

**EXHIBIT B**  
**CITY OF SAN MATEO PLANNING APPLICATION**  
**CONDITIONS OF APPROVAL**  
**PA #15-009, 221 S El Camino Real SPAR, SDPA, TM**  
**SITE PLAN AND ARCHITECTURAL REVIEW, SITE DEVELOPMENT PLANNING APPLICATION, TENTATIVE**  
**PARCEL MAP**  
**221 S El Camino Real**  
**PARCEL #034-142-160**  
**AS APPROVED BY THE PLANNING COMMISSION ON 6/9/2015**

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, or at the time specified in the condition.**

**Planning Division**

1. CONFORMANCE WITH APPROVED PLANNING APPLICATION - All building permit drawings and subsequent construction shall substantially conform with the approved planning application, including: drawings, materials samples, building colors, and other items submitted as part of the approved planning application. Documentation of any changes to the approved Planning Application plan set shall be provided at the time of Building Permit submittal. Any proposed modifications to the approved planning application must be reviewed by the Chief of Planning and/or Zoning Administrator. Modifications to Building Permit plans must be approved prior to construction of the modified improvements. The Chief of Planning and/or Zoning Administrator shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a new planning application must be submitted to permit the proposed project modifications. A new planning application shall be subject to review by the Zoning Administrator, Planning Commission, or City Council. (PLANNING)
2. CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval beginning on sheet 2 of the plans. (PLANNING)
3. 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 PA15-009 , 221 S El Camino Real SPAR.”

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. If a company, entity, or organization is the property owner, additional information regarding who has signature authority will be required in form of power of attorney, articles of organization, operating agreement, or other similar document. (PLANNING)

4. 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 the issuance of the first building permit. (PLANNING)
5. SITE DEVELOPMENT PERMIT FOR REMOVAL OF STREET TREE AND TREE REPLACEMENT - The applicant shall obtain a Site Development Permit (SDP) from the Planning Division for removal of the existing pine tree located on E. Third Ave, prior to the issuance of a Site Development Permit for grading or Building Permit, whichever comes first. With the SDP, the applicant shall plant street trees on the sidewalk right-of-way generally fronting the project site on E. Third Ave and S. El Camino Real. The applicant shall explore alternative street trees, number of street trees, their locations, and provide design details for alternative support systems to ensure the street trees enhance the public realm at this gateway to downtown. The final alternative street trees, number of trees, their locations, and design details for alternative support systems are subject to the review and approval of the city’s Managing Arborist, City Engineer, and Chief of Planning; or their respective designees. If alternative support systems are not feasible, the applicant shall provide replacement trees in a manner consistent with the Site Development Code and the city’s current standard for tree grates and root barriers. (PARKS AND RECREATION)
6. PHASED PROJECTS - Applicant shall submit a complete phasing plan indicating all infrastructure and other site improvements to be installed in conjunction with the construction of a particular building, parcel, or phase of development. (PLANNING)

7. 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 shall be responsible for obtaining separate permits for signage through the Building Division. (PLANNING)
8. 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 San Mateo 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 in the field. 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)
9. 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)
10. RECYCLING COLLECTION AREA REQUIREMENTS – The applicant shall be required to construct and maintain recycling collection areas on the property in accordance with City regulations and Standards (Municipal Code §27.86). The areas and dimensions for recycling collection areas shall meet the standards established by the local recycling collection provider (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 property, unless an alternate location is authorized by the Chief of Planning and/or Zoning Administrator. (PLANNING)

11. EXCAVATED SOILS - 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 local, state and federal regulations. If the concentration of constituents in the project site soils do exceed hazardous waste criteria, they will be disposed of as hazardous waste in accordance with local, state and federal regulations. The applicant shall work with the San Mateo County Environmental Health division to ensure that the handling and disposal of the excavated soil is consistent with applicable regulations, and shall provide the Planning Division with verification that the disposal is consistent with applicable regulations. (PLANNING)
  
12. DOWNTOWN CPID PARKING - The applicant shall demonstrate that the parking required by the San Mateo Municipal Code for properties located within the Central Parking Improvement District (CPID) boundary area has been fulfilled by any combination of the following prior to the issuance of any building permits:
  - a. Established credit for previous uses;
  - a. Parking provided on-site;
  - b. Off-site parking provided with a Special Use Permit and secured lease;
  - c. Increase in CPID parking-deficiency assessments; and/or
  - d. Payment of a fee to the CPID in lieu of providing parking on site.

