

CITY OF SAN MATEO
RESOLUTION NO. ____ (2022)

**RESOLUTION APPROVING A SPECIAL USE PERMIT TO DEMOLISH AN EXISTING SINGLE-FAMILY DWELLING AND
SINGLE FAMILY DWELLING DESIGN REVIEW TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING WITH AN
ATTACHED ACCESSORY DWELLING UNIT AT 415 FAIRFAX AVENUE (APN 034-033-100).
(PA-2021-066, 415 FAIRFAX AVENUE SUP + SFDDR)**

WHEREAS, Eric Nyhus (herein referred to as the “Applicant”) submitted a planning application PA-2021-066 with the Planning Division for a Special Use Permit and Single Family Dwelling Design Review to demolish an existing single family residence and construct a new 3,910 square-foot single-family residence, with an attached two-car garage and attached accessory dwelling unit at 415 Fairfax Avenue, APN 034-033-100 (collectively referred to as “Project”) in the City of San Mateo (“City”); and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.06.020 authorizes the Zoning Administrator to refer applications to the Planning Commission for hearing and action;

WHEREAS, approval of the applicant’s proposal is considered a “Project” for purposes of the California Environmental Quality Act, Pub. Resources Code §21000, et seq. (“CEQA”); and

WHEREAS, a historical resources evaluation was completed on June 14, 2021 by the City’s Historic Preservation consultant, which finds that the existing residence does not qualify as an historical resource;

WHEREAS, the City finds that the Project is categorically exempt from CEQA under Section 15301(l)(1) and 15303(a); and

WHEREAS, the City finds the Project consistent with the applicable policies of the General Plan and other applicable policies,

WHEREAS, the Planning Commission held a public hearing for the Project on July 12, 2022 duly noticed, at which all public comments were considered;

NOW, THEREFORE BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, CALIFORNIA AS FOLLOWS:

1. The Planning Commission finds on the basis of the whole record before it that the Project will not have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA under CEQA Section 15301(l)(1) and 15303(a).

BE IT FURTHER RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, CALIFORNIA AS FOLLOWS:

1. The Project conforms to applicable policies of the Land Use Element policies of the City’s General Plan.
 - a. In accordance with Policy LU 1.9, which encourages the preservation of single-family areas and limiting new development to low-density residential uses, the proposed Project

maintains the single-family use as delineated on the Land Use Map by proposing a replacement single family home and an accessory dwelling unit.

- b. In accordance with Policy LU 1.9a, which encourages the livability of San Mateo neighborhoods by reviewing Single-Family Dwelling Design Review planning applications for compatibility with the City's Single-Family Design Guidelines, the Project has been evaluated for compatibility with the surrounding neighborhood and incorporates guidance from the City's Single-Family Design Guidelines by scaling and reducing the massing to be similar to surrounding residences. The Project also uses high quality materials, such as shiplap siding and ledgerstone, which helps further compatibility with the neighborhood and residences.
2. The Project conforms to Policy H 2.7 of the Housing Element policies of the City's General Plan. In accordance with Policy H 2.7, which allows for the creation of secondary units on residentially zoned properties and requires the design of secondary units to be compatible with the main residence and neighborhood, the Project includes the creation of a new secondary unit (accessory dwelling unit) which is designed to be compatible with the main residence and is in conformance with applicable development standards.
3. The Project conforms to Policy UD 2.12 of the Urban Design Element of the City's General Plan, which encourages single-family dwellings to substantially conform to the City's Single-Family Design Guidelines and preserve the neighborhood scale, materials, architectural style, privacy, and views. The Project has been evaluated to conform with the City's Design Guidelines and preserves and enhances the neighborhood through maintaining similar building scale as existing residences and high-quality materials such as shiplap siding and asphalt shingle roof.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, DOES HEREBY APPROVE 415 FAIRFAX AVENUE, SFDDR + SUP, PA-2021-066 AT 415 FAIRFAX AVENUE, APN 034-033-100 BASED UPON THE FOLLOWING FINDINGS FOR APPROVAL AND THE CONDITIONS OF APPROVAL INCLUDED IN EXHIBIT A TO THIS RESOLUTION:

