

CITY OF SAN MATEO PLANNING APPLICATION

CONDITIONS OF APPROVAL

PA-2019-002, 180 E. 3RD AVE., SPAR + SDPA

180 E 3RD AVE, SAN MATEO, CA 94401-4013

PARCEL # 034172080

AS APPROVED BY THE PLANNING COMMISSION ON

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.

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 if another deadline is specified in a condition, at that time.

Building Division (PA)

- 1 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)
- 2 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. (BUILDING)
- 3 DEMOLITION - Demolition permit(s) shall be issued in accordance with Section 23.06.100 of the San Mateo Municipal Code. 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)
- 4 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)

5 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)

6 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 (PA)

7 CODE CONFORMANCE - The applicant shall indicate on all building permit plans that all construction shall meet current code standards at the time of building permit submittal. The building permit plans are subject to review and approval by the Fire Marshal or his/her designee prior to issuance of the building permit.

(FIRE)

- 8 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)
- 9 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)
- 10 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)

Planning Division (PA)

- 11 CONDITIONS OF APPROVAL – Final plans shall include all the Conditions of Approval beginning on sheet 2 of the plans. (PLANNING)
- 12 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) The applicant shall install five 36-inch box Shumard Red Oak ("Quercus Shumardii") trees along public streets 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.
 - (B) A two-inch (2") depth layer of mulch shall be required in all new planting areas except in areas of turfgrass or annuals.
 - (C) 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)

- 13 RECORDATION OF CONDITIONS OF APPROVAL – The applicant shall record the final approved planning application conditions of approval document at the San Mateo County Recorder’s Office. The applicant shall submit proof of recordation in the form of a recorded document that includes a confirmation sticker with the recordation evidence. This document shall be recorded prior to the issuance of the demolition permit, building permit, or site development permit, and shall be satisfied prior to issuance of whichever permit is issued first. (PLANNING)
- 14 CONFORMANCE WITH APPROVED PLANNING APPLICATION - All building permit application plans and details, and subsequent construction shall substantially conform with the approved planning application, including: drawings, plans, materials samples, building colors, the written project description, and other items submitted as part of the approved planning application. No signage is approved as part of the planning application; signage is governed by the City’s Sign Ordinance. Documentation of any changes to the approved Planning Application plan set shall be provided at the time of Building Permit application 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 planning application for a modification of a previously approved planning application is required to be submitted to permit the proposed project modifications, as required by San Mateo Municipal Code Section 27.08.080 Modifications. (PLANNING)
- 15 VECTOR CONTROL PLAN - Prior to the issuance of a Site Development Permit or demolition building permit, whichever is issued first, the applicant shall implement and conform to, upon review and approval by the Zoning Administrator, a plan for the control and removal of rodents and other pests to prevent infestation of adjacent land uses and surrounding neighborhoods. This plan shall include pest control measures required during all phases of construction, and also for a period of six months after the completion of construction. (PLANNING)
- 16 SITE DEVELOPMENT PERMIT FOR REMOVAL OF TREES AND TREE REPLACEMENT -

The applicant shall obtain a Site Development Permit from the Planning Division for removal of the five, existing street trees along S. Ellsworth Avenue and E. 3rd Avenue prior to the issuance of a Site Development Permit or demolition building permit, whichever is issued first. The applicant shall specify replacement street trees, their locations, and provide design details subject to the review of the City's Managing Arborist, City Engineer, and Chief of Planning. (PLANNING)

- 17 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)
- 18 ARCHAEOLOGICAL TESTING - Prior to issuance of a Site Development Permit or demolition building permit, whichever is issued first, a qualified archaeologist shall perform subsurface testing at the site to include hand-augured borings and excavated test units. The archaeologist shall analyze gathered data in relation to the detailed project construction plans. The findings of the archaeological investigation shall be submitted for review and approval of the Chief of Planning. This report shall include an evaluation of the "uniqueness" of the find and anticipated project related impacts, as well as recommendations for impact mitigation. (PLANNING)

Public Works Department (PA)

- 19 UNDERGROUND UTILITIES - The building permit application plans shall show the installation of 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)
- 20 POLYCHLORINATED BIPHENYLS (PCB) SCREENING ASSESSMENT FORM - As per Stormwater Municipal Regional Permit requirements and City Code Section 7.39.120, Demolition Permit (DP) Applicants shall complete the PCBs Screening Assessment Form as described within the guidelines included within the Building Demolition Plan Submittal Checklist. The Form shall be reviewed and approved by the City Engineer or his/her designee, prior to issuance of a demolition, site development, or building permit, whichever occurs first. (PUBLIC WORKS)
- 21 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)