The applicant shall provide verification of the gross floor area and show floor area calculation of the project and the proposed uses. The information will be used by Planning staff to calculate the parking in-lieu fee amount and incorporated by reference in the Parking In-Lieu Fee Agreement. The applicant shall record the Agreement and provide payment of the in-lieu fee in effect at the time prior to issuance of the first building permit. (PLANNING)

13. ANNUAL PAYMENT AGREEMENT FOR LOSS OF METER REVENUE- The property owner shall execute an agreement to compensate for the loss of meter revenue for the parking meters displaced as a result of the required on-street loading berth to satisfy zoning code requirements. The final number of removed and replaced (if applicable) parking spaces shall be determined prior to issuance of the first building permit. The loss of meter revenue shall be prorated if the removed parking stalls can be replaced with dual use parking stalls (stalls with loading and unloading functions, and metered parking afterwards) for the hours the metered parking stalls are not available due to loading/unloading purposes, generally between 6:00 am to 10:00 am. The fee will correspond to the loss of revenue of the removed meters for the duration of the approved use on the property. The fee shall be paid annually at the amount specified in the agreement, with rate increases specified in the agreement to correspond to downtown meter parking rates. The agreement shall be executed and recorded prior to the first building permit issuance. The agreement shall remain in full effect so long as the use triggering the loss of parking meters remains in

operation. The property owner shall be responsible for ensuring the annual fee is paid annually at the amount specified in the agreement. All cost, liability, and insurance requirements associated with the loading zoning within the right-of-way shall be the responsibility of the property owner. (PLANNING)

### **Building Division**

14. CALGREEN – The building shall be designed to include the green building measures specified as mandatory in the application checklists contained in the California Green Building Standards Code. The applicant shall incorporate the checklist along with a notation on the checklist to specify where the information can be located on the plans, details, or specifications, etc.

See City of San Mateo CalGreen New Nonresidential Checklist at:  
<http://www.cityofsanmateo.org/DocumentCenter/View/40970> (BUILDING)

15. PRE-CONSTRUCTION CONFERENCE FOR LARGE PROJECTS- A pre-construction conference shall be held at a time and location agreed upon by the City and applicant for the purpose of reviewing Conditions of Approval and construction-site procedures. The applicant shall be represented by his design and construction staffs, which include any sub-contractors. Departments having conditions of approval for the project will represent the City. This meeting shall be held prior to issuance of the Demolition Permit, Building Permit or Site Development Permit, and shall be satisfied prior to issuance of whichever permit is issued first. (BUILDING)
16. 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)
17. 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)
18. SHORING/SCAFFOLDING - A separate building permit shall be required for all shoring and scaffolding work. Shoring/scaffolding plans, calculations, etc., shall be reviewed and approved by Building Division. The applicant must obtain an encroachment permit from the Public Works Department for scaffolding erected within the public right-of-way. (BUILDING)

19. SOILS REPORT – The applicant shall provide a stamped, signed, and dated soil investigation report containing design recommendations to the Building Official. The classification shall be based on observation and any necessary tests of materials disclosed by boring or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil-bearing capacity, compressibility, liquefaction, seismically induced soil liquefaction, soil instability, and expansiveness. Additionally, the applicant shall submit a stamped, signed, and dated letter from the Geotechnical Engineer or Civil Engineer who prepared the soil investigation stating the following:

- a) The plans and specifications substantially conform to the recommendations in the soil investigation.
- b) The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the City of San Mateo.