1. The Special Use Permit (Municipal Code Section 27.74.020) application and associated Conditions of Approval are approved based on the finding that granting of the Special Use Permit for the full demolition of the existing single-family residence will not adversely affect the general health, safety and/or welfare of the community nor will it cause injury or disturbance to adjacent property by traffic or by excessive noise, smoke, odor, noxious gas, dust, glare, heat, fumes or industrial waste in that the project has been conditioned to minimize impacts of dust and noise to surrounding neighborhood. The proposed residential use is compatible with existing residential uses to the north, south, east, and west. The existing single-family residence to be demolished is estimated to have been built in the year 1933 and is best characterized as Spanish Revival style architecture. The existing residence was evaluated by the City's Historic Preservation consultant who found that the existing residence does not qualify as an historical resource pursuant to CEQA, therefore allowing for removal of the existing residence.
2. The Single-Family Dwelling Design Review (Municipal Code Section 27.08.032) application and associated Conditions of Approval are approved based on the following findings:

- a. The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood in that:
 - i. The Project is well integrated into the existing architectural character of the neighborhood. The surrounding neighborhood consists of a variety of architectural styles. These styles primarily include traditional Period-Revival include, but are not limited to, Spanish, Mediterranean, Monterey, Colonial, Tudor, French, and Cape Cod Cottage. The Project proposes a Transitional architectural style which combines both Traditional architectural elements, such as decorative corbels, front entry columns, and double hung oriel bay window, and Contemporary colors and materials, such as earth-toned beige exterior colors and shiplap siding, which integrates the residence into the neighborhood.
 - ii. The Project reduces the visual impact of the two-car garage by proposing two single-car garage doors which reduces the massive appearance of the garage and visually deemphasizes the garage design. The addition of the trellis structure over the garage provides relief to the overall massing and appearance of the second-story over the garage.
 - iii. The Project will include new landscaping in all yard areas. The proposed landscaping includes a variety of different shrubs and plants which will contribute to the neighborhood cohesiveness. The proposed landscaping will also include new landscape screening evergreen trees along the side and rear property lines to address privacy concerns regarding the new two-story residence by adjacent residences.
 - iv. The proposed exterior material palette utilizes a variety of finishes and colors. The dominant exterior material is shiplap siding which surround the exterior walls for both levels. The roof material is asphalt shingle roof which is a common roof material found in the neighborhood. The exterior also utilizes a ledgerstone material along the bottom portion of the residence to establish a base, which provides balance to the residence and helps create visual interest throughout the residence. The proposed exterior beige color is similar to those colors found in the surrounding neighborhood and helps integrate the proposed residence into the immediate neighborhood.
 - v. The proposed second-story is located further from the property lines and provides a 10-foot setback from the side property lines, which exceeds the minimum required setback of five feet. The second-story is also 40 feet, nine and one-half inches away from the rear property line, which also exceeds the minimum required rear setback required of 25 feet. The increased setbacks from the side and rear property lines provide additional privacy to neighboring residences and allows for preservation of natural light. The Project also meets the City's daylight plane requirement and other height and setback requirements.
- b. The development will not be detrimental to the harmonious and orderly growth of the City in that the Project has been evaluated in accordance with the San Mateo Zoning Code and adheres to the maximum floor area ratio and building height.
- c. The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare in that the Project

is designed with high quality materials which will contribute to the architectural character of the surrounding neighborhood. The Project will also be constructed in compliance with all building codes and fire codes.

- d. The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site.
- e. The development will not adversely affect matters regarding police protection, crime prevention, and security in that it will be constructed in accordance with the City's Security ordinance.

