrata, 36-inch box size, along Green Way; and 24 Zelkova serrata, 36-inch box size, along Garvey Way Extension.
 - c) An automatic irrigation system and backflow prevention devices shall be provided in compliance with Municipal Code Section 27.71.100.
 - d) A two-inch (2") depth layer of mulch shall be required in all new planting areas except in areas of turfgrass or annuals.
 - e) The Applicant shall provide proof of an agreement with a licensed landscape contractor or General Contractor for a Plant Establishment Maintenance Period consisting of three (3) growing season months (March through October) for all proposed landscape areas. All landscaped areas shall be maintained free of litter, debris and weeds. All plantings shall be permanently maintained in a healthy growing condition and whenever necessary, replaced with equivalent plant materials to ensure continued conformance with approved plans. (PLANNING)
16. LANDSCAPE WATER EFFICIENCY – In conformance with California Code of Regulations Title 23, Division 2, Chapter 2.7 (Model Water Efficiency Landscape Ordinance), the Applicant shall provide a Landscape Documentation Package prior to approval of the building permit. Before occupancy, the Applicant shall submit a "Certificate of Completion" consistent with California Code of Regulations Title 23, Division 2, Chapter 2.7 (Model Water Efficiency Landscape Ordinance). (PLANNING)
17. TREE REPLACEMENT/IN LIEU FEES - The Applicant shall be responsible for planting trees equivalent to the full Landscape Unit (LU) Value of any trees that will be replaced at the Project Site pursuant to PA #14-055, or, alternatively, may comply through payment of an in lieu fee (in an amount to be calculated per the Development Agreement) into the City's established Tree Impact Fee fund to plant additional trees within the City. **Mitigation - These measures (or their equivalent) shall be incorporated on the plans prior to the*

issuance of a building permit, and shall be monitored by the Planning Division during demolition and construction activities through routine inspections. (PLANNING)

18. SOIL TESTING FOR LANDSCAPE SUITABILITY - Due to the history of high salt content found in existing soils adjacent to the Project Site, prior to the issuance of a superstructure permit or occupancy, the existing site soils shall be sampled, in one-foot (1') deep increments to a depth of four feet (4') below existing finished grade at five (5) locations approved by the City's landscape architect, tested, and then a report shall be prepared by the permit applicant, to determine if such soil can be used to support the trees and other plants proposed in the Specific Plan and Design Guidelines in a healthy condition.

The report shall also include written and graphically illustrated recommendations for:

- a) The grading of the site such that soils with a high degree of salt or other physical or chemical properties that are unsuitable in supporting such plant growth in a healthy condition and cannot be amended to be made suitable will be removed from areas where roots of proposed trees and other plants would, in otherwise normal soil situations, likely grow during a thirty- (30) year period of growth after planting.
- b) Improving the quality of soil, if possible, to anticipated critical depths and horizontal reach of tree root penetration for the healthy growth of trees and other plants over thirty (30) years.
- c) Drainage within planting areas so that water does not become trapped, at anticipated depths of tree root penetration and horizontal reach, to the detriment of the trees and other plants.
- d) Any modifications to the plant palette identified in the Design Guidelines if necessary so that plants, soil and drainage conditions are compatible.

All soil sampling and testing shall be performed by a recognized soil and plant laboratory specializing in landscape and horticultural suitability and the report shall be prepared by the approved soil and plant laboratory, arborist and landscape architect. (PLANNING)

19. BELOW MARKET RATE (BMR) UNITS - Pursuant to Development Agreement Article 3, Section A.1(g), the Applicant shall comply with the City's BMR Housing program as it existed on February 24, 2011. Accordingly, the Applicant and the City shall enter into a BMR Agreement for the Project

20. 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 Section 27.86). The areas and dimensions for recycling collection areas shall meet the standards established by the local recycling collection provider (Recology). 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 Project Site, unless an alternate location is authorized by the Chief of Planning and/or Zoning Administrator. (PLANNING)
21. 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, or integrated into the Site Grading Plan, in accordance with local, state and federal regulations. (BUILDING)
22. SITE SURVEY – The Applicant shall provide a site survey of entire parcel stamped and signed by a Land Surveyor licensed by the State of California. The survey shall include, but not be limited to, the following: location and dimensions of property line, location of streets and easements, existing buildings, topographic contour lines, trees/landscape, miscellaneous structures, etc. The purpose of the site survey is to accurately verify compliance with items such as setback dimensions, heights of buildings from established contours, compliance with heritage tree ordinance, etc. (BUILDING)
23. CALGREEN – Each building shall be designed to include the green building measures specified as mandatory in the application checklists contained in the California Green Building Standards Code, 2013 Edition. The Applicant shall incorporate the checklist along with a notation on the checklist to specify where the information can be located on the plans, details, or specifications, etc.

See City of San Mateo CalGreen Residential Check List at:

<http://www.cityofsanmateo.org/DocumentCenter/View/40971>

See City of San Mateo CalGreen New Nonresidential Checklist at:

<http://www.cityofsanmateo.org/DocumentCenter/View/40970>

(Building)

24. FOOD SERVICE FACILITIES AND PUBLIC POOLS AND SPAS - All projects including food service or public pools or spas shall be checked and approved by the County of San Mateo Health Department prior to submittal for a building permit. (BUILDING)

25. DEMOLITION - Demolition permit(s) shall be issued in accordance with Municipal Code Section 23.06.100. Safeguards during construction shall be provided in accordance with Chapter 33 of the California Building Code. Prior to the 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)

26. CONCAR MID-BLOCK CROSSWALK – The Applicant shall contribute funds toward the cost to construct the mid-block, lighted crosswalk across Concar Drive to be constructed as part of the 92 & Delaware Office Project (PA 09-009), not including the pedestrian bulb improvements along the 92 & Delaware Office Project frontage. The Applicant’s fair share contribution shall be 50% of such construction cost (which in no case shall exceed \$50,000) as approved by the City Engineer, and shall be paid prior to issuance of the first City permit. (PUBLIC WORKS)

27. PORK-CHOP ISLAND RECONSTRUCTION– The development within the Corridor Plan area will generate additional pedestrian trips at the Concar Drive/South Delaware Street intersection. The southwest quadrant of the intersection contains a pork chop island which allows free right-turn movement from eastbound Concar to southbound South Delaware Street. 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 Station Park Green Project will generate twenty-three percent (23%) of all new trips generated by the development contributing pedestrians to the intersection. The estimated cost of this improvement is \$265,000. Accordingly, the Applicant shall fund twenty-three percent (23%) of the \$265,000 cost of the pork chop island reconstruction improvements, or \$60,950.00. This amount will be paid prior to the issuance of the first project building permit to the approval of the City Engineer. (PUBLIC WORKS)

28. ACCESS DURING CONSTRUCTION -- Connection through the Specific Plan Area for pedestrians and bicyclists, and in particular direct access to the Hayward Park Station from completed portions of the Project, shall be maintained during construction to the extent that it can be provided safely and without interference with construction activities. An access plan shall be submitted for approval with the first building permit, which could be subsequently modified by future building permits, as needed. This access plan should consider connections through and around the Plan Area, as well as existing connections such as the bicycle and pedestrian connection to 16th Avenue in order to facilitate and improve the connection from the immediate area to the Hayward Park Train Station. (PUBLIC WORKS)

29. ADDRESS PLAN AND STREET NAMES – At the time of application for a tentative parcel map or tentative map, the map applicant shall submit to the Public Works Department a final address plan regarding any streets proposed as part of such map, including proposed street names. Proposed street names shall be unique to existing City street names and shall be reviewed and approved by the various City departments responsible for assigning street names and providing emergency response. Said submittal shall be approved by the City Engineer prior to the submittal of plans for the foundation (or first) building permit. (PUBLIC WORKS, FIRE)
30. ENCROACHMENT PERMITS, BONDS, AND INSURANCE - The Applicant must obtain an encroachment permit, posting the required bonds and insurance, and provide a one (1) year warranty for all work to be done in the City's right-of-way. This encroachment permit shall be obtained prior to the issuance of a foundation building permit and prior to any work being done in the City's right-of-way. The Applicant shall have street improvement plans prepared for all work in the public right-of-way by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. Prior to issuance of the encroachment permit, the applicant shall submit any applicable pedestrian or traffic detour plans for any lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the State of California Manual of Uniform Traffic Control Devices (MUTCD), 2012, and standard construction practices. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit. Right of way improvements shall include, at a minimum, the following items:
- A. STREET TREES - The Applicant shall plant street trees per the approved landscape plans. The street tree plans shall be constructed per City Standard Drawings 3-1-847, Tree Planting Details, and will include tree grates. (PUBLIC WORKS)
 - B. 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)
 - C. SIDEWALK, CURB AND GUTTER - The Applicant shall replace to existing City standards all sidewalk, curb and gutter along South Delaware Street south of Station Park Circle and Concar Drive surrounding the Project Site, as shown on the approved plans. Sidewalk,

curb and gutter replacement shall be constructed per City Standard Drawing 3-1-141A. (PUBLIC WORKS)

- D. CURB RAMPS - The Applicant shall construct curb ramps in accordance with State Standard Drawing No. RNSP A88 at the intersections of South Delaware Street and Station Park Circle, South Delaware Street and Concar Drive, Concar Drive and Green Way, and Concar Drive and western emergency vehicle access road, as shown on the approved plans. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the City Engineer. (PUBLIC WORKS)
- E. SEWER LATERAL CONNECTION - The Applicant shall install a sewer lateral connection to the existing sewer manhole located in the South Delaware Street right-of-way adjacent to Station Park Circle, as shown on the approved plans. (PUBLIC WORKS)
- F. STORM DRAIN CONNECTIONS - The Applicant shall install three (3) storm drain connections to existing storm drain manholes along Concar Drive, one (1) storm drain connection to an existing storm drain manhole in South Delaware Street, and two (2) storm drain connections to existing storm drain catch basins in Garvey Way, as shown on the approved plans. In addition, storm drain lines will be placed along Garvey Way and South Delaware Street, as shown on the approved plans, unless otherwise approved by the City Engineer. (PUBLIC WORKS)
- G. STREET LIGHTS - City-Wide Post Top. The Applicant shall provide and install post top street lights along South Delaware Street and Concar Drive per an Isometric lighting level study to be provided by the designer/contractor and contribute to the City one thousand dollars (\$1,000.00) 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 Washington Series Post Top, LED King Luminaire fixtures, LED LUMEC fixtures, or approved equal. This will be a Type III or Type V depending on the Isometric lighting report provided by the designer/contractor. The light shall be Post Top fixture with finial, ribs, bands and medallions mounted on a a) 14' fluted North Yorkshire style cast aluminum pole, b) 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 lights shall be shielded from residential units using an internal shielding device provide by the manufacturer. 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)

