

**CITY OF SAN MATEO  
RESOLUTION NO. \_\_\_\_ (2023)**

**RESOLUTION APPROVING SITE PLAN AND ARCHITECTURAL REVIEW AND SITE DEVELOPMENT PLANNING  
APPLICATION FOR CONSTRUCTION OF A NEW MIXED-USE BUILDING CONSISTING OF 33,529 SQUARE-FEET OF  
OFFICE USES AND FIVE RESIDENTIAL UNITS LOCATED AT 435 E. 3RD AVENUE; SPECIAL USE PERMIT FOR OFF-  
SITE CONSTRUCTION STAGING FOR A PROPERTY LOCATED AT 402 S. DELAWARE STREET; AND ADOPTING THE  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
(PA-2021-081, 435 E. 3<sup>RD</sup> AVE., MIXED-USE PROJECT)**

WHEREAS, Michael Field of Windy Hill Property Ventures (herein referred to as the “Applicant”) submitted a planning application PA-2021-081 with the Planning Division for a Site Plan and Architectural Review and Site Development Planning Application for construction of a new mixed-use building consisting of 33,529 square-feet of office uses and five residential units located at 435 E. 3rd Avenue; and a Special use permit for off-site construction staging for a property located at 402 S. Delaware street (collectively referred to as “Project”) in the City of San Mateo (“City”); and

WHEREAS, the proposed Project is located within the Downtown Area Plan study area; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 23.40.040 authorizes the Planning Commission to take final action on Site Plan and Architectural Review for projects of six or more dwelling units and over 10,000 square feet of non-residential development; and

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, the City circulated an Initial Study and Mitigated Negative Declaration to assess environmental impacts in accordance with CEQA Guideline 15070 from October 7, 2022 to October 27, 2022; 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 February 14, 2023, 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 there is no substantial evidence that the project will have a significant effect on the environment and the Initial Study/Mitigated Negative Declaration reflects the lead agency’s independent judgment and analysis.
2. The custodian of the documents or other material which constitute the record of the proceeding upon which this decision is based is the Community Development Department, located at City Hall, 330 West 20th Avenue, San Mateo, California.

3. The Initial Study/Mitigated Negative Declaration for the 435 E. 3<sup>rd</sup> Ave. Mixed-Use Project and the Mitigation Monitoring and Reporting program are adopted.

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, Circulation, Urban Design, Housing, Conservation and Open Space, and Noise Elements of the City's General Plan.
  - a. The Project conforms to Policy LU 1.8 of the Land Use Element, which encourages allowance of mixed-use developments that include multi-family dwellings in non-residential land use categories. The Project combines both office uses and multi-family residential uses which also complement the existing commercial uses in the vicinity and in the adjacent downtown core. In conformance with Policies LU 2.4 and 3.1, the Project proposes these uses to further the downtown area as the social, cultural, and economic center of the City.
  - b. In conformance with Policies C2.5 and 2.10 of the Circulation Element, a Transportation Impact Analysis and Transportation Demand Management Plan have been prepared for the Project. The Transportation Impact Analysis concludes that the Project will not result in a significant impact caused by increased Vehicle Miles Traveled (VMT). The Applicant has agreed to implement a Transportation Demand Management Plan that includes specific trip-reduction measures for the life of the Project. The Project will also install new pedestrian enhancements such as sidewalks, ramps, and streetlights in conformance with Policies C4.4 and C4.5. Lastly, the project is subject to Assembly Bill 2097, which prohibits the City from imposing minimum parking requirements, including the City's parking in-lieu fee, for projects within one-half mile of a major public transit stop.
  - c. The Project conforms to Policies UD1.3 and UD1.5 in the Urban Design Element, which promote E. 3<sup>rd</sup> Avenue as a gateway and focal point of the City. The Project provides a well-designed building and traditional building materials along the project's two frontages, including E. 3<sup>rd</sup> Avenue. The building materials also conform to Policy UD2.3 in that the materials complement the style of Project and incorporate common materials of the area, including brick veneer, wood cladding, and stucco.
  - d. The Project conforms to Policies H2.6, H2.10 and H2.12 of the Housing Element in that the Project includes five rental housing units in a mixed-use building. In addition, the project devotes one of the total units to the low-income category and will be responsible for payment of a Commercial Linkage Fee in conformance with the City's below-market-rate inclusionary program and Policy H2.4.
  - e. Policy C/OS 6.6 of the Conservation and Open Space Element requires that new developments provide street trees, which this Project conforms to in that a total of five new street trees are proposed in conformance to the Street Tree Master Plan. The Project also conforms to Policy C/OS 8.1 in that construction of the Project shall adhere to mitigation measures that prevent harm to the existing historic building immediately west of the site.
  - f. The Project conforms to Policies N1.1 and N1.2 of the Noise Element in that an acoustical analysis will be required for the Project at the building permit stage of the process ensuring

that operational noise levels will not exceed noise limits. In addition, the Project shall conform to Policy N2.1 in that noise measures and monitoring during construction have been included as conditions of approval.