- 22 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 any demolition permit, building permit, or site development permit and shall be satisfied prior to issuance of whichever permit is issued first. (PUBLIC WORKS)
- 23 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 (MH 263:12 to MH 263:13). 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 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)
- 24 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. The applicant must obtain an encroachment permit for traffic control prior to issuance of a demolition, site development, or building permit, whichever occurs first. Prior to issuance of the encroachment permit, the applicant shall submit traffic control plans for any lane or sidewalk closures. The traffic control plans shall comply with the most recent version of the California Manual of Uniform Traffic Control Devices (CA MUTCD) and the City's Traffic Control Plan Requirements. The encroachment permit for right of way improvements shall be obtained prior to the issuance of the 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. Final construction plans and specifications shall be approved by the City Engineer, and released for construction, prior to the issuance of the encroachment permit. Quantities for items below are provided only to determine minimum bonding requirements for the encroachment permit. The encroachment permit for 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) STREET TREES - The applicant shall plant street trees to match the City of San Mateo street tree plan in effect at the time of construction. The street tree plans shall be constructed per City Standard Drawings 3-1-847, Tree Planting Details, and will include tree grates. (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 and the City parking garage on S Ellsworth Avenue. Sidewalk replacement shall be constructed per City Standard Drawing 3-1-141A and match the Street Beautification shown on the approved plans. (PUBLIC WORKS)

(E) CURB RAMPS - The applicant shall construct two (2) curb ramps in accordance

with State Standard Drawing No. A88A at the corner of the intersection of E 3rd Avenue and S. Ellsworth Avenue. The actual ramp "Case" shall be identified on the plans and shall be approved by the City Engineer or designee. (PUBLIC WORKS)

(F) CURB AND GUTTER - The applicant shall replace to existing City standards all curb and gutter surrounding the project site the City parking garage on S Ellsworth Avenue. New curb and gutter shall be constructed per City Standard Drawing 3-1-141A (PUBLIC WORKS)

(G) 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)

(H) SANITARY SEWER MANHOLE - The applicant shall install one (1) standard sanitary sewer manhole in accordance with City Standard Drawing No. 3-1-104. (PUBLIC WORKS)

(I) STORM WATER CATCH BASIN - The applicant shall connect to the storm water catch basin on S. Ellsworth Avenue, per approved plans. (PUBLIC WORKS)

(J) DRIVEWAY APPROACH - The applicant shall install two (2) commercial driveway approaches at the entrance to the City parking garage on S. Ellsworth Avenue. The new commercial driveway approach shall be constructed per City Standard Drawing No. 3-1-148. (PUBLIC WORKS)

25 STORM DRAIN INLETS AND WATERWAYS - The building permit application plans shall show the marking of the words "No Dumping! Flows to Bay," or equivalent, on all storm inlets surrounding and within the project site using methods approved by the City standards, consistent with the San Mateo Countywide Water Pollution Prevention Program's C.3 requirements (PUBLIC WORKS)

26 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. This will facilitate the accurate assessment of the Sewer Service Charge, which is based on water use and customer class. (PUBLIC WORKS)

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, or if another deadline is specified in a condition, at that time.

Building Division (PA)

- 27 EXTERIOR WALL OPENING PROTECTION - For the protection of the opening at the exterior wall located at the property line that serves as the access to the trash room for garbage service, the applicant shall provide a request for the alternate materials, design and methods of construction and equipment to the Building Official and Fire Marshal for review and approval.
(BUILDING)
- 28 WATER CONSERVATION IN LANDSCAPING - As required by Section 23.72.010 of the San Mateo Municipal Code, applicant shall submit a landscape documentation package with building permit application for approval by the Building Official. Upon completion of the work, submit a certification of completion to the City.
(BUILDING)
- 29 COMMERCIAL LINKAGE FEE - The applicant shall pay the Affordable Commercial Housing Linkage Fee pursuant to Municipal Code Section 23.61 and Resolution 84 (2016) at the time of building permit issuance for the superstructure and in the amount in effect at the time of building permit issuance. (PLANNING)
- 30 CHILD CARE DEVELOPMENT FEE – Applicants of 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 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 and is to be paid at time of building permit issuance. It shall be paid into the Child Care Development Fund and will be determined based on the approved project and construction drawings. This condition shall be met prior to superstructure building permit issuance. (BUILDING)
- 31 BUILDING ENERGY EFFICIENCY STANDARDS - The building shall be provided with the following:
(A) Cool roofs in accordance with the provisions of Section 23.24.020 of the San Mateo Municipal Code; and