EXHIBIT A
CONDITIONS OF APPROVAL
PA-2021-066, 415 FAIRFAX AVE., SUP + SFDDR

415 FAIRFAX AVE, SAN MATEO,
PARCEL # 034033100
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. Types of Building permits include Demolition, Shoring/Excavation, Foundation, and Superstructure.

The following conditions shall be satisfied prior to issuance of a DEMOLITION PERMIT, BUILDING PERMIT FOR SHORING OR FOUNDATION, or SITE DEVELOPMENT PERMIT, whichever is issued first, or prior to the deadline specified in that condition.

Planning Division (PA)

- 1 APPROVED PLANNING APPLICATION CONFORMANCE – All building permit plans, details, and subsequent construction shall substantially conform with the approved planning application. This includes but is not limited to plans, materials, project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. The Community Development Director, or his/her designee, shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application modification is required to be submitted to permit the proposed modifications, as required by Municipal Code Section 27.08.080 Modifications. (PLANNING)
- 2 CONDITIONS OF APPROVAL – This complete list of Conditions of Approval shall be reproduced onto the second sheet of all building permit plan sets. (PLANNING)
- 3 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The applicant shall pay all outstanding planning application fees. (PLANNING)

Building Division (PA)

- 4 APPLICABLE BUILDING STANDARDS AND LOCAL CODES – All building permit plans shall demonstrate compliance with the applicable California Building Standards Codes and local amendments as adopted by the Building Division at the time of filing the building permit application. (BUILDING)

- 5 BAAQMD JOB NUMBER – (use for projects demolishing a full structure) The applicant shall submit an asbestos demolition and renovation notification job number (J#) from Bay Area Air Quality Management District. (BAAQMD). (BUILDING)
- 6 DEMOLITION – A building permit for demolition shall be issued in accordance with Section 23.06.100 of the San Mateo Municipal Code, to the satisfaction of the Building Official or his/her designee. (BUILDING)
- 7 SITE SURVEY – The applicant shall provide a full site survey stamped and signed by a Land Surveyor licensed by the State of California. The survey shall include, but not be limited to: location and dimensions of property lines, location of streets and easements, existing buildings, topographic contour lines, trees/landscape, and other structures. (BUILDING)
- 8 SOILS REPORT AND INVESTIGATION LETTER – The applicant shall submit a stamped, signed, and dated soils investigation report containing design recommendations and integrate recommendations into the plans as-appropriate, to the satisfaction of the Building Official or his/her designee. The applicant shall also submit a letter stamped and signed by the Geotechnical engineer of-record stating the plans and specifications substantially conform to the recommendations in the soil report, subject to the satisfaction of the Building Official or his/her designee. (BUILDING)

Parks and Recreation Department (PA)

- 9 TREE PROTECTION AND APPROVED PROTECTED TREE REMOVAL PERMIT – The applicant shall obtain and provide proof of an approved Tree Removal Permit from the Parks and Recreation Department for the removal of Heritage trees. Specific to the 34-inch Oak tree (identified as Tree #1 by the Project Arborist), the applicant shall either protect the subject tree during construction or, if seeking removal, shall submit a Protected Tree Work Application along with a Certified Arborist report. The report shall contain the following elements, at a minimum:
- (A) Assessment of tree health and condition;
 - (B) Review of proposed construction;
 - (C) Exploratory root excavation to determine the size and number of roots that may be impacted by the proposed accessory dwelling unit design;
 - (D) Discussion of impact level to tree based on visual observations of the trees below ground roots;
 - (E) Photo documentation of observed roots; and
 - (F) Measures that will lessen damages to the tree and/or allow the tree to be retained.