H. SEPARATE WATER METERS - When a development includes multiple uses, with one area designated as restaurant space, there shall be a separate water meter for the restaurant space and a separate water meter for the other development uses. This will facilitate the accurate assessment of the Sewer Service Charge, which is based on water use and customer class. (PUBLIC WORKS)

31. STORMWATER POLLUTION PREVENTION PERMIT – STORMWATER POLLUTION PREVENTION PERMIT - Grading or building permit applicants shall obtain a Storm Water Pollution Prevention (STOPPP) construction permit, paying the required fees and posting the required cash deposit, for all work associated with the storm water pollution prevention program pursuant to Municipal Code Chapter 7.39 (Storm Water Management and Discharge Control). Subject to the Development Agreement, the fee amount shall be based upon the City Council resolution in effect at the time the building permit application is made. The STOPPP construction permit shall be issued prior to issuance of the first building permit. The STOPPP construction permit 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 STOPPP Construction permit. **Mitigation - These measures shall be incorporated on the grading or building plans prior to the issuance of each grading or building permit as applicable, and shall be monitored by the Public Works Department during construction through routine inspections.* (PUBLIC WORKS)
32. STORM DRAIN INLETS AND WATERWAYS - Per the San Mateo Countywide Water Pollution Prevention Program's C.3 requirements, the applicant shall mark with the words "No Dumping! Flows to Bay," or equivalent, using methods approved by the City standards on all storm inlets surrounding and within the project parcel. (PUBLIC WORKS)
33. FOOD SERVICE EQUIPMENT CLEANING – Per the San Mateo Countywide Water Pollution Prevention Program's C.3 requirements, the applicant of any food service facilities must agree to have any sink or other floor mat, container, and equipment cleaning area, connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed outdoor area; either areas being plumbed to the sanitary sewer. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the site storm drains. Signs shall be posted indicating that all food service equipment washing activities shall be conducted in this area. Regular maintenance and cleaning of the grease interceptor is required. (PUBLIC WORKS)

34. GARBAGE/RECYCLE/COMPOSTING STORAGE AND SERVICE – The property owner shall provide an adequate area for the purposes of storing garbage, recycling, composting collection containers for scheduled servicing by the franchise solid waste collection service. The containers may be placed on the street within the loading zone for a maximum of two hours; one hour prior to the scheduled servicing time, and must be removed from the street within one hour after the service. The containers shall be placed at the service location allowing enough room for the truck to safely approach the containers. The collection containers shall be brought to the service area on the day of service and returned to the storage enclosure by the property owner. The containers are not to be in public view or in the public right-of-way prior to, or beyond the scheduled service times. A letter needs to be provided from the City’s franchise solid waste collection service provider. (PUBLIC WORKS)
35. UNDERGROUND UTILITIES WITHIN THE PROJECT SITE - The Applicant shall be responsible for the underground installation of all new and upgraded utility service within the Project Site, including telephone, electric power, and other communications lines, in accordance with Municipal Code Section 26.32.020. (PUBLIC WORKS)
36. DRAINAGE - Drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented, to extent feasible, subject to the approval of the City Engineer. No increase to the peak discharge shall be permitted downstream. In addition, discharge must conform to any non-point source permit issued by the Regional Water Quality Control Board. Drainage improvements made on-site shall conform to standard engineering practices and shall not allow any site drainage to impact adjacent properties. All drainage capacity calculations shall be performed by a licensed Civil Engineer, whose signed engineer’s stamp shall appear on the calculations sheets, and shall be submitted to the City for review and approval with the project civil plans. The Applicant shall install the BMP Storm Water Treatment Areas as shown on Grading and Drainage Plan and Details Sheet of 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. **Mitigation - These measures shall be incorporated on the grading or building plans prior to the issuance of each grading or building permit as applicable, and shall be monitored by the Public Works Department during construction activities through routine inspections.* (PUBLIC WORKS)
37. COVERED PARKING GARAGE DRAINAGE - Water from the covered parking garages 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)

38. SURFACE PARKING - 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. (PUBLIC WORKS)
39. TRIANGULAR AREA OF VISIBILITY - Unless an equivalency is granted by the Public Works Department, landscaping and permanent structures located within the Specific Plan area within the ten-foot (10') triangular area of visibility at any driveway, and 45' triangular area of visibility at any Block corner, shall have a minimum vertical clearance of seven feet (7'), and/or be less than three feet (3') in height. This includes all PG&E above-ground structures and other bulky utility facilities, but excludes street lights and properly maintained street trees. (PUBLIC WORKS)
40. SITE DEVELOPMENT PERMIT-GRADING - The Applicant shall obtain a site development permit from the Public Works Department for grading of streets, drainage and utilities 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). **Prior to plan checking**, the Applicant shall be required to deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of the project. The amount of the deposit shall be \$50,000.00. 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)
41. PARCEL MAP - The Applicant's final parcel map, must be prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with San Mateo Municipal Code Section 26.56, prior to preparation and recordation of the Final Subdivision Map. **The parcel map shall be approved by the Department of Public Works and recorded with the County Recorder's Office prior to the issuance of any City permits.** A parcel map guarantee shall be submitted to the City, by the Applicant's title company, prior to release of the parcel map to the title company for recordation. Prior to the City's release of the parcel map to the title company, the Applicant may, at the discretion of the City Engineer, be required to submit to the City an electronic copy of the map in the version of AutoCAD in use by the City at the time of submittal. It is the Applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map recorded after City approval. (PUBLIC WORKS)

42. DRAINAGE AFFECTING PARK AND RECREATION FACILITY SPACE - No external drainage from outside The Park or outside of any other areas that may be approved for credit off of the Park In-Lieu fee shall be directed as surface water onto the sunken lawn or any areas of decomposed granite or similar surfacing within The Park (OS-5) unless otherwise approved by the Department of Parks and Recreation. Such external drainage shall be intercepted before entering into these areas. Prepare and submit plans that verify this. Plans shall be subject to the approval of the Department of Parks and Recreation prior to the issuance of the Site Development Permit and Superstructure Permit. (PARKS AND RECREATION)
43. CHARGES FOR PUBLIC WORKS SERVICES - Prior to plan checking, the Applicant shall deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of the Project. The amount of the deposit shall be ten thousand dollars (\$10,000). Public Works plan checking of the plans submitted with the building permit plans cannot proceed until the deposit is submitted. The Applicant shall be required to increase the deposit, or be billed monthly at the discretion of the City, for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within thirty [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)
44. CHARGES FOR PARK AND RECREATION SERVICES - The Applicant shall pay for all plan check, inspection and other park and recreation services at the rates indicated in the City's Fee Manual. An initial fee shall be paid prior to the issuance of the Building Permit. If the park and recreation services exceed the amount initially paid, the Applicant shall within 30 days of an invoice/notification reimburse the City for such expenses and shall also provide an advanced deposit of funds in increments not to exceed \$5,000 for additional services determined by the City that would need to be performed. Payments shall be made within 30 days of receipt of the invoice/notification. Prior to occupancy the City shall be paid in full. The City will refund any portion of the deposits not utilized. (Park and Recreation)
45. 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. (POLICE)

46. BUILDING SECURITY CODE COMPLIANCE - The project plans shall comply with the City's Building Security Code (San Mateo Municipal Code Chapter 23.54). (POLICE)
47. PARKING GARAGE ACCESS HOURS - If access to the parking garages is not planned to be restricted during working hours, measures should be taken to control access during non-working hours (gate or other security measures to prevent access for skateboarders or drivers). (POLICE)
48. LIGHTING of PARKING GARAGES - Lighting in the parking garages should be in conformance with the Security Ordinance as it applies to parking garages. In particular, it should be noted that this area of the City has a propensity for being accessed at off hours for skateboarders and reckless drivers to access the open paved areas to perform skate tricks or do "donuts." Attention should be paid to controlling access points to the parking garage for this reason. (POLICE)
49. PARKING GARAGE SECURITY - If the access to the parking garages is planned to be restricted, the following measures applicable to secured parking garages should be considered: 23.54.030 PARKING GARAGE SECURITY. Parking garages serving residential uses shall be provided with electrically operated closures to allow passage of motor vehicles, except that required visitor parking shall have unrestricted access. The closures, whether overhead, sliding or swinging shall be provided with reopening devices which will function to stop and reopen the closure in case the closure is obstructed when closing. Openings into the garage which are not for vehicular or human passage shall be provided with security grilles or screens. Digital keypads shall be provided to allow for entry by services and emergency services vehicles. Exterior doors or gates providing access to the secure areas of the parking garage shall remain locked at all times, and shall only be accessible through the use of keys furnished to the building residents. (POLICE)

Cameras shall be placed at the vehicular entrances and exits to all parking garages in an effort to prevent auto burglaries, auto theft, and other associated crimes that tend to take place in enclosed garages. The system shall be designed to capture the front and rear of all entering and exiting vehicles that use the garage. The picture quality shall be sufficient to identify the make/model of vehicle, clearly read a front/rear license plate, and obtain clear facial recognition through the front windshield. The system need not be monitored but the captured video material shall be accessible to investigating police personnel through some form of facility management during regular business hours. The information shall be maintained and retrievable for seven (7) days.