(B) Solar photovoltaic system or approved equivalent in accordance with the provisions of Section 23.24.030 of the San Mateo Municipal Code.
(BUILDING)

Fire Department (PA)

- 32 GURNEY SIZED ELEVATOR- The building permit plans shall show provision for one gurney sized elevator. (FIRE)
- 33 FIRE CONTROL ROOM - An approved fire control room shall be provided for this building. There shall be direct access to the room directly from the exterior of the building. Refer to local ordinance for details. The fire control room shall be indicated on the building permit set of plans submitted to the Fire Marshal or his/her designee for review and approval prior to the issuance of the building permit. (FIRE)
- 34 EMERGENCY RESPONDER RADIO COVERAGE - An Emergency Responder Radio Coverage system may be required for this building. Testing should occur prior to construction due to circuit protection requirements that will affect building design. A third party testing grid report shall be provided to the San Mateo Consolidated Fire Department before the final inspection. (FIRE)
- 35 SUBMITTALS - The applicant shall submit all fire plans in conjunction with the superstructure building permit plans. The plans are subject to review and approval by the Fire Marshal or his/her designee prior to issuance of the superstructure building permit plans. (FIRE)
- 36 KEY BOX - The building permit plans for the superstructure shall specify Knox key box(es) installation 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 by the Bureau. (FIRE)

Planning Division (PA)

- 37 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 shall 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 for the superstructure shall show the location and screening of these items and this condition shall be satisfied prior to issuance; however; the final location and required screening of all items shall be reviewed and approved by the Zoning Administrator prior to release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first (PLANNING)

- 38 NARROWED SECOND FLOOR WINDOW DESIGN - The building permit plans shall specify narrowed second floor windows along both street frontages. The maximum window width measured from jamb to jamb shall be five-feet, two-inches or as approved by the Zoning Administrator. This design shall apply to all second floor windows between gridlines A and C and between gridlines 2 and 5 as shown in the approved project plans. (PLANNING)
- 39 DOWNTOWN CPID PARKING - The applicant shall demonstrate that the parking required by the San Mateo Municipal Code has been fulfilled by any combination of the following prior to the issuance of the building permit for the superstructure:
- a. Established credit for previous uses;
 - b. Parking provided on-site;
 - c. Off-site parking provided with a Special Use Permit and secured lease;
 - d. Increase in CPID parking-deficiency assessments; and/or
 - e. Payment of a fee to the CPID in lieu of providing parking on site.
- (PLANNING)

Police Department (PA)

- 40 BUILDING SECURITY CODE COMPLIANCE - The project plans shall comply with the City's Building Security Code (San Mateo Municipal Code Chapter 23.54). (POLICE)
- 41 PHOTOMETRIC PLAN SUBMITTAL REQUIREMENT - The building permit application plans shall include a photometric plan showing the installation of lighting fixtures and lighting levels to be reviewed and approved by the Chief of Police or his/her designee. The photometric plan shall include point-by-point lighting levels in foot-candles for the entire plot and ten feet beyond the project property lines. The point-by-point photometric plan shall provide lighting levels on a grid not to exceed five feet by five feet across the entire site. Each point shall report the illuminance to the nearest 0.1 foot-candles. Photometric calculations including maximum foot-candles, average foot-candles, minimum foot-candles, average to minimum uniformity, and maximum to minimum uniformity shall be included on

the plan submitted. Select specifications for fixtures selected shall be provided on the photometric plan sufficient to ensure compliance with the SITE LIGHTING STANDARDS. (POLICE)

- 42 SECURED BUILDING ACCESS BY EMERGENCY PERSONNEL - The building permit application plans shall show the detailed specifications for and the installation of telephone entry pads (TEPs) and/or wireless "click to enter" systems at the main exterior building entrance(s) entrance(s) for secured buildings. These access systems must allow emergency personnel to access all levels of the interior of the building. The access systems must also be installed at exterior gate locations that lead to secured areas of the site, such as interior courtyards. Access system 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 access codes shall be as provided by the Chief of Police or his/her designee at the time of installation (POLICE)
- 43 SITE FURNITURE- The building permit application plans shall show permanent site furniture accessible to the public designed and installed to prevent an adult from laying down by installing arm rests not more than 4' apart, or by designing elevation changes 4" or more on horizontal surfaces every 4'. Temporary site furniture shall be secured at the close of each business day. (POLICE)
- 44 STAIRWELL & EXTERIOR DOORS – The building permit application plans shall show the maximum allowable viewing panel in egress doors from stairwells and exterior doors leading to exterior areas, and basement levels. (POLICE)