Prior to final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading and associated site work substantially conform to the approved plans, specifications and investigations. (BUILDING)

### **Fire Department**

20. FIRE SPRINKLER SYSTEM: Install an N.F.P.A. 13 fire sprinkler system complying with local amendments. Provide permanent drain to sanitary sewer for all sprinkler discharge. Submit under separate fire plan check and permit. Separate plan check permit is required for the underground fire service. (FIRE)
21. COMBINATION SPRINKLER/STANDPIPE: Install a combination fire sprinkler/standpipe system on each level with 2½" x 1½" reducer caps. Submit under separate fire plan check and permit. Use installation standard NFPA 14 and local amendments. (FIRE)
22. FIRE ALARM SYSTEM: Install a fire alarm system per CFC Chapter 9 and complying with local amendments. Submit under separate fire plan check and permit. Use installation standard NFPA 72. (FIRE)
23. FIRE ASSEMBLIES AND APPLIANCES: The final location of fire service backflow preventors, fire department connections and the juncture of fire service lines to the water main grid shall be approved by fire and documented on the Fire Sprinkler plans. (FIRE)

24. KEY BOX: Install Knox key box(s) on all buildings to allow for Emergency Services/Fire Department accesses. Contact the Bureau of Fire Protection and Life Safety for specific requirements and location approval. Provide keys as required. (FIRE)
25. HYDRANT CLEARANCE: Maintain a 3-foot clear space around all fire hydrants and accessible. Hydrants shall be installed, tested, flushed and approved by the fire department prior to any combustible materials brought onto the work site. (FIRE)
26. PUBLIC HYDRANT: Install public hydrant at 300 ft spacing for commercial, industrial, multi-residential and single-family development. All fire hydrants in vicinity to the project site shall be upgraded to a Clow model 960 or equivalent consisting of (2) 2½ inch and (1) 4½ inch outlet. Each hydrant shall be capable of providing a minimum fire flow of 1500 gpm at 20 psi residual pressure. Water supply for fire protection is required to be installed in accordance with California Water Service specifications. The water supply shall be tested, flushed and approved operable PRIOR to any combustible construction materials being placed on the site. Staged construction should insure that the necessary water supply is maintained from stage to stage in the construction planning. (FIRE)
27. ROOF HATCHES: Required roof hatches shall be a minimum size of 4 feet by 6 feet.(FIRE)
28. STAIRWELL TO THE ROOF: Stairs shall be provided to the roof. No ship ladders will be allowed. (FIRE)

**Public Works Department**

29. 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. [(For major street improvements) Construction plans for improvements in the right-of-way shall be submitted to the City Engineer at 30%, 60%, and 90% design for review. All design assumptions and criteria shall be submitted with each phase of design submittal. Project specifications shall be included for review with the 90% design review. Public Works will review each submittal within two weeks, and provide written comments back to the project engineer, or his representative.] Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit. Right of way improvements shall include, at a minimum, the following items:

- A. STREET BEAUTIFICATION - The applicant shall improve the street frontage to match the City of San Mateo street beautification program in effect at the time of construction. The applicant shall have beautification plans prepared and obtain Public Works Department approval prior to issuance of an encroachment permit. (PUBLIC WORKS)
- B. GATEWAY STREET TREES - The applicant shall plant street trees to on the sidewalk right-of-way generally fronting the project site on E. Third Ave and S. El Camino Real, and shall coordinate the final planting location of street trees with city staff to ensure tree placement do not conflict with underground utilities, lighting, pedestrian or vehicular through movement. The final street trees, their location and design details for the support systems are subject to the review and approval of the city's Managing Arborist, City Engineer, and Chief of Planning; or their respective designees. (PUBLIC WORKS)

- C. STREET MARKINGS - The applicant shall install necessary street markings of a material and design approved by the City Engineer, and replace any that are damaged during construction. These include but are not limited to all pavement markings, painted curbs and handicap markings. All permanent pavement markings shall be thermoplastic. Color and location of painted curbs shall be shown on the plans and subject to approval by the City Engineer. Any existing painted curb or pavement markings no longer required shall be removed by grinding if thermoplastic, sand blasting if in paint. Once installed, the applicant shall coordinate with City crews to mark any red curb within the proposed City right-of-way with a City seal. (PUBLIC WORKS)
  
- D. SIDEWALK - The applicant shall replace to existing City standards all sidewalk surrounding the project site. Sidewalk replacement shall be constructed per City Standard Drawing 3-1-141A (or 3-1-141B). At the time the planning application was filed, a minimum of One Thousand Five Hundred Eighty Eight (1,588) square feet of sidewalk will need to be replaced. This figure is provided only to determine minimum bonding requirements for the encroachment permit. (PUBLIC WORKS)
  