The Tree Removal Permit application shall be subject to the review and approval of the City's Managing Arborist, or his/her designee, and any decision can be appealed in accordance with Municipal Code Section 13.40.130. Should the Tree Removal Permit be denied, the plans and arborist report shall be revised to specify that Tree #1 is to be preserved and protected during construction. (CDD ARBORIST)

- 10 TREE PROTECTION VERIFICATION LETTER – To verify that all tree protection measures are properly implemented, the applicant shall submit a tree protection verification letter prepared by the project arborist to the Building Division that includes photographs showing the tree protection installed. The letter shall also include a schedule of future inspections by the Project Arborist. The verification letter is subject to the review and satisfaction of the Community Development Director, or his/her designee. (CDD ARBORIST)

Public Works Department (PA)

- 11 ENCROACHMENT PERMITS, BONDS, AND INSURANCE – The applicant shall 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 or easements prior to any work being done. (PUBLIC WORKS)
- 12 GRADING AND DRAINAGE PLANS – All grading and drainage plans shall identify the vertical elevation datum, date of survey, and surveyor. Grading plans shall show existing topo and features at least 50' beyond the project boundary. Plan shall show existing topography, label contour elevations, drainage patterns, flow lines, slopes, and all other property encumbrances. (PUBLIC WORKS)
- 13 POLYCHLORINATED BIPHENYLS (PCB) SCREENING ASSESSMENT FORM – As per Stormwater Municipal Regional Permit requirements and San Mateo Municipal Code Chapter 7.39, Demolition Permit Applicants shall complete the PCBs Screening Assessment Form located here: <https://www.cityofsanmateo.org/160/Demolition-Requirements> The Form shall be reviewed and approved by the Director of Public Works or his/her designee. (PUBLIC WORKS)
- 14 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) – The project applicant shall provide a Storm Water Pollution Prevention Plan (SWPPP) in compliance with Bay Area Stormwater Management Agencies Association (BASMAA) Blueprint for a Clean Bay Best Management Practices to Prevent Stormwater Pollution from Construction-Related Activities. (PUBLIC WORKS)
- 15 STORMWATER POLLUTION PREVENTION PERMIT – The applicant shall 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 in accordance with San Mateo Municipal Code Chapter 7.39.170. The

fee amount will be based upon the City Council resolution in effect at the time the building permit application is made. (PUBLIC WORKS)

The following conditions shall be satisfied prior to issuance of a BUILDING PERMIT FOR THE SUPERSTRUCTURE.

Building Division (PA)

- 16 CALGREEN – The building permit plans shall incorporate the applicable CALGreen Checklist noting the green building measures the project will incorporate in accordance with the California Green Building Standards Code and City of San Mateo Reach Codes subject to the review and approval by the Building Official, or his/her designee. Current City of San Mateo CALGreen checklists are located on Building Division webpage or will be provided by Community Development Department staff, if requested. (BUILDING)
- 17 WATER CONSERVATION IN LANDSCAPING – The applicant shall submit a completed Water Conservation in Landscaping Screening Form. If the screening form indicates the project is subject to the Water Conservation in Landscaping Ordinance pursuant to Municipal Code Section 23.72.030, additional documentation prescribed by the screening form shall also be included with the site plan. City of San Mateo Water Conservation in Landscaping forms are located on Building Division webpage. The applicant shall submit the required landscape documentation package with building permit application subject to the review and satisfaction of the Building Official, or his/her designee. (BUILDING)

Public Works Department (PA)

- 18 DRAINAGE – The building permit plans shall show 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 Director of Public Works or designee or designee. 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 shall 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. The building permit plans for the superstructure shall show drainage. (PUBLIC WORKS)
- 19 FENCES AND OTHER PERMANENT STRUCTURES – The applicant shall locate all project fencing and foundations of a permanent nature within the project's property and out of the City right-of-way. (PUBLIC WORKS)
- 20 PUBLIC IMPROVEMENTS – An Encroachment Permit shall be required for all public improvements in the public right-of-way or easements. All public improvements shall be completed prior to the Certificate of Occupancy.

The developer shall repair or replace all existing improvements not designated for removal

and all new improvements that are damaged or removed because of developer's operations. Developer shall request a walk-through with the Public Works Construction Inspector before the start of construction to verify existing conditions.