Additional requirements include the following:

- Parking spaces should not be numbered to coincide with interior unit numbers.
- Digital access pads shall be installed at the primary entrance location of all parking garages. These pads should allow emergency vehicle access into the garages at all times. The pads should be programmed with City input and then administratively distributed to the police and fire departments. These access pads should be installed in consistent locations throughout the Project. Access out of garage - pedestrian access doors should be master key controlled for tenants and be equipped with self-closing devices.
- All storage, maintenance, and trash rooms within parking garages shall have doors which cannot be locked from the inside, and that close and lock quickly and automatically upon exit.
 - a) Multiple-Family Dwellings Security - The Municipal Code enumerates a number of security standards for multiple-family dwellings that shall apply.
 - b) Construction Site Fencing - The Applicant shall install and maintain construction site fencing and/or the use of security lighting and patrols.
 - c) Security for Public Access, Open Areas, and Footpaths - Any open areas and footpaths open to potential public access are subject to scrutiny and review for the potential for criminal activity. Such environments will be reviewed for Crime Prevention Through Environmental Design (CPTED), and may call for further Conditions of Approval. (POLICE)

51. CITY COMMUNICATIONS SYSTEMS – HIGH RISE BUILDINGS – Pursuant to Municipal Code Section 23.54.020, all new buildings five or more stories in height at the Project Site shall provide a location on the building for installation of City radio communications equipment, including antennas and their supporting equipment. An electrical supply source shall be provided by the Applicant at the antenna/equipment location, and reasonable access shall be provided by the Applicant and/or building owner to City staff and/or City contractors for installation of necessary telephone lines and for purposes of installation, maintenance, adjustment and repair of the antenna/equipment. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition in the form approved by the City Attorney. (POLICE)

52. WASTEWATER TREATMENT PLANT PHASE II IMPACT FEE - In order to meet the increased demands on the Wastewater Treatment Plant created by this project, the Applicant shall contribute fees toward the Plant expansion based upon the average projected sanitary flow, as determined under the City Council resolution in effect at the time the building permit

application is made. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. **Mitigation – This measure shall be incorporated on the building plans prior to the issuance of each building permit, and shall be monitored by the Public Works Department.* (PUBLIC WORKS)

53. TRANSPORTATION IMPROVEMENT FEE – Each building superstructure permit 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 final fee shall be calculated from the final building plans pursuant to the Development Agreement, and shall be paid prior to the issuance of the first superstructure building permit. **Mitigation – This measure shall be incorporated on the building plans prior to the issuance of each building permit, and shall be monitored by the Public Works Department.* (PUBLIC WORKS)
54. SOUTH TRUNK AREA SEWER IMPROVEMENT FEE - In order to meet the increased demands on the South Trunk Sewer system created by this project, the Applicant shall contribute fees toward the construction cost to increase its capacity based upon the project's average projected sanitary flow. The final fee amount shall be calculated from the final building plans pursuant to the Development Agreement, and shall be paid prior to issuance of the building superstructure permit. **Mitigation – This measure shall be incorporated on the building plans prior to the issuance of each building permit, and shall be monitored by the Public Works Department.* (PUBLIC WORKS)
55. PARK IN-LIEU/IMPACT FEES - Residential units included in the Project shall be subject to Municipal Code Section 13.05.070 (**Park Impact Fees**), unless, alternatively, a final map is obtained and the units are thus subject to Municipal Code Chapter 26.64 (**Park In-Lieu Fee**). The amounts of the Park Impact Fee and/or the Park In-Lieu Fee, if any, for each project phase including residential units shall be determined pursuant to the Development Agreement, upon approval of the final map for such project phase, in the case of the Park In-Lieu Fee, or prior to the issuance of the building permit for such project phase, in the case of the Park Impact Fee. Any applicable Park In-Lieu Fee shall be paid prior to the release of the Final Map for recordation, and any Park Impact Fee shall be paid prior to the issuance of the building permit. If a project has an approved tentative map but does not have an approved final map prior to the issuance of the building permit, the project shall not be considered to be a subdivision and therefore will be subject only to the payment of the park impact fee upon issuance of the building permit. Credit for the private park and recreation facility space may be available in accordance with Municipal Code Section 26.64.030. Detailed design plans and a covenant and agreement regarding the provision and maintenance of such facility space credit shall be prepared, submitted for review and found acceptable by the Department of Parks and Recreation and City Attorney's Office prior to the issuance of any such credits. (PARK AND RECREATION / PUBLIC WORKS)

56. ART IN PUBLIC PLACES – If applicable, based on the valuation of the construction for the project, the applicant shall be required to comply with Municipal Code Section 23.60 for 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. 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)
57. TIMING OF PUBLIC BENEFITS - The Applicant and the City have entered into a Development Agreement to extend the entitlements for a ten- (10) year term. As required under the Development Agreement, the Project shall include certain public benefits. The timing of the public benefits shall be per the Development Agreement.
- a) Concar Drive Multi-Use Path – Pursuant to Development Agreement Article 3, Section A.1(a), the Public Benefits include the Applicant’s having granted a surface easement and designed a Class I Bike Path along the Project's Concar Drive frontage between South Delaware Street and the Hayward Park Train Station. The City, as grantee, and the Applicant, as grantor, shall remove the existing easement agreement from the Official Records, and execute and record in the Official Records a revised agreement providing as follows:
- The portion of the path adjacent to Block MU-1 between South Delaware Street and “A” Street (opposite the SR 92 ramps) shall be ten-feet (10’) wide with two-foot (2’) clear shoulders for a total path width of fourteen feet (14’); and
 - The portion of the bike path adjacent to Block RE-2 between “A” Street (SR 92 ramps) and the Hayward Park Train Station property shall be ten-feet (10’) wide with two-foot (2’) clear shoulders for a total path width of fourteen feet (14’).
- b) Complete Streets Payment - Pursuant to Development Agreement Article 3, Section A.1(b), the Public Benefits include the Applicant’s contribution the City of six-hundred and twenty-seven thousand dollars (\$627,000) to help fund or reimburse the City for the design and construction of that portion of the Complete Street project along the South Delaware Street frontage of the Project Site, as further described in the Specific Plan and Design Guidelines, which contribution shall be made no later than upon the demolition of the existing *Kmart* building in furtherance of the Project.
- c) Off-Site Tree Planting and Maintenance - Pursuant to Development Agreement Article 3, Section A.1(d), the Public Benefits include the Applicant’s contribution of sixty thousand dollars (\$60,000) to help fund, or to reimburse the City for, the planting and two (2) years’ maintenance for trees in the 19th Avenue Park neighborhood, which contribution

shall be made no later than upon the demolition of the existing *Kmart* building in furtherance of the Project.

- d) Community Space - Pursuant to Development Agreement Article 3, Section A.1(e), the Public Benefits include the Applicant's development, operation, and maintenance of community space of at least three thousand (3,000) square feet available to the City community free of charge by reservation and subject to availability, which shall be provided no later than upon issuance of a Certificate of Occupancy for the third Block to be developed of Blocks MU-1, RE-2, and RE-3.
- e) Relocation Underground of Existing Utility Lines - Pursuant to Development Agreement Article 3, Section A.1(f), the Public Benefits include the Applicant's relocation underground of existing utility lines within the public right-of-way along the Concar Drive frontage of the Project Site in conjunction with the initial site grading of Blocks MU-1, RE-2, and RE-3, which shall be performed no later than upon issuance of a Certificate of Occupancy for the first Block to be developed of Blocks MU-1, RE-2, and RE-3.
- f) Below Market Rate (BMR) Units - Pursuant to Development Agreement Article 3, Section A.1(g), the Public Benefits include the Applicant complying with the City's BMR Housing program as it existed on February 24, 2011. Accordingly, the Applicant and the City shall enter into a BMR Agreement for the Project. (PLANNING)

58. NOISE STUDY - The following measures or their equivalent shall be included as identified in the Noise Study prepared for the Project to reduce potentially significant noise impacts to a less-than significant level:

- a) Long-Term Operational Noise
 - The City of San Mateo Day-Night Sound Level standard interior noise exposure limit of 45 dB Ldn can be met through the use of STC 25-40 (Sound Transmission Class) acoustically rated windows and doors at the perimeter of the buildings facades exposed to South Delaware Street and Concar Drive. Additional mass may need to be added to the buildings, as well. Mechanical ventilation shall also be required, as these windows would need to be in a closed position to provide the required transmission loss.
 - Mechanical equipment at commercial use must be controlled to 65 dB Lein at the residential property line. This can typically be achieved by proper location and orientation of equipment and the incorporation of duct silencers, acoustic louvers, building parapets, and mechanical penthouses, or enclosed mechanical equipment rooms.

b) Phasing

- A qualified acoustical engineer shall be retained to prepare subsequent acoustical studies as part of the building permit approvals for each Block. These reports shall include the measures identified in the acoustical report identified above and shall provide specific design criteria for each building to be developed. This shall be verified as part of a final acoustical report and shall be submitted to the Building Division prior to issuance of a building permit for each phase of the Project.
- The installation of these measures and resulting noise mitigation levels shall be verified by qualified acoustical engineer in the field and shall be reported in writing to the Building Division prior to occupancy for the building.

c) Construction-Period Impacts

- All diesel equipment shall be operated with closed engine doors and should be equipped with factory-recommended mufflers.
- Pile-driving activities shall be restricted to between 8:00 a.m. to 5:00 p.m., Monday through Friday, to limit the intrusiveness of pile driving during the morning and evening hours. This measure is suggested only for construction sites that would use pile drivers within 2,000 feet of residential or sensitive land uses.
- Proposed walls or barriers shall be installed as early as possible to help reduce noise from construction activities.
- Stationary construction equipment shall be kept beyond 100 feet of existing residences.
- Noise attenuation techniques shall be employed as needed and feasible to reduce noise levels below 100 dBA Leq in commercial/industrial areas and below 80 dBA Leq at exterior locations in residential areas. Such techniques may include the use of sound blankets on noise generating equipment and the construction of temporary sound barriers between construction sites and affected uses. Noise attenuation techniques shall be verified through measurement of noise levels.
- Whenever feasible, electrical power should be used to run air compressors and similar power tools.
- Contractors shall use "quiet" models of any conventionally noisy construction equipment such as air compressors, jackhammers and other impact tools, as feasible.

- Contractors shall designate an employee as the construction noise coordinator and provide an on-site sign that shall identify the person and provide a contact number. The coordinator would be responsible for receiving calls from residents or businesses regarding specific construction noise-related complaints. The coordinator would then be responsible for taking appropriate measures to reduce or eliminate noise levels as appropriate. Complaints and the response should be logged and kept on file for review by the City. The construction noise coordinator would act as a liaison between the residents in the vicinity of the construction and the contractor, so perceived noisy activities are addressed as soon as possible. (BUILDING)

**Mitigation - These measures (or their equivalent as determined by the Building Official) shall be incorporated on the building plans prior to the issuance of each building permit as applicable, and shall be monitored by the Building Division during construction through routine inspections.*

59. ADOPTED BICYCLE AND PEDESTRIAN MASTER PLANS - The landscape/streetscape plans for the Project shall comply with PA #14-055. The landscape/streetscape plans for Concar Drive and South Delaware Street shall comply with the provisions of the City's adopted Bicycle Master Plan (October 17, 2011) and the Pedestrian Master Plan (April 16, 2012) regarding street lighting type, street furniture, bicycle facilities or other such enhancement to the extent they are not inconsistent with PA #14-055.