- E. CURB RAMP(S) - The applicant shall construct three (3) curb ramps in accordance with State Standard Drawing No. RNSP A88A on the East side of El Camino Real. The actual ramp "Case" shall be identified on the plans and shall be to the approval of the City Engineer. (PUBLIC WORKS)
  
- F. CURB AND GUTTER - The applicant shall replace to existing City standards all curb and gutter surrounding the project site. New curb and gutter shall be constructed per City Standard Drawing 3-1-141A (or 3-1-141B). At the time of the planning application was filed, a minimum of Seventy Four (74) linear feet of curb and gutter will need to be replaced. This figure is provided only to determine minimum bonding requirements for the encroachment permit. (PUBLIC WORKS)
  
- G. DRIVEWAY REMOVAL - The applicant is to remove the existing driveway approaches located on El Camino Real and 3rd Street as shown on the approved planning application plans, and replace it (them) with sidewalk, curb and gutter per City Standard Drawing 3-1-141A. Public Works estimates that approximately nine hundred and eighty (980) square feet of sidewalk and one hundred and forty (140) lineal feet of curb and gutter will be necessary to replace the existing driveway approaches. These amounts are in addition to the amount of sidewalk, curb and gutter that are required to be removed and replaced as defined by the separate Sidewalk, and Curb and Gutter conditions. (PUBLIC WORKS)

- H. SEWER LATERAL - The applicant shall install as a minimum a six (6) inch City Standard sewer lateral connection from the property line to the sewer main located in the street right-of-way. The installation shall be done in accordance with City Standard Drawing 3-1-101. (PUBLIC WORKS)
30. STORMWATER POLLUTION PREVENTION PERMIT - The applicant must obtain a Stormwater Pollution Prevention (STOPPP) Construction permit, paying the required fees and posting the required cash deposit, for all work associated with the stormwater pollution prevention program (SMMC 7.39). The fee amount will be based upon the City Council resolution in effect at the time the building permit application is made. The permit shall be issued prior to issuance of the first building permit.
31. 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)
32. SEPARATE WATER METERS - When a development includes multiple uses, with one area designated as restaurant space, there shall be a separate water meter for the restaurant space and a separate water meter for the other development use(s). This will facilitate the accurate assessment of the Sewer Service Charge, which is based on water use and customer class. (PUBLIC WORKS)
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 applicant 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. CLEAN, INSPECT AND REPAIR SANITARY SEWER - The applicant shall clean and inspect (via remote TV camera) the mainline sewer from the manhole upstream to the manhole downstream of the project lateral connection (14G:33X to MH 14G:34X). The video inspection shall be done by a professional sanitary sewer video inspection company, to City standards, and be completed prior to building permit issuance. The video inspection shall be conducted within 6-months of obtaining the building permit. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. The required repairs (spray foam-RazoRooter or flushing, or removal of roots, or replacement), as determined by the Public Works Department, shall appear on the improvement plans submitted by the applicant for permit plan check. All necessary repairs to the sewer shall be completed and approved prior to connection of the project lateral to the sewer. (PUBLIC WORKS)
  
36. CLEAN, INSPECT AND REPAIR STORM LINE - The applicant shall clean and inspect (via remote TV camera) the storm line from the manhole upstream to the manhole downstream of the project area (MH 14G:08 to MH 13G:08). The video inspection shall be done by a professional video inspection company, to City standards, and be completed prior to building permit issuance. The video inspection shall be conducted within 6-months of obtaining the building permit. The video of the inspection shall be reviewed with the Department of Public Works and any cracked or broken areas of the line along the project frontage shall be repaired by the applicant at his expense. The required repairs, as determined by the Public Works Department, shall appear on the improvement plans submitted by the applicant for permit plan check. All necessary repairs to the storm line shall be completed and approved prior to connection from the project site. (PUBLIC WORKS)
  