2. The Project conforms to applicable policies of the City's Downtown Area Plan.
  - a. In conformance with Policy 1.3, the Project proposes a high quality, traditional building design and appropriate building scale and massing that further promote E. 3<sup>rd</sup> Avenue as a main connection to the downtown core. The Project also integrates new street trees, widened sidewalks, and sidewalk furnishings at the pedestrian realm to further the pedestrian connectivity to the downtown core at the pedestrian level along both frontages.
  - b. The Project conforms to Policies II.5 and II.10 in that the Project integrates both commercial and residential uses in the CBD/S zoning district that complements the downtown CBD zone.
  - c. The Project conforms to the maximum bulk and building height provisions of the Zoning Code and integrates building setbacks and residential open spaces at the fifth level substantial conformance with Policy III.3.
  - d. In conformance with Policy III.7, the Project activates the pedestrian realm through new landscaping, bicycle parking, and furnishings at the street-level. The Project also locates utilities within the building.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, DOES HEREBY APPROVE 435 E. 3<sup>RD</sup> AVE. MIXED-USE PROJECT, PA-2021-081 AT 435 E. 3<sup>RD</sup> AVENUE; AND A SPECIAL USE PERMIT FOR 402 S. DELAWARE STREET BASED UPON THE FOLLOWING FINDINGS FOR APPROVAL AND THE CONDITIONS OF APPROVAL INCLUDED IN EXHIBIT A TO THIS RESOLUTION:

1. The Site Plan and Architectural Review (Municipal Code Section 27.08.030) application for construction of a mixed-use building 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 employs a high quality, traditional building design with materials that enhance the existing architectural character of the surrounding area including brick veneer and wood cladding;
    - ii. The Project provides a cohesive transition between the downtown to the north and west, as well as to the existing residences and commercial businesses to the south and east;
    - iii. The pedestrian improvements create a walkable and inviting pedestrian realm that substantially conform with the City's guidelines relating to sidewalks; and,
    - iv. The Project incorporates new landscaping throughout the project's open space areas to further enhance the pedestrian realm.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City in that:

- i. The Project provides residential and office uses that together complement existing commercial uses in the vicinity and in the downtown core to the west;
    - ii. Construction of the Project is required to adhere to mitigation measures that limit and document vibration impacts to the adjacent structure that qualifies as an historic resource;
    - iii. The Project is consistent with the General Plan and Zoning Code excepting standards modified via state law; and,
    - iv. The Project is in substantial conformance with the Downtown Area Plan, Bicycle Master Plan, and Citywide Pedestrian Master Plan.
  - 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:
    - i. The Project consists of a new mixed-use building with office uses and residential uses in an area well-served by public transit;
    - ii. The Project provides new, well-designed housing units, particularly rental housing that provides opportunities for those unable to manage the expense of ownership housing; and,
    - iii. The Project optimizes the project vicinity's development potential for commercial uses furthering the downtown as the economic center of the City.
  - 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 the buildings, paths of travel, and parking facilities will be required to conform to the City's current Security Ordinance through conditions of approval.
2. The Site Development Planning Application (Municipal Code Section 23.40.040) for the removal of major vegetation and associated Conditions of Approval are approved based on the following findings:
- a. The Project will result in the removal of 31 existing trees, of which four are considered Protected Trees. The removal of these trees is necessary to accommodate the development of the proposed Project. Six of the total trees are also located on an adjacent site and have been surveyed to be in poor condition. All trees will be removed and replaced with appropriate landscaping to enhance the site and pedestrian realm through planting of new street trees along both frontages of the Project.
  - b. All concerns regarding tree removal on the site have been addressed as conditions of approval requiring conformance to the City's landscape regulations, through the provision of extensive landscaping, including planting of five new street trees, as shown on the project plans, and/or through the payment of a fee to the City's tree planting fund.
3. The Special Use Permit (Municipal Code Section 27.74.020) application for construction staging at 402 S. Delaware Street and associated Conditions of Approval are approved based on the following findings:

- a. The proposed use of construction staging for a construction project at a separate project site is similar to the specifically allowed use of temporary buildings for construction purposes for a period not to exceed the duration of construction. A condition of approval has been integrated that requires the temporary use of construction staging to be removed no later than the final inspection on the related construction project.
- b. The proposed use 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 given that the use and operations of the site are required to be in compliance with all applicable Building Codes, Fire Codes, and the Municipal Code. The Project will also be subject to conditions of approval at all times during the construction of the related project pertaining to noise, dust control, and construction work hours.