Public Works Department (PA)

- 45 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 of building permit issuance. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS)
- 46 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 of building permit issuance. The fee shall be collected by the Public Works Department and paid

prior to issuance of the first superstructure building permit. (PUBLIC WORKS)

- 47 LICENSE AGREEMENT – The applicant or owner shall execute a license agreement for ingress and egress on the City owned parking garage property for trash collection purposes and for fire control room access. The license agreement shall be approved by the City Attorney, recorded with the County Recorder's Office, and a recorded copy of the document returned to the City prior to the issuance of the first building permit. (PUBLIC WORKS)
- 48 SANITARY SEWER CONNECTION 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 issuance. The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. (PUBLIC WORKS)

The following conditions shall be met prior to RELEASE OF UTILITIES, FINAL INSPECTION, or ISSUANCE OF A CERTIFICATE OF OCCUPANCY, whichever occurs first, or if another deadline is specified in a condition, at that time.

Building Division (PA)

- 49 ART IN PUBLIC PLACES – The applicant shall be required to comply with Section 23.60 of the San Mateo Municipal Code for Art in Public Places. Applicability is determined based on the valuation of all construction for the project at time of building permit issuance; this will be a cumulative total for all structures within the project. Section 23.60.060 details the allowable methods of compliance, generally described to include the installation of Civic Arts Committee approved artwork to the satisfaction of the Community Development Director, or payment of a fee in lieu of placement of public art, or a combination thereof in an amount that is equal one-half of one percent of the total building valuation, excluding land acquisition and off-site improvement costs. The in-lieu fee shall be paid into the Art in Public Places Fund. This condition shall be met in accordance with Section 23.60.050 prior to the issuance of a Certificate of Occupancy. (BUILDING)

Fire Department (PA)

- 50 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. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. (FIRE)

Planning Division (PA)

- 51 VERIFICATION OF LANDSCAPE INSTALLATION – The applicant shall submit a letter prepared by the project landscape architect stating that all landscape improvements (including trees, shrubs, and irrigation systems) have been installed in compliance with the approved landscape plans submitted to the City for construction. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. (PLANNING)
- 52 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)
- 53 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. This condition shall be met prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. (PLANNING)

Public Works Department (PA)

- 54 RESTORATION OF ROADWAY – Due to the anticipated project's truck traffic the applicant shall grind and overlay with 0.2 feet of asphalt concrete the roadways anticipated to be damaged as a result of construction activities within the general area of the project or along the designated haul route. If the street abutting the property has been classified as being in a failed condition or a Pavement Condition Index (PCI) of 50 or below, the applicant will be required to reconstruct the street. Limits of the roadway repair shall be E. 3rd Avenue and S. Ellsworth Avenue along the project frontage. The City Engineer shall approve the roadway repair prior to the release of utilities, final inspection, or issuance of a certificate of occupancy, whichever occurs first. (PUBLIC WORKS)
- 55 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 \$15,000.00 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)

The following conditions shall be complied with AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT, or if another deadline is specified in a condition, at that time.

Building Division (PA)

- 56 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:

- (i) 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
- (ii) An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and imminent 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 (PA)

- 57 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)
- 58 EGRESS - Adjacent buildings/properties shall not have their required egress restricted or compromised at any time during the construction of this project. (FIRE)
- 59 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)
- 60 DEMOLITION - Building(s) under construction or demolition shall comply with the California Fire Code Ch. 33 during all phases of construction of the project. (FIRE)

Planning Division (PA)

- 61 PALEONTOLOGICAL RESOURCES - Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be halted immediately within 50 feet of the discovery. The City of San Mateo Planning Division shall be immediately notified, and the applicant shall be

responsible for retaining the services of a qualified paleontologist to determine the significance of the discovery. The paleontologist shall evaluate the uniqueness of the find, and prepare a written report documenting the find and recommending further courses of action. Based on the significance of the discovery, the actions may include avoidance, preservation in place, excavation, documentation, recovery, or other appropriate measures as determined by the paleontologist. (PLANNING)

- 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)

Public Works Department (PA)

- 63 HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for businesses within the Downtown area during the holiday season (November 20 to January 1), 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. 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)
- 64 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 haul route for this project shall be: To: Highway 101 to E. 3rd Avenue to Site. From: Site to E. 3rd Avenue to S. Delaware Street to E. 4th Avenue to Highway 101. 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)

- 65 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:
- (i) 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 imminent peril to public health and safety. If such a condition exists, the City may waive any of the remaining requirements outlined below.