37. UNDERGROUND UTILITIES - The applicant must install all new, and upgraded, utility service, including telephone, electric power, and other communications lines underground to the building in accordance with City of San Mateo Municipal Code 26.32.020. (PUBLIC WORKS)

38. 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. Where necessary, sidewalk drains per City Standard Drawing 3-1-120 shall be provided to direct the water under the sidewalk and through the curb. No increase to the peak discharge shall be permitted downstream. In addition, discharge must conform to any non-point source permit issued by the Regional Water Quality Control Board. Drainage improvements made on-site shall conform to standard engineering practices and shall not allow any site drainage to impact adjacent properties. All drainage capacity calculations shall be performed by a licensed Civil Engineer, whose signed engineer's stamp shall appear on the calculations sheets, and shall be submitted to the City for review and approval with the project civil plans. The applicant shall install bio-retention areas and flow-through planters. For projects that include permanent structural controls for water quality protection, the O&M (operation and maintenance) procedures for such control features shall be submitted for review and approval prior to occupancy 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. (PUBLIC WORKS)
39. CHARGES FOR PUBLIC WORKS SERVICES - Prior to plan checking, the applicant shall be required to deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of the project. The amount of the deposit shall be \$10,000.00. Public Works plan checking of the plans submitted with the building permit plans cannot proceed until the deposit is submitted. The applicant shall be required to increase the deposit, or be billed monthly at the discretion of the City, for any costs in excess of the deposit. If billed monthly, invoices shall not become delinquent (must be paid within 30 days of receipt). Prior to final occupancy the bill shall be paid in full. The City will refund any portion of the deposit not utilized. (PUBLIC WORKS)
40. ADDRESS PLAN - The applicant shall submit to the Public Works Department a final address plan. The plan shall be substantially in conformance with the address plan approved with the planning application. Said submittal shall be approved by the City Engineer prior to the submittal of plans for the Foundation (or first) Building Permit. (PUBLIC WORKS)

41. PARCEL MAP - It shall be the applicant's responsibility to have a parcel map, 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. 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 AutoCAD Version being used by the City at the time of recordation. 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. CALTRANS PERMIT - Prior to the issuance of a foundation building permit, the applicant must submit evidence to the Public Works Department of approval by the State of California for the performance of any work within the State right-of-way. If the City is required to be a party to the permit application and a fee is required, the applicant shall reimburse the City for its cost. The Applicant is encouraged to contact the Caltrans permit office as soon as possible to learn what is required to obtain Caltrans approval and issuance of a State Encroachment Permit. (PUBLIC WORKS)

**Police Department**

43. BUILDING SECURITY CODE COMPLIANCE - The project plans shall comply with the City's Building Security Code (San Mateo Municipal Code Chapter 23.54). (POLICE)
44. 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)

45. SECURED BUILDING ACCESS BY POLICE DEPARTMENT - At the exterior of the main exterior and parking garage entrances for secured buildings, the applicant shall install telephone entry pads (TEPs). These TEPs must allow the Police Department personnel to access the interior of the building. The TEPs must also be installed at exterior gate locations that lead to secured areas of the site, such as interior courtyards. TEP Placement location is subject to the review and approval of the Chief of Police or his/her designee, prior to the approval of the first building permit for the project. (POLICE)

**Parks and Recreation Department**

46. UTILITY LOCATIONS - Verify the utility locations. Contact Underground Service Alert (USA) for a utility representative to mark the locations of the utility lines within the rights-of-way where street trees will be placed. (USA is a free service; they will mark the sidewalk showing the horizontal location of underground utilities.) Include in the next set of drawings, confirmation of the location of existing utilities with respect to proposed tree planting locations. (PARKS AND RECREATION)
47. DEPTH OF UTILITIES - Contact Calwater for help in determining the depth of the utilities. You should be aware of both the width and depth of the underground utilities in order to avoid interference with proposed street trees and their root systems. This information will affect the type and size of the trees that are determined to be appropriate for the projects. (PARKS AND RECREATION)
48. STREET TREE PLANTING – The applicant shall have a licensed landscape architect amend the street tree planting and sidewalk detail on the final building permit plans to meet the following specifications:
- a. All trees should have a minimum *rootable soil* volume of 1,200 cu. ft. per tree, not including the sidewalk base material, unless alternative base materials are used. Alternative base materials include structural grids (Silva Cells), and Engineered Soil Mixes approved by the City’s Managing Arborist. THIS LANGUAGE SHALL BE INCORPORATED INTO THE SITE PLANS and LANDSCAPE PLANS.
  - b. *Rootable soil* is defined as having compaction of less than 90%. Existing soil shall be inspected by the City’s Managing Arborist prior to any paving or planting. At arborist’s discretion, existing soil may need to be replaced or amended with an approved loam soil. All construction debris and stones larger than 1 inch shall be removed from *rootable soil* area. THIS LANGUAGE SHALL BE INCORPORATED INTO THE SITE PLANS and LANDSCAPE PLANS.
  - c. The City’s Managing Arborist recommends the following resources be used for street tree planting:

- Urban, J. Up by the Roots: Healthy Soils and Trees in the Built Environment. Champaign, IL: International Society of Arboriculture c.2008
- Roberts, J., Jackson, N. and Smith, M. Tree Roots in the Built Environment. Norwich, NR31GM: Stationary Office (London: TSO) Crown Copyright 2006
- Casey Trees. Tree Space Design: Growing the Tree out of the Box. Washington, DC. c.2008 (this reference is available as a free PDF online)
- Additional inspiration, examples, and research can be found at the following websites:

<http://www.jamesurban.net/>

<http://www.deeproot.com/>

- d. The applicant shall provide larger tree wells and tree grates, and the minimum street tree well and street tree grate size shall be finalized prior to the first building permit issuance and shall be in coordination with the City's Managing Arborist and the City Engineer.
- e. The street tree replacement species and size shall be finalized prior to the first building permit issuance in coordination with the City's Managing Arborist.

(PARKS AND RECREATION)

**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.**

49. COUNTY ENVIRONMENTAL CLEARANCE – As contaminated soil and groundwater still remain in the subsurface of the site as indicated in the County's case closure letter dated February 4, 2015, the San Mateo County Environmental Health Department must review and approve any changes proposed for development that may impact soil and/or groundwater prior to issuance of the foundation permit. Evidence of County approval must be submitted along with the application for a building permit through the City prior to permit issuance.

**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 this permit.**

50. 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 calculated from the final plans using the rate schedule in effect at the time of the building permit application. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS)
51. TRANSPORTATION IMPROVEMENT FEE - The applicant shall pay a fee proportional to the project's share of transportation improvements needed to serve cumulative development within the City of San Mateo. The fee amount will be based upon the City Council resolution in effect at the time the building permit application is made. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS)
52. SANITARY SEWER INCREASE CHARGE - The applicant shall pay a fee proportional to the project's share of the increase amount of sewage generated by the project. The fee will be based upon the City Council resolution in effect at the time the building permit application is made. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS, BUILDING)

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

**Planning Division**

53. PLANNING DIVISION INSPECTIONS – The applicant shall notify 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)
54. 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)

**Building Division**

55. ART IN PUBLIC PLACES – If applicable, based on the valuation of the construction for the project, the applicant shall be required to comply with Section 23.60 of the San Mateo Municipal Code 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 shall 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)

56. CHILD CARE DEVELOPMENT FEE – If applicable, based on commercial projects over 10,000 sq. ft. of either: a) new commercial development, b) addition of square footage to existing commercial development, and/or c) commercial tenant improvements requiring a planning approval, the applicant shall be required to comply with City Council Resolution No. 88 – (2005). The final fee will be based on the square footage of the entire project. It shall be paid into the Child Care Development Fund and will be determined based on the approved project and construction drawings. The fee shall be paid prior to occupancy. (BUILDING)

### **Fire Department**

57. FIRE AND LIFE-SAFETY REQUIREMENTS FOR OCCUPANCY: All fire protection systems shall be installed and approved by the Fire Department prior to occupancy. All exits, signage, emergency lighting, rated construction, fire assemblies, fire extinguishers, evacuation signs as required, smoke control, generators, HVAC smoke detection as required, elevator recall and building address numbers. (FIRE)