The applicant shall have improvement plans prepared for all work in the public right of way or easements by a licensed civil engineer, whose signed engineer's stamp shall appear on the plans. The improvement plans shall be included in the superstructure building permit submittal and substantially conform to the approved planning application. Any changes to the improvements shall be approved by the Director of Public Works or designee at their sole discretion. All design assumptions and criteria shall be submitted. Project specifications shall be included for review.

All work shown on the improvement plans shall be inspected and approved by Public Works.

Quantities for items below are provided only to determine minimum bonding requirements for the encroachment permit. The building permit plans for the superstructure shall show the following public improvements in the public right of way:

(A) SIDEWALK – The applicant shall remove and replace to existing City damaged sidewalk along the project frontage behind and adjacent to the site driveway approach. Sidewalk replacement shall be constructed per City Standard Drawing 3-1-141A. (PUBLIC WORKS) [Sidewalk width determined per Pedestrian Master Plan. Include Curb and Gutter if no planting strip]

(B) DRIVEWAY REMOVAL – The applicant is to remove and replace the existing driveway approach located along Fairfax Avenue as shown on the approved planning application plans, and replace it with new driveway per City Standard 3-1-149. (PUBLIC WORKS).

21 SEWER LATERAL INSPECTION – As required by Municipal Code Section 7.38.432, the applicant shall hire a licensed plumber or contractor to perform a sewer lateral inspection and complete a Sewer Lateral Inspection Form (Form) to be submitted to the Director of Public Works or designee, unless the project is exempt per Municipal Code Section 7.38.432(c)(2). The video inspection shall be completed prior to building permit issuance. The Form shall be reviewed by the Department of Public Works. If the Form indicates a failed inspection, the repair and/or replacement of the sewer lateral shall appear on the building permit plans for the superstructure prior to building permit issuance. In addition, if the Form indicates a failed inspection, the applicant shall repair and/or replace the sewer lateral, with all required permits, and provide an updated Form with a passing inspection, prior to occupancy. (PUBLIC WORKS)

22 TRIANGULAR AREA OF VISIBILITY – The building permit plans for the superstructure shall show that the installation of landscaping and permanent structures located within the 10' triangular area of visibility at the driveway meets the requirements of a minimum vertical

clearance of 7', and/or are less than 3' in height. This includes all PG&E above ground structures and other utility facilities. (PUBLIC WORKS)

- 23 UNDERGROUND UTILITIES – The building permit plans for the superstructure shall show the installation of all new, and upgraded, utility services, including telephone, electric power, and other communications lines underground to the building in accordance with City of San Mateo Municipal Code 26.32.020. Transformers and switch gear cabinets shall be placed on private property or within a utility easement. (PUBLIC WORKS)
- 24 UTILITIES – Utility plans shall be submitted as part of the building permit plans for the superstructure and shall show appropriate line types and labels to identify different type of utilities and pipe sizes. Clearly identify both public and private utilities. (PUBLIC WORKS)
- 25 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 established by City Council Resolution No. 24 (2006). The fee shall be collected by the Public Works Department and paid prior to issuance of the first superstructure building permit. The fee shall be based on the fee schedule in effect on January 13, 2022. (PUBLIC WORKS)

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

Planning Division (PA)

- 26 FINAL LANDSCAPING FOR SINGLE FAMILY PROJECTS – Apart from paved driveway and walkway areas, required front yard and street-side yard areas (if applicable) shall be improved with landscaping, which may consist of a combination of drought-tolerant plants and other organic and inorganic materials, except paving. If new landscaping is not proposed, any damaged landscaping shall be replaced with new landscaping as described above. Proposed new landscaping shall be shown on the building permit plans prior to permit issuance and all landscaping shall be installed prior to final inspection, subject to the satisfaction of the Community Development Director, or his/her designee. (PLANNING)
- 27 PLANNING FINAL INSPECTION – Upon completion of all construction and landscaping, the applicant shall request the Project Planner conduct a Planning Final inspection for verification of compliance with all outstanding conditions of approval. The applicant shall contact the Project Planner to schedule each inspection a minimum of 72 hours in advance of the requested inspection. (PLANNING)