(ii) The exemption will not conflict with any other condition of approval required by the City to mitigate significant impacts.

(iii) 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.

(iv) 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)

- 66 GROUND WATER DISCHARGE- In accordance with the City's Municipal Code, Discharge of Ground Water (SMMC 7.38.150), the Director of Public Works may approve the discharge of ground waters to the sanitary sewer only when such source is deemed unacceptable by State and Federal authorities for discharge to surface waters of the United States, whether pretreated or untreated, and for which no reasonable alternative method of disposal is available. Following the verification of the applicable local, state and/or federal approvals, a Discharge Plan will be approved and monitored by the Public Works Department. (PUBLIC WORKS)
- 67 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://flowstobay.org/brochures> (PUBLIC WORKS)

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

City Attorney (PA)

- 68 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)
- 69 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)

Planning Division (PA)

- 70 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)
- 71 GROUND FLOOR INTERIOR VISIBILITY THROUGH ATRIUM - Along S. Ellsworth Ave., visibility into the building's interior on the ground floor through the atrium shall be maintained. The glazing enclosing the atrium shall be kept free of opaque film, visual clutter, or other sources of visual obstruction. The glazing enclosing the atrium may include translucent, frosted film to a height not to exceed 42 inches above finished floor. (PLANNING)
- 72 CONFORMANCE WITH APPROVED PLANNING APPLICATION AT ALL TIMES - All physical improvements, uses, and operational requirements authorized by the approved planning application shall substantially conform at all times that the use permitted by this planning application occupies the premises with the approved planning application, including: drawings, plans, materials samples, building colors, the written project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application must be reviewed by the Chief of Planning and/or Zoning Administrator. The Chief of Planning and/or Zoning Administrator shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application for a modification of a previously approved planning application is required to be submitted to permit the proposed project modifications, as required by San Mateo Municipal Code Section 27.08.080 Modifications. (PLANNING)

Police Department (PA)

- 73 SITE LIGHTING STANDARDS- Exterior security lighting in compliance with the Building Security Code “Exterior Security Lighting” (San Mateo Municipal Code Section 23.54.060) shall be provided and maintained at all times that the use permitted by this planning application occupies the premises. Site lighting shall comply with the requirement of an average illuminance of 1 foot-candle, a minimum illuminance of 0.3 foot-candle, and a uniformity ratio not to exceed 4:1 average to minimum. Light sources shall be capable of producing a “bright white” light with a color temperature between 3000K and 4000K and a color rendering index (CRI) of at least 65 unless otherwise approved. This lighting standard is

applicable to all parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to all buildings. 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. (POLICE)

74 VIDEO SURVEILLANCE –

(a) The applicant shall install and operate for the life of the project a video surveillance system. The information shall be maintained and retrievable for a minimum of 30 days. The captured video material shall be accessible to investigating police personnel through some form of facility management during regular business hours. The applicant shall provide proof of registration of the video surveillance camera system with the City through the City's Neighborhood Eyes Security Team web form (<https://www.cityofsanmateo.org/forms.aspx?FID=134>).

(b) The cameras in this system shall be megapixel or better CCTV cameras that shall be capable of operating in all lighting conditions anticipated at the project completion. Cameras viewing locations intended to allow vehicle passage into the garages shall additionally be capable of capturing the front and rear of all entering and exiting vehicles that use the garage and be of sufficient quality to identify the make and model of vehicles accessing the garage, clearly read both front and rear license plates of vehicles, and obtain clear facial recognition through the front windshield.

(c) The building permit application plans shall show cameras placed to view common areas of the property such as lobbies, parking lots, parking garages and entrances and exits to all parking garages, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to all buildings. This condition is not intended to require Applicant to install pole mount cameras on the property, cameras to view these areas may be installed on the building facing out. (POLICE)

Public Works Department (PA)

75 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM – A Transportation Demand Management (TDM) Program has been prepared for this project (refer to the 180 E. 3rd Avenue Transportation Demand Management Plan, dated October 21, 2019). A written letter to the Public Works Director on an annual basis will include an assessment of compliance with the Transportation Demand Management Plan, including mode split survey results, by the end of every calendar year (December 31st). Additionally, it shall be a requirement that the property owner or their designee participate in the formation of the Downtown Transportation Management Association (TMA) and make payment towards the

formation of the TMA. (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.*