### **Public Works Department**

58. TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM – A Transportation Demand Management (TDM) Program has been prepared for this project, using measures contained in the Transportation Impact Analysis (TIA) prepared by Hexagon Transportation Consultants, dated April 9, 2015. Please refer to the TIA for a comprehensive overview of the TDM measures, and see below for a summary:

- Downtown Transportation Management Association
- Employee Transportation Coordinator
  - Alternative Transportation
    - Transit maps
    - Bus stop locations
    - Bike maps
    - Guaranteed ride home
    - Bicycle parking
- Telecommute/Flexible Work Schedule
- Transit Programs

- Trip Planning
- Commuter Benefits
- Transit Passes
- Bicycle Programs
  - Storage and Shower/Changing Facilities
  - Financial Incentives
- Carpool/Vanpool
  - Rideshare
  - Subsidized/Free Van or Carpool

A written letter to the Zoning Administrator of the City Planning Division and the City Engineer of the City Public Works Department on an annual basis as part of the Annual Written Compliance Letter will include a written assessment of compliance with the Transportation Management Plan by the end (December 31<sup>st</sup>) of every calendar year. Additionally, it shall be a requirement that the property owner or their designee participate in the formation of the Downtown Transportation Management Agency (TMA) and make payment towards the formation of the TMA. Once it is formed, the TMA shall oversee compliance with the TDM Program. (PUBLIC WORKS)

59. TRANSPORTATION MANAGEMENT ASSOCIATION (TMA) – This project is required to participate in the TMA, including annual payment of membership dues, when it has been established by the City and to pay \$10,000 toward the formation of the TMA. The TMA will develop TDM measures and make them available to both existing and future development within the Downtown area. Payment shall be made prior to issuance of the building permit. (PUBLIC WORKS)
60. RECORD DRAWINGS - The applicant shall submit one full set of original record drawings and construction specifications for all off-site improvements to the Department of Public Works prior to the issuance of any occupancy permit. All underground facilities shall be shown on the record drawings as constructed in the field. The applicant shall also provide the City with an electronic copy of the as-builts in the AutoCAD Version being used by the City at the time of completion of the work. (PUBLIC WORKS)
61. STORM WATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT – The applicant shall execute a maintenance agreement with the City’s Director of Public Works as specified in Chapter 7.39.210-230 of the Stormwater Management and Discharge Control ordinance. The agreement shall outline the operation and maintenance (O&M) plan for the permanent storm water treatment facilities. This agreement shall be executed prior to the first occupancy of the building. (PUBLIC WORKS)

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

**Planning Division**

62. ARCHAEOLOGICAL FINDS - In the event of the discovery of archaeological resources, the applicant shall be responsible for halting construction activities, notifying the Chief of Planning, and retaining a qualified archaeologist. The archaeologist will be required to evaluate the uniqueness of the find and to contact local Native American and Historical organizations, and shall recommend a further course of action. (PLANNING)

**Building Division**

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

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

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

- a) The following criteria are met:
  - 1) Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or
  - 2) An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.
  
- b) The exemption will not conflict with any other conditions of approval required by the City to mitigate significant impacts.

- c) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the construction activity.
- d) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by an interested member of the public.

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

### **Fire Department**

- 64. PREMISE NUMBER - The applicant shall post an address number on each building at the project site that must be easily visible from the street or fire access road. This address number shall be installed at the start of construction and shall be maintained at all times that the use permitted by this planning application occupies the premises. (FIRE)
- 65. BARRICADES, FENCES, or GATES ACROSS FIRE ACCESS ROADWAYS DURING CONSTRUCTION: The installation or use of barricades, fences, or gates across emergency vehicle access roads during construction shall have prior approval of the City of San Mateo Fire Chief, or his/her designee. (FIRE)
- 66. BUILDING EGRESS: Adjacent buildings/properties shall not have their required egress restricted or compromised at any time during the construction of this project. (FIRE)
- 67. FIRE SAFETY DURING CONSTRUCTION: Buildings under construction shall comply with the requirements of the California Fire Code. All additional fire permits required by the California Fire Code shall be obtained from the Bureau of Fire Protection and Life Safety. (FIRE)