Such landscape/streetscape plans shall show the following two improvements to the satisfaction and approval of the City Engineer:

- a) The sidewalk along South Delaware Street adjacent to the northerly boundary of the Project Site.
- b) The sidewalk along Concar Drive adjacent to the easterly boundary of the Project Site, but expressly excluding the Concar Drive Multi-Use Path, for which the City is solely responsible. All external bicycle facilities shall include city-standard (or otherwise approved by the Public Works Department) inverted U or similar bike racks as close as possible to each building entry, clear of the pedestrian travel path.

Construction of each segment of such landscape/streetscape improvements shall be completed no later than issuance of a Certificate of Occupancy for the adjacent Block. (PUBLIC WORKS)

60. CALTRANS PERMITS - Prior to the issuance of a building permit, the building permit 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 any. If the City is required to be a party to the permit application and a fee is required, the building permit applicant shall reimburse the City for its cost. The building permit

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. (PUBLIC WORKS)

61. FIRE-SAFETY DURING DEMOLITION - Buildings under demolition shall comply with the requirements with Article 87 of the California Fire Code, 1998 edition. In addition to the requirements of Article 87, the following steps shall be taken during the demolition of any structure on site:

- a) The Fire Chief shall be notified regarding any fire sprinkler system that is affected by the demolition.
- b) Suitable fire hose, as required by the Fire Chief, shall be maintained at the demolition site. Such hoses shall be connected to an approved water source and shall not impede Fire Department use of hydrants. (FIRE)

B. The following conditions shall be addressed on the construction plans submitted for A BUILDING PERMIT FOR THE FOUNDATION OR SITE DEVELOPMENT PERMIT, and shall be satisfied prior to issuance of whichever permit is issued first. These conditions shall also be complied with during construction approved under any subsequent superstructure permits, if applicable.

62. GEOTECHNICAL REPORT - The measures (or their equivalent) identified in the Draft Geotechnical Investigation Report by Arup North America Ltd. dated August 2014 regarding earthwork, foundation support and pavements shall be incorporated as part of the Project. This shall be verified as part of a final geotechnical report following a supplemental geotechnical investigation that will take place after demolition of the existing *Kmart* building. The final geotechnical report shall be submitted to the Building Division prior to issuance of a building permit. The final geotechnical report shall include the measures identified in the Draft Geotechnical Investigation Report, or their equivalent, and shall provide specific design criteria for each building.

The final geotechnical report shall include either of the following foundation solutions (or their equivalent) for each building:

- a) Complete sub-excavation and lime-treatment or replacement with structural fill of the existing fill and Bay Mud below the proposed buildings. In this case, it is anticipated that the podium and parking-garage structures will be supported by mat foundations and the wood-framed structures will be supported by spread footings.
- b) Deep foundations comprised of augercast piles extending below the existing fill and Bay Mud.

Either foundation option would provide adequate support for the load of the proposed buildings. This shall be verified as part of the final geotechnical report and shall be submitted to the Building Division prior to issuance of a building permit for each Block.

A geotechnical engineer shall be retained to observe site grading, subgrade preparation and foundation installation during the phases of construction for the Project and to observe compliance with the design concepts, specifications and recommendations in the final geotechnical report. (BUILDING)

**Mitigation - These measures (or their equivalent as determined by the Building Official) shall be incorporated on the building plans prior to the issuance of each building permit as applicable, and shall be monitored by the Building Division during demolition and construction activities through routine inspections.*

63. HAZARDOUS MATERIALS - The measures identified in the environmental site analyses incorporated by reference in the Mitigated Negative Declaration (or their equivalent) shall be implemented as part of the Project. This shall be verified as part of a final hazardous materials report and shall be submitted to the Building Division prior to the issuance of grading or building permits. The Project shall also include the following mitigation measures:

- a) The 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 that agency, the Applicant shall follow any protocol regarding the removal of hazardous materials outlined by that agency, the San Francisco Bay Regional Water Quality Control Board and/or the California Department of Toxic Substances Control. A letter summarizing the required protocol shall be submitted to the Building Division prior to the issuance of a SDP. These measures shall be implemented prior to the issuance of permits to construct building superstructure.
- b) Excavated site soils shall be tested prior to disposal to confirm that the concentration of constituents present in site soils do not exceed hazardous waste criteria under applicable local, state and federal regulations. If the concentration of constituents in the site soils do exceed such hazardous waste criteria, they shall be disposed of as hazardous waste in accordance with applicable local, state and federal regulations.
- c) As required by state law, an asbestos and lead paint abatement scope of work shall be developed and submitted for approval by the City prior to issuance of demolition permits for the structures on the Project Site. All measures outlined in this scope of work shall be implemented as part of the Project. This scope of work shall outline the performance parameters for hazardous remediation standards and regulatory

compliance criteria. In addition, any asbestos abatement contractors performing work on the site shall be licensed by the State.

- d) A scope of work to test equipment in the existing structures for mercury or encapsulated PCBs shall 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 shall be implemented as part of the Project. This scope of work shall outline the performance parameters for hazardous remediation standards and regulatory compliance criteria in accordance with applicable U.S. EPA regulations. (BUILDING)

**Mitigation - These measures (or their equivalent as determined by the Building Official) shall be incorporated on the plans prior to the issuance of each SDP or building permit, as applicable, and shall be monitored by the Building Division during demolition and construction activities through routine inspections.*

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

64. SCHOOL DISTRICT FEES - All required fees due to the San Mateo-Foster City School District (School District) shall be paid to the School District and verification of such payment shall be submitted to the Building Division prior to issuance of building permit. (BUILDING)
65. RESIDENCES WITHIN 500 FEET OF HIGHWAY 92 - Building permit applications for new residences to be constructed within 500 feet of State Road 92 (SR 92) shall include mechanical ventilation to residences with filtration units to remove fine particulate. An appropriate design parameter or specification would be that the air-handling system have an efficiency of no less than 70% in removing particles less than 0.3 microns in diameter. (BUILDING) **Mitigation - These measures (or their equivalent as determined by the Building Official) shall be incorporated on the building plans prior to the issuance of each building permit as applicable, and shall be monitored by the Building Division during construction through routine inspections.*
66. REQUIRED WATER SUPPLY FOR FIRE PROTECTION – The adequacy of all fire hydrants adjacent to the Project Site shall be determined by fire flow testing. Each hydrant shall be capable of providing a minimum fire flow of 1,500 gpm at 20 psi residual pressure. If a fire-flow test demonstrates the necessity of replacing a fire hydrant, it shall be upgraded to a Rich Corona, Jones, or one of comparable quality with two 2½-inch and one 4½-inch outlets with national standard threads. This note shall be included in the SPAR plans. Water supply for fire protection shall be installed in accordance with the City's Fire Department and the California Water Service specifications. The water supply shall be installed and inspected by the California Water Service and the Fire Department. The

water supply shall be operable prior to any combustible construction materials being placed on the site. Staged construction should insure that the necessary water supply is maintained from stage to stage in the construction planning. (FIRE)

67. FIRE-SAFETY DURING Construction - Buildings under construction shall comply with the requirements of Article 87 of the California Fire Code, 1998 edition. All additional fire permits required by Article 87 shall be obtained from the Bureau of Fire Protection and Life Safety. (FIRE)
68. ADDRESS POSTING AND VISIBILITY – The Applicant shall insure that any and all buildings will be posted with an address number, the main address shall be easily visible from the access road. (FIRE)
69. EMERGENCY VEHICLE ACCESS ROADWAY DURING CONSTRUCTION - All-weather access roads shall be provided and maintained on site during construction. These access roads shall be provided prior to the start of any combustible framing. Such roads shall have an all-weather driving surface capable of supporting a vehicle-laden weight of sixty-five thousand pounds (65,000 lbs.), be not less than twenty feet (20') in unobstructed width, have an outside turning radius of not less than forty-eight feet (48'), an inside turning radius of not more than twenty feet (20'), and a minimum of thirteen feet, six inches (13'6") of vertical clearance. (FIRE)
70. APPROVAL FOR USE OF BARRICADES, FENCES, OR GATES ACROSS FIRE ACCESS ROADWAYS - The use of barricades, fences, or gates across emergency vehicle access roads shall have prior approval of the Bureau of Fire Protection and Life Safety.(FIRE)
71. KEY SWITCH FOR SECURITY GATES - If security gates are proposed at any entrance to the Project Site, the gates shall be provided with a Fire Department-approved key switch or lock to allow Fire Department access. The minimum width of the gates shall be twenty (20') feet clear opening width. Contact the Bureau of Fire Protection and Life Safety for specific requirements. (FIRE)
72. FIRE LANE DESIGNATION - Fire lanes are required to be installed in interior access roadways in locations where vehicle parking would encroach on the twenty-foot (20') clear width required for Fire Department Vehicle access. The use of approved fire lane signs or curb delineation shall be reviewed and approved by the Bureau of Fire Protection and Life Safety. (FIRE)
73. KEY LOCK BOXES – The Applicant shall insure that all buildings include approved key lock boxes to allow for San Mateo County Office of Emergency Services/City of San Mateo Fire Department accesses, and shall provide keys as required. Contact the Bureau of Fire Protection and Life Safety for specific requirements and location approval. (FIRE)

74. AUTOMATIC FIRE-EXTINGUISHING SYSTEM - Buildings shall be provided with monitored Automatic Fire-Extinguishing Systems. Each building shall be provided with its own individual main shutoff valve. For multi-story buildings, floor control valves with class III hose connections shall be provided. Separate application and permits are required to be obtained by a contractor licensed to perform such work. (FIRE)
75. FIRE ALARM SYSTEM - Buildings shall be provided with a Fire Alarm System in accordance with the California Fire Code. Separate application and permits are required to be obtained by a contractor licensed to perform such work. (FIRE)
76. FIRE ASSEMBLIES AND APPLICANCES – The final location of fire service backflow preventers, Fire Department connections and the juncture of fire service lines to the water main grid shall be approved by the Fire Department, and documented on the fire sprinkler plans. (FIRE)
77. BUILDING EGRESS - Adjacent buildings/properties shall not have their required egress restricted or compromised at any time during the construction of this Project. (FIRE)