Building Division (PA)

- 28 SOIL FINAL REPORT – The Geotechnical Engineer or Civil Engineer who prepared the soil investigation, or an equally qualified professional, 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, to the satisfaction of the Building Official or his/her designee. (BUILDING)

- 29 WATER CONSERVATION IN LANDSCAPING – In accordance with the City’s Water Conservation in Landscaping Ordinance in Municipal Code Section 23.72.030, a licensed landscape architect, a licensed landscape contractor, or a certified irrigation designer shall complete the “Certification of Completion” in the City of San Mateo Water Conservation in Landscaping form. Upon completion of the work, the certification of completion shall be submitted to the City’s Building Inspector subject to the review and approval of the Building Official, or his/her designee. (BUILDING)

Parks and Recreation Department (PA)

- 30 FINAL ARBORIST REPORT – The Project Arborist shall perform a final site inspection and submit a final arborist report to the Building Division. At minimum, the final arborist report shall confirm that the approved tree protection measures were implemented and shall assess the condition of Protected Tree(s). Any damage to existing Protected Tree(s) shall be subject to replacement and/or penalties in accordance with Municipal Code Section 13.40.160 subject to the satisfaction of the Community Development Director, or his/her designee. (CDD ARBORIST)

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

Planning Division (PA)

- 31 FRAME/PLANNING ROUGH INSPECTION – Upon completion of all framing and prior to the installation of exterior sheathing and windows, the applicant shall request the Project Planner conduct a Rough Frame inspection to verify items including, but not limited to, window locations, window sizes, and massing. The applicant shall contact the Project Planner to schedule each inspection a minimum of 72 hours in advance of the requested inspection. (PLANNING)

Building Division (PA)

- 32 CONSTRUCTION WORK HOURS – Construction shall occur only 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 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 applicant shall conform to the construction work hours to control traffic congestion, noise, and dust unless an exemption is granted in accordance with Municipal Code Section 23.06.061. (BUILDING)

Parks and Recreation Department (PA)

- 33 PROJECT ARBORIST INSPECTIONS – The Project Arborist shall submit a report to the Building Division within five business days after each of his/her inspection documenting the condition of trees, protection measures changes or adjustments, and/or any damages to Protected trees. (CDD ARBORIST)
- 34 TREE PROTECTION MEASURES – All approved tree protection measures shall remain in place and be properly maintained during all phases of construction. The applicant or contractor shall notify the Project Arborist in advance when construction operations are to be performed within the Tree Protection Zone of protected trees. (e.g. trenching, excavation, grade changes, etc.) Adjustment of Tree Protection Measures requires approval from the City Arborist. (CDD ARBORIST)

Public Works Department (PA)

- 35 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 7.39), and the San Mateo Countywide Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at: <https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/> (PUBLIC WORKS)
- 36 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. A letter from the applicant confirming the intention to use approved 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. (PUBLIC WORKS)

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

Planning Division (PA)

- 37 APPROVED PLANNING APPLICATION CONFORMANCE AT ALL TIMES – All physical improvements, uses, and operational requirements authorized by the approved planning

application shall, at all times that the use permitted by this planning application occupies the premises, substantially conform with the approved planning application. This includes but is not limited to plans, materials, project description, and other items submitted as part of the approved planning application. Any proposed modifications to the approved planning application shall be reviewed and approved by the Community Development Director, or his/her designee, prior to construction of the proposed modifications. The Community Development Director, or his/her designee shall determine whether the proposed modifications substantially conform with the approved planning application, or whether a planning application modification is required to be submitted to permit the proposed modifications, as required by Municipal Code Section 27.08.080 Modifications. (PLANNING)

38 ONGOING LANDSCAPE MAINTENANCE – 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)

City Attorney (PA)

39 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)

40 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)