### **Public Works Department**

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

- A. Construction activities related to the issuance of any Public Works permit shall be restricted to the weekday between 7:00 a.m. and 7:00 p.m. Please note, however, that no work shall be allowed to take place within the City right-of-way after 5:00 p.m. In addition, no work being done under the issuance of a Public Works encroachment permit may be performed on the weekend unless prior approvals have been granted by Public Works. Earth haul and materials delivery to and from the site, including truck arrivals and departures to and from the site, will be prohibited between the weekday hours of 4:00 p.m. - 5:30 p.m. Signs outlining these restrictions shall be posted at conspicuous locations on site. The signs shall be per the City Standard Drawing for posting construction hours. The sign shall be kept free of graffiti at all times. Contact the Public Works Department to obtain sample City Standard sign outlining hours of operation.

The allowed hours of Public Works construction activities may be waived or modified through an exemption, for limited periods, if the City Engineer finds that:

- 1) The following criteria are met:
  - a) Permitting extended hours of construction will decrease the total time needed to complete the project thus mitigating the total amount of noise associated with the project as a whole; or
  - b) Permitting extended hours of construction are required to accommodate design or engineering requirements, such as a large concrete pour. Such a need would be determined by the project's design engineer and require approval of the City Engineer.
  - c) An emergency situation exists where the construction work is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.
- 2) The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.
- 3) The contractor or owner of the property will notify residential and commercial occupants of property adjacent to the construction site of the hours of construction activity which may impact the area. This notification must be provided three days prior to the start of the extended construction activity.
- 4) The approved hours of construction activity will be posted at the construction site in a place and manner that can be easily viewed by any interested member

of the public.

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

- B) All construction vehicles should be properly maintained and equipped with exhaust mufflers that meet State standards.
- C) Newly disturbed soil surfaces shall be watered down regularly by a water trucks or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems will not be allowed.
- D) Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.
- E) All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.
- F) Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the City Engineer, for any lane or sidewalk closures. The detour plan shall comply with Part 6, Temporary Traffic Control, of the State of California Manual of Uniform Traffic Control Devices (MUTCD), 2012, and standard construction practices. (PUBLIC WORKS)

69. HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for businesses within the vicinity of Hillsdale Mall and within the Downtown area during the holiday season (November 20 to January 1), unless authorized by the City Engineer, there shall be no construction activities within the right-of-way which would create lane closures, eliminate parking, create pedestrian detours, or other activities that may create a major disturbance as determined by the City Engineer. A pedestrian detour in accordance with the Caltrans Temporary Pedestrian Facilities Handbook (June 2014) may be acceptable. Prohibition on El Camino Real shall be along its entire length within the City limits. For purposes of this condition, the limits of the Downtown area shall be defined as: between El Camino Real on the west and Delaware Street on the east, Tilton Avenue on the north, and Fifth Avenue on the south. The prohibition shall also include the 3rd and 4th Avenue corridors between Delaware Street and U.S. 101. (PUBLIC WORKS)

70. 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 for 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: project site to S. El Camino Real to HWY 92 and from HWY 92 to S. El Camino Real to project site. A letter from the applicant confirming the intention to use this hauling route shall be submitted to the Department of Public Works, and approved, prior to the issuance of any City permits. All material hauling activities including but not limited to, adherence to the approved route, hours of operation, staging of materials, dust control and street maintenance shall be the responsibility of the applicant. All storage and office trailers will be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. The applicant must provide an approved method of cleaning tires and trimming loads on-site. Any job-related dirt and/or debris that impacts the public right-of-way shall be removed immediately. No wash down of dirt into storm drains will be allowed. All material hauling activities shall be done in accordance with applicable City ordinances and conditions of approval. Violation of such may be cause for suspension of work.

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

71. BEST MANAGEMENT PRACTICES (BMP) – The applicant shall perform all construction activities in accordance with the City’s Storm Water Management and Discharge Control Rules and Regulations (SMMC 7.38.020), and the San Mateo Countywide Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at: <http://www.flowstobay.org/documents/business/construction/SWPPP.pdf> (PUBLIC WORKS)

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

**City Attorney**

72. 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)

73. 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)

**Public Works Department**

74. 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 \$500 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)