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

78. PLANNING DIVISION INSPECTIONS – The Applicant shall be responsible for notifying the project planner for inspections related to construction of all structures, landscaping, and other site improvements. The notification request shall be given at least 72 hours prior to the requested time for inspection. (PLANNING)
79. LETTER OF ARCHITECTURAL COMPLIANCE – The designer or architect of record shall submit a stamped and signed letter of compliance that the construction is consistent with the approved building permit plans, prior to scheduling the final Planning Division inspection. (PLANNING)
80. VERIFICATION OF LANDSCAPE INSTALLATION – Prior to scheduling the final Planning Division inspection of the project, 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 with the approved landscape plans submitted to the City. If required by State law, the Applicant shall also submit a “Certificate of Completion” consistent with California Code of Regulations Title 23, Division 2, Chapter 2.7 (Model Water Efficiency Landscape Ordinance). (PLANNING)
81. VERIFICATION OF COMPLIANCE WITH ACOUSTICAL ANALYSIS – Prior to scheduling the final Planning Division inspection of the project, the Applicant shall submit a letter prepared by the person/firm who prepared the acoustical analysis for the project, verifying that all recommendations contained in the analysis have been incorporated into the construction of

the project. The letter shall also verify that the project will comply with the noise requirements contained in the City's General Plan. (PLANNING)

82. PRE-OCCUPANCY INSPECTION - A minimum of ten (10) days prior to anticipated occupancy of each building, the building permit applicant shall have scheduled final inspections for such building by all departments administering applicable Conditions of Approval. (PLANNING)

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

84. GREENHOUSE GAS EMISSION REDUCTION MEASURES - The Project design includes measures consistent with Gold-level certification under the USGBC's Leadership in Energy and Environmental Design for Neighborhood Development Rating System, Pilot, updated June 2007 (LEED-ND) that will lead to reduced greenhouse gas emissions. Formal LEED-ND certification of the Project is not required, however, the following LEED-ND measures relevant to greenhouse gas reduction shall be incorporated into the Project, regardless of whether the Project seeks or achieves LEED-ND certification:

Smart Location & Linkage

- Smart Location (Prerequisite 1)
- Proximity to Water and Wastewater Infrastructure (Prerequisite 2)
- Brownfield Redevelopment (Credit 1) and/or Preferred Location (Credit 3)
- Reduced Automobile Dependence (Credit 4)
- Bicycle Network (Credit 5)
- Housing and Jobs Proximity (Credit 6)

Neighborhood Pattern & Design

- Compact Development (Prerequisite 2)
- Diversity of Uses (Credit 2)
- Walkable Streets (Credit 7)
- Street Network (Credit 8)
- Transit Facilities (Credit 9)
- Access to Surrounding Vicinity (Credit 11)
- Access to Public Spaces (Credit 12)

Green Construction & Technology

- LEED Certified Green Buildings (Credit 1)

- Reduced Water Use (Credit 3)
- Heat Island Reduction (Credit 10)
- Infrastructure Energy Efficiency (Credit 15)
- Recycled Content in Infrastructure (Credit 17)
- Construction Waste Management (Credit 18)

The Project, which shall include these measures (or their equivalent as determined by the Planning Division or Building Division) are expected to reduce natural gas and electrical consumption 17.5% below compliance with Title 24 (2005), however, in any case shall achieve a 25% reduction in greenhouse gas emissions that would otherwise be produced in the absence of such measures by a conventional non-transit oriented development project. **Mitigation - These measures (or their equivalent as determined by the Planning Division or Building Division) shall be incorporated on the plans prior to the issuance of the relevant permits, and shall be monitored by the Building Division or Planning Division during demolition and construction activities for the Project through routine inspections.* (PLANNING)

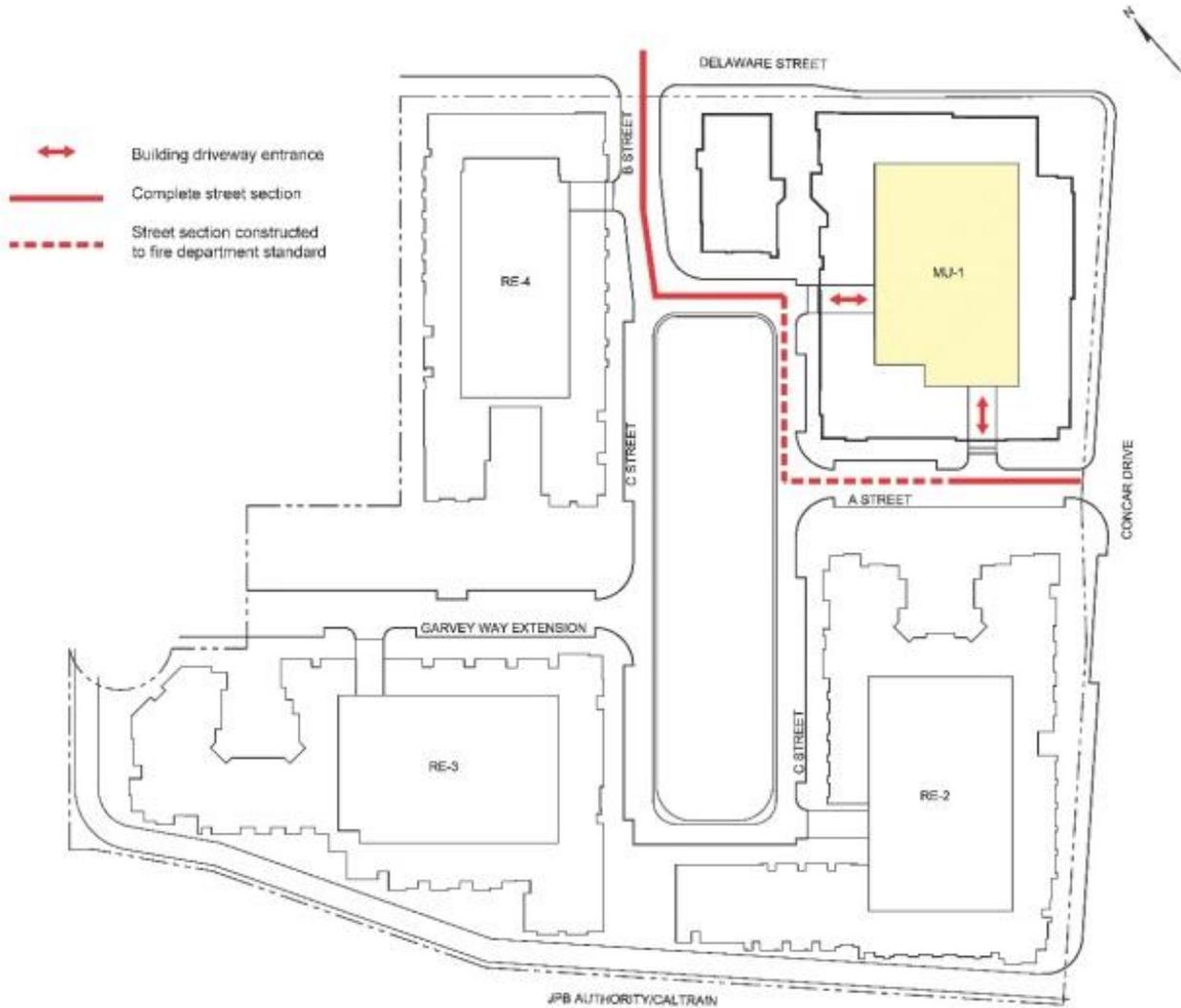
85. TIMING OF INTERIOR STREET IMPROVEMENTS – Interior street improvements shall be designed and constructed as specified in PA #14-055 and these Conditions of Approval. The phasing of certain improvements shall be as specified in this condition; provided, however, that the Public Works Director, or his designee, shall have the ability to review and require modification of the phasing of these improvements if it is determined by the Public Works Director or his designee that an alternate phasing plan is preferred.

The Applicant recognizes that a significant portion of the Project Site cannot be occupied until various on-site streets are complete. Construction of streets that are publicly accessible, once required, shall consist of the final street improvements as shown in the Specific Plan. Street construction consists of base, pavement, curb, gutter, pedestrian improvements, and street lighting. On-site street improvements are to be determined by the Public Works Director, or his designee, at the time of the approval of building permits for each developed Block. Each Block shall have two or more routes to public rights-of-way for emergency vehicular ingress and egress, and a construction route must be provided during construction.

Private streets shall be constructed during the corresponding construction of Blocks as follows:

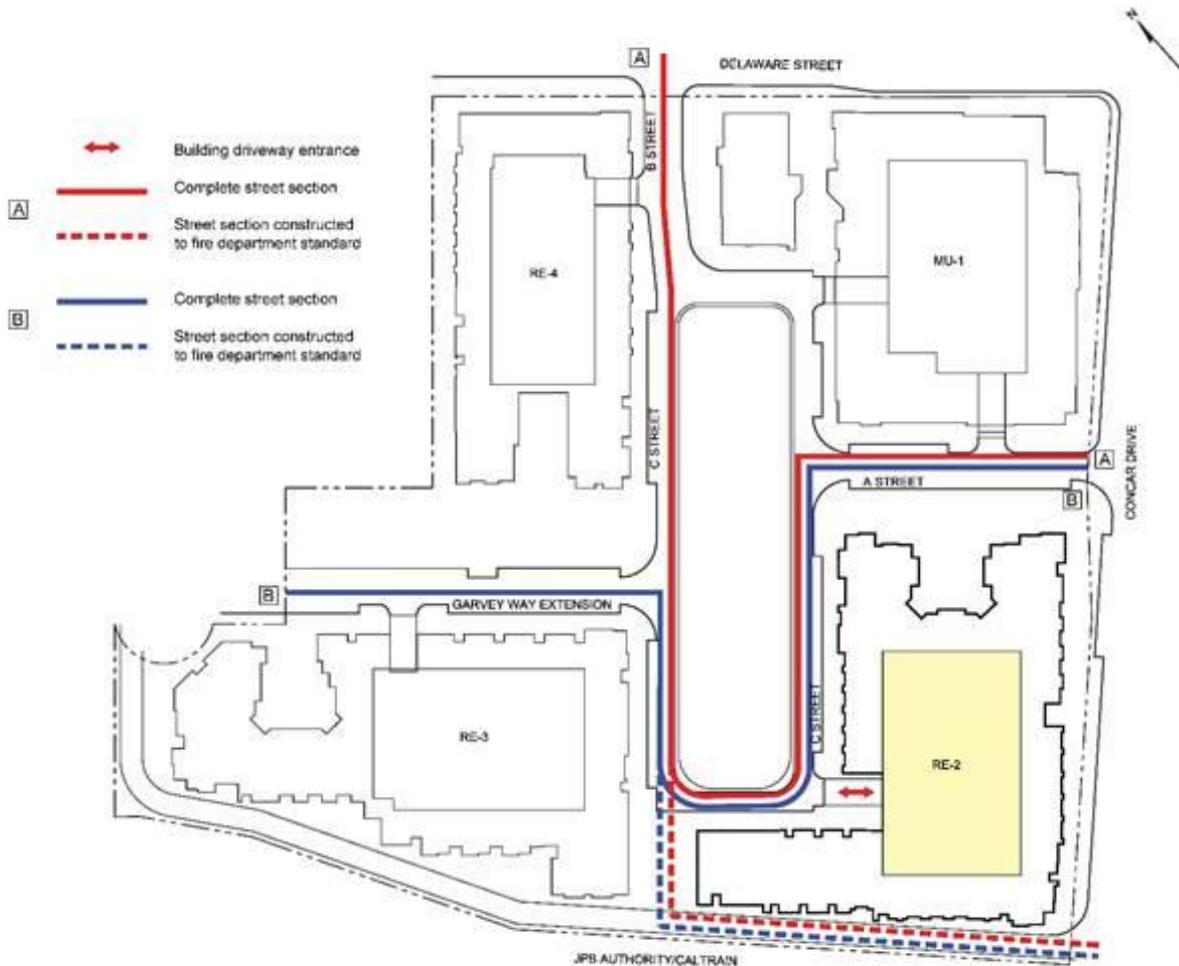
- BLOCK MU-1 (Refer to the diagram, below) – Requires: (i) completion of the driveway from Concar Drive to the Block MU-1 parking garage entrance on “A” Street; (ii) completion of “B” Street from South Delaware Street to “C” Street; (iii) completion of the section of “C” Street between “B” Street and the Block MU-1 parking garage entrance on “C” Street; and (iv) partial construction to drivable fire-access standards of

those portions of "B" Street and "C" Street along the Block MU-1 frontage between the parking garage entries.



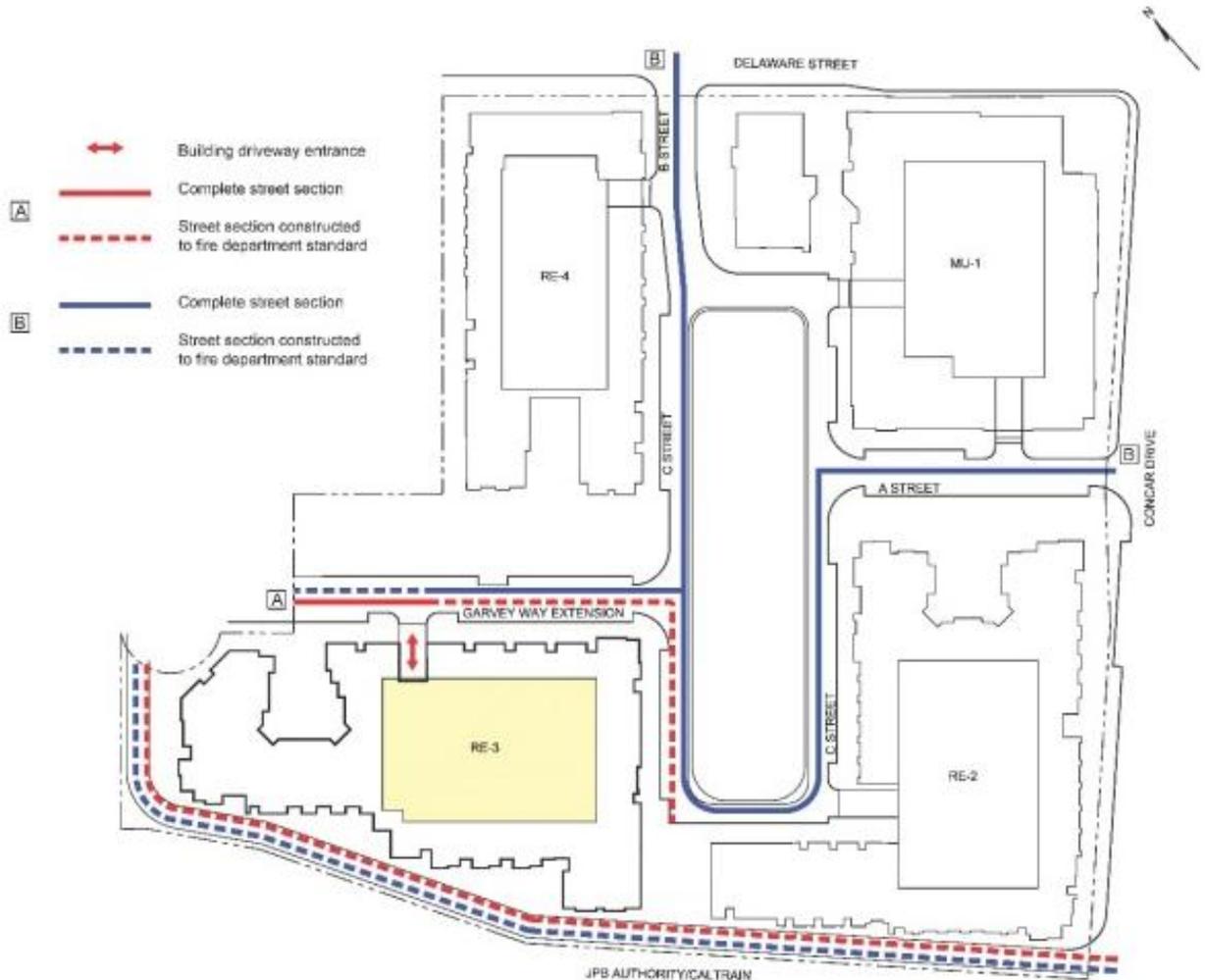
- BLOCK RE-2 (Refer to the diagram, below) – Requires: (i) completion of "A" Street from Concar Drive to "C" Street; (ii) partial construction to drivable fire-access standards of (y) the EVAE adjacent to the JPB Authority/Caltrain property line as it passes Block RE-2, and (z) a connection of EVAE to "C" Street, passing between Block RE-2 and Block RE-3; and (iii) either of the following two options, at the sole discretion of the Applicant:
 - (a) Completion of "C" Street along the Block RE-2 and Block RE-3 frontages, and the entire Garvey Way Extension, or

(b) Completion of "B" Street from South Delaware Street to "C" Street, and "C" Street along the Block RE-2, Block RE-3, and Block RE-4 frontages.

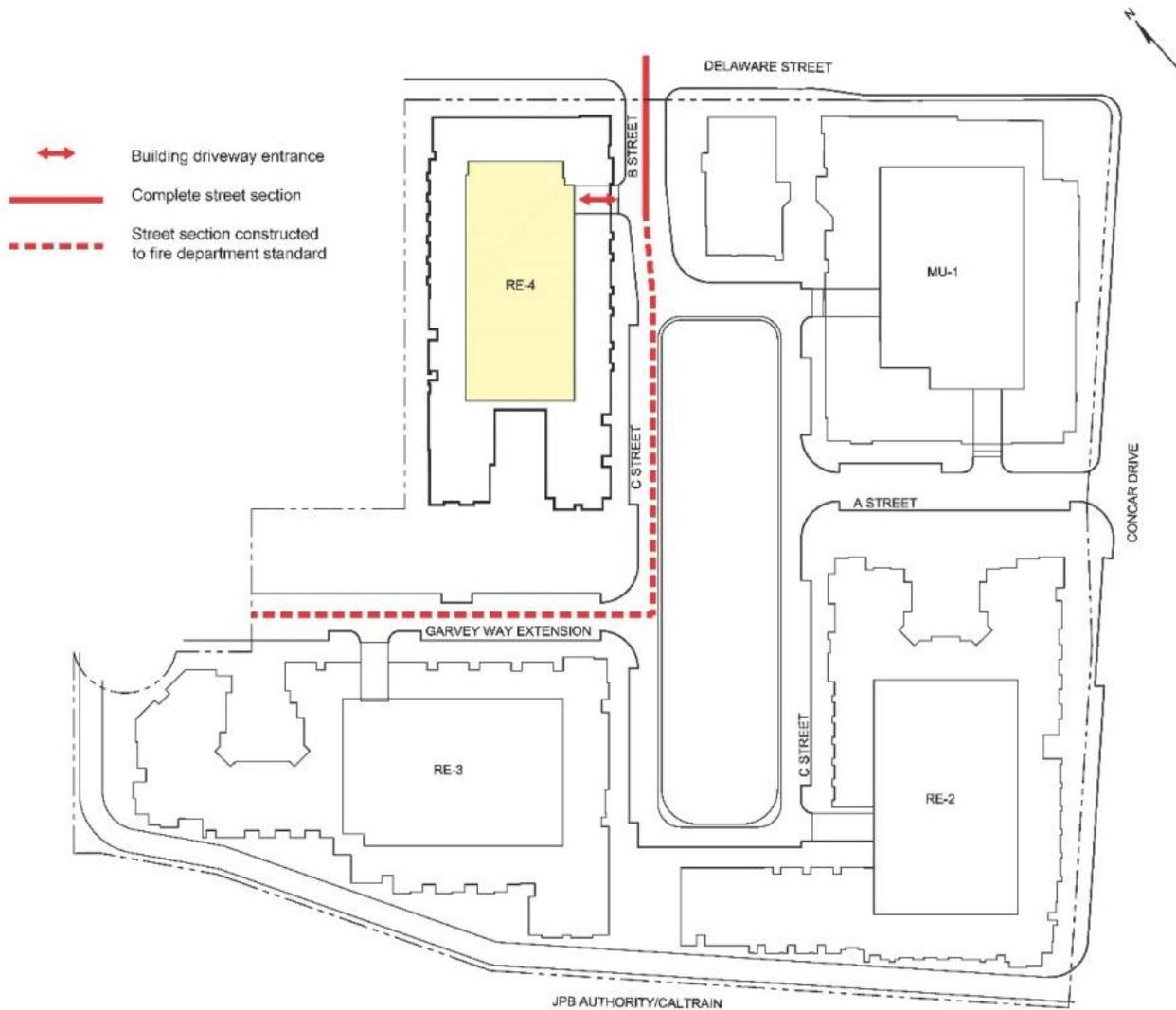


- BLOCK RE-3 (Refer to the diagram, below) – Requires: (i) partial construction to drivable fire-access standards of the EVAE adjacent to the JPB Authority/Caltrain property line as it passes Block RE-3; and (ii) either of the following two options, at the sole discretion of the Applicant:
 - (a) Completion of the driveway from Garvey Way to the Block RE-3 parking garage entrance on the Garvey Way Extension, and partial construction to drivable fire-access standards of (y) the remaining section of the Garvey Way Extension to "C" Street, and (z) "C" Street along the Block RE-2 frontage; or

- (b) Completion of (w) "A" Street from Concar Drive to "C" Street, (x) "B" Street from South Delaware Street to "C" Street, (y) Garvey Way Extension from the Block RE-3 driveway to "C" Street, and (z) "C" Street along the Block RE-2, Block RE-3, and Block RE-4 frontages.



- BLOCK RE-4 (Refer to the diagram, below) – Requires: (i) completion of the driveway from South Delaware Street to the Block RE-4 parking garage entrance on "B" Street; and (ii) partial construction to drivable fire-access standards of (y) "C" Street along the Block RE-4 frontage, and (z) the Garvey Way Extension.



86. TRANSPORTATION DEMAND MANAGEMENT TRIP REDUCTION – The Project shall implement a Transportation Demand Management (TDM) 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 Project. The C/CAG Guidelines specify the number of trips that may be credited for each TDM measure. The actions included in the TDM plan shall include those listed in the Trip Reduction Plan (First-Class Tele-Commuting Opportunities; Carsharing, Shuttle Service; Neighborhood-Serving Retail; Bicycle Storage; Unbundled Parking; Shared Parking; Transportation Management Association participation; Transportation Kiosk; Improved Transit Stop; and Transportation Coordinator) prepared for the Project by Nelson/Nygaard Consulting Associates (Nelson/Nygaard) in the TDM Program dated August 12, 2010 (Project

TDM Program), the Traffic Impact Analysis of the Project by Hexagon Transportation Associates Inc. (Hexagon) dated June 7, 2010, and the Shared Parking Analysis of the Project by Nelson/Nygaard and Hexagon dated April 30, 2010, or a combination of other actions based on the C/CAG Guidelines, that result in a short-term 25% reduction from current Institute of Transportation Engineers (ITE) standards of Project-generated trips and an ultimate 26% to 36% trip reduction from current ITE standards, depending on the mix of rental and for-sale housing developed as part of the Project, as well as the development option implemented in build-out of the Project. The Project's required trip reduction shall be reduced as follows:

- A) Short Term – A 25% peak hour trip reduction from current ITE standards shall begin upon occupancy of the first Project phase constructed and accounts for each subsequent Project phase such that the cumulative reduction continues to meet the 25% short-term trip reduction goal. A trip reduction plan shall be prepared for each phase of the Project as part of SPAR to ensure that the short-term trip reduction target can be met.

- B) Long Term – Total build-out of the Project shall result in a 26% to 36% trip reduction from current ITE standards depending on the mix of rental and for-sale housing developed as part of the Project as well as the development option implemented per the Station Park Green TDM Program –Final Plan, Nelson Nygaard & Associates, August 12, 2010 and the Project Traffic Impact Analysis dated June 7, 2010. (PUBLIC WORKS)

87. TRANSPORTATION DEMAND MANAGEMENT MONITORING AND COMPLIANCE – The trip reduction requirements shall be monitored and verified by City staff and shall be reported annually to the Public Works Commission and City Council. Prior to monitoring, the City and the Transportation Management Association (TMA) shall obtain a scope of work for review from a consultant experienced with traffic monitoring. Funding of the monitoring and reporting for cordon counts, intersection counts and surveys shall be provided by the TMA. Funding for the monitoring of the Project vehicular access points to verify compliance with the Project's trip reduction goal shall be provided by the Applicant.

- A) Monitoring – The method of monitoring shall be determined by the City and shall consist of the following required Project-specific traffic counts and optional corridor counts:
 - Driveway or Garage Counts, Queuing and Circulation – PM peak hour vehicular access point (covering at least the period 4 PM to 6 PM) shall be conducted annually for at least a five- (5-) day period (Monday through Friday) to determine accurate site trip generation values. Commencement of the counts shall begin within sixty (60) days of occupancy of 50% or more of the first Block and shall be performed annually thereafter. Counts are to be funded by the relevant property owners and

be based on the number of Project vehicular access points. The City or TMA may conduct supplemental counts as necessary to accurately define Project trip reduction. 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 Traffic Impact Analysis of the Project by Hexagon.

If the vehicular access point counts from the Project are stable for a period of three (3) years following full build out of the Specific Plan area, annual counts may be extended to every three (3) years. If the counts change more than ten-percent (10%) after such three- (3-) year period, counts shall go back to being done annually.

- Cordon Counts – Cordon counts of major roadways that provide access to the Corridor Plan area may be used to identify cumulative trip reduction trends and determine if development within the Corridor Plan area is meeting the overall goal of 25% trip reduction from current ITE standards.
- Intersection Counts – Intersection counts along South Delaware Street may be used to determine change in intersection volume and level of service due to increased development along within the Corridor and for conformance with General Plan level of service standards.
- Transportation Surveys – Transportation Surveys may be used as a means to identify driver behavior as related to the TDM measures adopted for each individual Project phase. It is intended that such surveys be used when appropriate to clarify anomalies or questions that may arise during the review of the annual traffic count program.

Dependent on the participants in the TMA, it may be necessary to modify the monitoring of the TDM measures outlined above. However, any changes to the monitoring shall not change the essence of the requirements and shall still ensure that the trip reduction requirements are met.

- B) Non-Compliance with the Trip Reduction Measures – If during review of the annual TMA monitoring it is determined that the Project has not met its required site trip reduction, the Project shall be identified as being in non-compliance status. Notification shall be sent by registered mail to the Applicant, the Transportation Coordinator and the Owners' Association representative indicating this status. Within ninety (90) calendar days of receipt of such non-compliance notice, the Applicant shall be required to submit a revised TDM program to City staff and the TMA that includes more aggressive trip reduction strategies. The revised program shall identify what TDM measures are proposed to be replaced and what new measures are proposed to be implemented.

Review of the revised TDM program shall 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 during the regularly scheduled annual count program.

A second consecutive count period that shows that the Project is not meeting its trip reduction target shall trigger a requirement to again revise the TDM program within ninety (90) calendar days. This revised TDM program will be reviewed by the Public Works Commission. Upon approval of this revised TDM program by the Public Works Commission, a public hearing will be scheduled for review of the plan by the City Council. Either review by the Public Works Commission or City Council may result in the City implementing stricter or more aggressive trip reduction measures or strategies on behalf of the Applicant. Public Works Commission and City Council reviews shall focus on alternative industry-standard TDM measures used in the San Francisco Bay Area, or increasing the effectiveness of the TDM measures listed in the Nelson/Nygaard Project TDM Program.

If necessary, the final step in TDM plan program modification may require the use of GO Passes, changing the shuttle program to better meet user's preferences, unbundling more parking and/or increasing the cost of the unbundled parking, and/or charging for employee/visitor parking.

- C) Vehicle Trip Cap – At no time during the construction or build-out of the project can the trips generated by the project exceed the trip projected in the Traffic Impact Analysis of the Project by Hexagon dated June 7, 2010.

Mitigation - These measures (or their equivalent as determined by the City Engineer or his or her designee) shall be incorporated on the building plans prior to the issuance of each building permit, and shall be monitored by the Public Works Department during the operation of the Project through routine inspections. (PUBLIC WORKS)

88. TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) – The Project shall continue to participate in the TMA formed to manage projects within the Corridor Plan area. As a participant, the Project is 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. **Mitigation – The Applicant shall participate in the TMA, and such participation shall be monitored by the Public Works Department during the operation of the Project through routine inspections. (PUBLIC WORKS)*

89. RECORD DRAWINGS - The building permit applicant shall submit to the Public Works Department one full set of record drawings and construction specifications for all off-site

improvements, if any, prior to the issuance of any occupancy permits associated with such improvements. All underground facilities shall be shown on the record drawings as constructed in the field. The building permit applicant shall also provide the City with an electronic copy of the as-builts in the AutoCAD version in use by the City at the time of submittal. (PUBLIC WORKS)

90. RESTORATION OF PUBLIC IMPROVEMENTS - Each grading and building permit applicant shall be responsible for repairing or replacing all existing public improvements not designated for removal which are damaged or removed as a result of work undertaken pursuant to such permit. 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 no worse than their original condition.

Each grading and building permit applicant shall also be responsible for protecting all underground utilities within the right-of-way, or on-site easement, intended to remain operational at the end of work undertaken in accordance with such permits. The grading or building permit applicant shall request a walk-through with the City Engineer or his or her designee prior to the start of construction to verify existing conditions. Which existing improvements to be repaired or replaced shall be at the direction of the City Engineer or his or her designee, provided that these damages did not exist during the pre-construction walk-through.

The Applicant shall pay a pro-rata share of the costs for any necessary base failure repair, and for the full cost of repaving of the use haul route(s) between the freeway off-ramp and the job site. Method of determining the pro-rata cost share for base failure shall be based on truck trips generated by the project as compared to typical truck traffic along the identified truck route, unless otherwise determined by the Director of Public Works or his designee. (PUBLIC WORKS)

91. STORM WATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT – The applicant for storm water management discharge control permits regarding the project shall execute a maintenance agreement with the City’s Director of Public Works as specified in Municipal Code 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 any building at the project site. (PUBLIC WORKS)
92. FIRE PROTECTION SYSTEMS – All fire protection systems shall be installed and approved by the Fire Department. All exists, signage, emergency lighting, rated construction, fire assemblies, fire extinguishers (installed within recessed cabinets), evacuation signs as required, HVAC smoke detection as required, and building address numbers (6”H x

2"stroke) shall be installed and approved by the Fire Department before clearance for Certificates of Occupancy. (FIRE)

93. ADDRESS POSTING AND VISIBILITY – The Applicant shall ensure that any and all buildings will be posted with an address number, the main address shall be easily visible from the access road. (FIRE)

E. The following conditions shall be met prior to the approval of the FINAL MAP or PARCEL MAP.

94. SUBDIVISION IMPROVEMENT AGREEMENT – If the applicant wishes to have the final project map approved prior to the completion of the project's public improvements, the applicant shall enter into a subdivision improvement agreement with the City per Gov. Code Section 66462(a), and shall arrange to provide security for the remaining public improvements to be completed. The agreement will be forwarded to the City Council for approval with final map. (PUBLIC WORKS)

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

95. BUILDING CONSTRUCTION ACTIVITIES - The following provisions to control traffic congestion, noise, and dust shall be followed during site excavation, grading, and construction undertaken in connection with building construction:

- a) Applicable BAAQMD Basic and Enhanced Control Measures shall be implemented.
- b) Construction activities shall be restricted to the weekday hours between 7:00 a.m. and 7:00 p.m., and may be conducted on Saturday from 9:00 a.m. to 5:00 p.m. and on Sunday from 12:00 p.m. to 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 (10) feet from the exterior property line. Materials delivery to and from the Project Site, including truck arrivals and departures to and from the site, will be prohibited between the weekday hours of 7:30 a.m. to 8:30 a.m. and 4:00 to 5:30 p.m. No work being done under the issuance of a Public Works encroachment permit may be performed on the weekend, unless prior approvals have been obtained from Public Works. Signs outlining these restrictions shall be posted at conspicuous locations on site.
- c) The allowed hours of construction activities may be waived or modified through an exemption from the hours of work designated in Municipal Code Section 23.06.060, for limited periods, if the Building Official finds that the following criteria are met:
 - i) Permitting extended hours of construction will decrease the total time needed to complete the Project phase thus mitigating the total amount of noise associated with the Project as a whole; or

- ii) 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:
- The exemption will not conflict with any other Conditions of Approval required by the City to mitigate significant impacts; or
 - The contractor or owner of the relevant property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity that may impact the area. This notification must be provided three (3) days prior to the start of the construction activity; or
 - 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.
- d) 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 would require acceptance by the City.
- e) The Building Official may revoke the exemption at any time if the contractor or owner of the relevant 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.
- f) All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet applicable State standards.
- g) 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 Building Officer cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems shall not be allowed.
- h) All aggregate materials transported to and from the Project Site shall be covered in accordance with California Vehicle Code Section 23114 during transit to and from the Project Site. (BUILDING)

**Mitigation - These measures (or their equivalent as determined by the Building Official) shall be incorporated on the grading or building plans prior to the issuance of each grading*

or building permit as applicable, and shall be monitored by the Building Division during construction through routine inspections.

96. CONSTRUCTION BEST MANAGEMENT PRACTICES (BMPs) - Grading and building permit applicants shall perform all construction activities in accordance with the current BMP Construction Manual, Municipal Code Chapter 23.40 (Site Development Code) and the San Mateo Countywide Water Pollution Prevention Plan by reference. (PUBLIC WORKS)
**Mitigation - These measures shall be incorporated on the grading and building plans prior to the issuance of each grading or building permit as applicable, and shall be monitored by the Public Works Department during construction through routine inspections.*
97. WASTEWATER DISCHARGE - Wastewater potentially generated during site construction through dewatering activities may, after sufficient testing as determined by the Public Works Department, be discharged to the municipal sanitary sewer and shall meet all applicable local, state and federal regulations for such discharge. (PUBLIC WORKS)
**Mitigation - This measure shall be incorporated on the building plans prior to the issuance of each building permit as applicable, and shall be monitored by the Public Works Department during construction through routine inspections.*
98. TREE PROTECTION MEASURES – All approved and installed tree protection measures shall be maintained throughout the period of construction. (PLANNING)
99. NOTICE OF SUCCESSORS IN INTEREST - The Applicant shall be responsible for assuring that any successor in interest in the Project Site and/or Project is informed of the terms and conditions of the Specific Plan, the Design Guidelines, the SPAR, the SDP, the VTM, and these Conditions of Approval, and that they are required to abide by such terms and conditions. (PLANNING)
100. PUBLIC WORKS CONSTRUCTION ACTIVITIES - The following provision to control traffic congestion, noise, and dust shall be followed during site excavation, grading and construction undertaken in connection with construction outside the footprint of buildings:
- 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 (3) days prior to the start of the extended construction activity.
- 4) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member of the public.

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

- b) All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.

- c) Newly disturbed soil surfaces shall be watered down regularly by a water trucks or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems will not be allowed.
- d) Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- e) All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
- f) Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for any lane or sidewalk closures. To the extent feasible, the applicant shall retain access along Concar Drive during construction or will provide for an alternative access to the Hayward Park Train Station. 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. (PUBLIC WORKS)

** Mitigation – These measures (or their equivalent as determined by the Public Works Department) shall be incorporated on the plans prior to the issuance of the relevant permit, and shall be monitored by the Public Works Department during construction through routine inspections.*

101. 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 (3) 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 (or their equivalent as determined by the Building Official) shall be incorporated on the building plans prior to the issuance of each building permit as applicable, and shall be monitored by the Public Works Department during construction through routine inspections. (PUBLIC WORKS)*

102. AESTHETICS DURING CONSTRUCTION – During construction at the Project site, the Applicant shall be responsible for taking appropriate steps to control dust and maintain the undeveloped portions of the Project Site in a safe and attractive manner. Such measures may include, but are not limited to, screening from public view (at street level) the portions of the property that are neither developed nor undergoing construction in the form of fencing set back from the sidewalk. The screening incorporated during construction should be appropriate for the location on the site and as well as attractive and aesthetically pleasing. Specific measures to maintain aesthetics during construction shall be determined, subject to the review and approval of the Planning Commission and Public Works Department, at the time of approval of building permits for each individual blocks. (PUBLIC WORKS, PLANNING)

103. UNIFIED CONSTRUCTION MANAGEMENT – The Applicant shall provide for unified construction management of the Specific Plan area development. Management shall include responsibility for the operation and maintenance of common areas including common parking, common driveways, landscaping, lighting, signage, security, and similar matters of concern.

- a) The Applicant shall provide for a construction manager to act as point of contact for the Applicant in resolving construction issues with the City during on-site excavation, grading, drainage, street construction, erosion control measure construction and overall site coordination issues with respect to construction of the development as shown in the Specific Plan area, or for each of the phases or Blocks of land in the Specific Plan area (Construction Manager).

- b) The Construction Manager shall be responsible for meeting with the City's Public Works Construction Inspector, collecting materials tags for submittal to the City as applicable, supervising all required testing performed during construction activities, providing all testing results to the City, and be the point of contact for any dialogue between the City and the owner. A letter shall be submitted to the City by the Applicant designating the person to serve as the Construction Manager prior to the issuance of the first grading or building permit under this, or subsequent, planning applications. The Construction Manager or his or her designee shall be on-site at all times that construction or demolition activities are underway. Should the Construction Manager change during any phase of construction, the Applicant shall submit a new letter to the City giving notification of change and designating a new person to act as the Construction Manager. This condition is not intended to limit the Applicant to the use of only one contractor for purposes of development of the Project, but simply to ensure that all contractors are fully coordinated.
- c) The Construction Manager shall designate an employee or agent as the construction impacts coordinator, to be responsible for receiving calls from residents or businesses regarding specific construction related complaints, including but not limited to noise, dust, vibration, and ground shaking (Construction Impacts Coordinator).
- d) The Construction Impacts Coordinator shall be responsible for taking appropriate measures to reduce or eliminate the construction impacts. A log of complaints and responses shall be kept on file for review by the City. The Construction Impacts Coordinator shall act as a liaison between the residents in the vicinity of the construction and the contractor(s), so perceived issues are addressed as soon as possible.
- e) The Construction Impacts Coordinator shall be available during all phases of construction and for six (6) months after completion of construction. A letter shall be submitted to the City by the Applicant designating the person who will serve as the Construction Impacts Coordinator prior to the issuance of the first grading or building permit. Should the Construction Impacts Coordinator change during any phase of construction, the Applicant shall submit a new letter to the City giving notification of the change and designating a new person to act as the Construction Impacts Coordinator.
- f) The Construction Impacts Coordinator shall also be responsible for developing a communications plan to discuss the progress of the Project. This could include the following: preparing and distributing quarterly newsletters to the adjacent neighborhoods discussing the progress of construction and posting a copy on the City's website, maintaining an email list for newsletter distribution, and posting on-site signage. The communications plan shall be submitted, reviewed and approved by the City. The newsletter shall include the name and phone number for the Construction

Impacts Coordinator and be submitted, reviewed and approved by the City prior to the distribution to the neighborhood. (PUBLIC WORKS, BUILDING, PLANNING)

104. MATERIAL HAULING AND CONSTRUCTION WORKER PARKING - For material delivery vehicles equal to, or larger than two-axle, six-tire single unit truck (SU) size or larger as defined by FHWA Standards, the applicant shall submit a truck hauling route that conforms to City of San Mateo Municipal Code Section 11.28.040 to the approval of the City Engineer. The project sponsor shall require contractors to prohibit trucks from using "compression release engine brakes" on residential streets. The haul route for this project shall be: **To: Eastbound - Highway 92 to South Delaware Street to Project Site. Westbound - Highway 92 to Concar Drive to Project Site. From: Eastbound - Project Site to South Delaware Street to Highway 92. Westbound - Project Site to Concar Drive to Highway 92.** A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work.

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

**Mitigation – These measures shall be incorporated on the building plans prior to the issuance of each building permit, and shall be monitored by the Public Works Department during construction through routine inspections. (PUBLIC WORKS)*

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

105. PARK SPACES AND RIGHT OF WAY LANDSCAPING - All open space areas identified in the Specific Plan, the Design Guidelines and the SPAR plans shall be privately owned and maintained. *The Park (OS-5), Park Corridor (OS-6), Station Corridor (OS-7), The Gateway*

Park (OS-8), The Community Park (OS-9), and The Greenway Pocket Parks (OS-10) open spaces shall all be accessible to the public, subject to reasonable use limitations, including hours.

All proposed landscaping within the Project Site, including street trees within private rights-of-way, shall be privately maintained. All landscaped areas shall be maintained free of litter, debris and weeds. All plantings shall be permanently maintained in a healthy growing condition and whenever necessary, replaced with equivalent plant materials to ensure continued conformance with approved plans. (PLANNING)

106. HOLD HARMLESS – The applicant 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. The applicant shall record these Conditions of Approval against the property. (PLANNING)
107. 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 in the amount of \$1,000.00 with an annual increase, if necessary to recover the City’s costs of inspection, in the amount of any CPI increase.
 - 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 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.*

108. SHOPPING CARTS - Applicant and all future project tenants shall comply with the requirements of Municipal Code Section 17.29, the Shopping Cart Removal, Improvement, and Disposal Ordinance, or execute an agreement for the pick-up of off-site shopping carts. (PLANNING)
109. 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 applicant 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)
110. INDEMNIFICATION – The Applicant 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 Applicant is required to defend the City, the City shall retain the right to select the counsel who shall defend the City. (CITY ATTORNEY)