**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
PA-2021-081, 435 E. 3RD AVE., SPAR + SDPA

435 3RD AVE, SAN MATEO,  
PARCEL # 034181160  
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)
- 4 PHASING PLAN – The applicant shall submit a complete phasing plan indicating all on-site and off-site infrastructure improvements and their estimated duration of construction. The applicant shall also indicate at what phase each off-site improvement is to be constructed. This plan shall be subject to the review by the Community Development Director or his/her designee. (PLANNING)

5 SITE DEVELOPMENT PERMIT FOR TREE REMOVAL – The applicant shall obtain a Site Development Permit for tree removal from the Planning Division for removal of existing trees with a diameter of 6 inches or larger at 54” above grade. For tree removal occurring on the adjacent parcel at 216 S. Claremont Street, the Site Development Permit shall also be signed by the current property owner(s) and be accompanied by an authorization letter prepared and signed by the current property owner(s). The Site Development Permit for tree removal shall authorize the applicant to replace on-site and street trees equivalent or greater than the Landscape Unit (LU) value of trees to be removed by planting on-site and street trees, pay a fee in lieu of planting trees at the rate established in the annual Comprehensive Fee Schedule upon permit issuance, or a combination of both. (PLANNING)

6 VECTOR CONTROL PLAN – The applicant shall enter into a contract with a pest control specialist and develop a vector control plan to be submitted for review and approval by the Community Development Director and the San Mateo County Mosquito and Vector Control District. The plan shall describe measures which shall be taken by the applicant to prevent rodent and pest infestation to adjacent sites, specify pest control measures, cover all phases of demolition, landscaping removal, and construction plus for a minimum period of six months after the completion of construction. The plan shall also specify that modifications will be developed and implemented should additional pest control measures be required during construction or demolition activity, subject to approval by the Community Development Department Director or his/her designee. (PLANNING)

#### **Building Division (PA)**

7 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)

8 BAAQMD JOB NUMBER – The applicant shall submit an asbestos demolition and renovation notification job number (J#) from Bay Area Air Quality Management District. (BAAQMD). (BUILDING)

9 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)

- 10 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)
- 11 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)
- 12 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)

#### **Fire Department (PA)**

- 13 FIRE FLOW – The applicant shall provide fire flow information to the Fire Plan Checker, which is subject to the review and approval of the Fire Marshal or his/her designee. (FIRE)

#### **Parks and Recreation Department (PA)**

- 14 STREET TREES – The landscape plans shall specify installation of street trees in accordance with the City of San Mateo Street Tree Master Plan. In accordance with Municipal Code Section 27.71.120(a)(1), 24-inch box shall be the minimum size for street trees planted along public streets and shall include tree grates and root barriers as specified by the City Standard Drawings 3-1-847 and 3-1-933. The landscape plans shall be subject to the review and approval of the Community Development Director, or his/her designee. (CDD)



ARBORIST)

- 15 TREE REMOVAL PERMIT AUTHORIZATION – A signature from the current property owner at 216 S. Claremont St along with the authorization letter shall be required with the Site Development Permit for the removal of trees on adjacent properties as specified in the approved Planning Application. Tree removals shall be processed through a Site Development Permit - Tree Removal issued by the Planning Division. (CDD ARBORIST)

**Public Works Department (PA)**

- 16 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 Director of Public Works or designee 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)
- 17 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 \$50,000. Public Works plan checking of the plans submitted with the building permit plans cannot proceed until the deposit is submitted. The applicant shall be required to increase the deposit at the discretion of the City, for any costs in excess of the deposit. Invoices shall not become delinquent (shall 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)
- 18 DOWNTOWN CPID PARKING – The applicant shall demonstrate that the parking required by the San Mateo Municipal Code has been fulfilled in accordance with San Mateo Municipal Code Chapter 27.64.100 through payment of a prorated CPID parking fee in lieu for the loss of (3) street parking spaces on S. Claremont Street between the hours of 8:00 A.M. to 10:00 A.M. Mondays through Saturdays, subject to the satisfaction of the Public Works Director, or his/her designee. (PUBLIC WORKS)
- 19 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)

- 20 EROSION CONTROL AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP) – The project shall include erosion control measures in the building permit plans including silt fences, fiber rolls, proposed cribbing (retaining walls or riprap), terraces, and/or surface protection, required for drainage and erosion control of the property in accordance with Municipal Code section 23.40.040(a), subject to review and approval of the Public Works Director, or his/her designee. Conformance with these measures will reduce soil erosion during construction. The applicant shall also submit an Erosion and Sediment Control Plan (which includes erosion control measures), if required by the City Engineer or Building Official. The applicant shall also submit a site logistics plan for each phase of operation. The plan, at a minimum, shall include estimated timeframes for implementation, duration, construction operations. 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/BUILDING)
- 21 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)
- 22 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)
- 23 TRAFFIC CONTROL & SITE LOGISTICS PLANS – The applicant shall submit traffic control plans for any impact to the right-of-way for each phase of operation, including pedestrian and bicycle detour plans as applicable. The traffic control plan 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 applicant shall also submit a site logistics plan for each phase of operation. The plan, at a minimum, shall include estimated timeframes for implementation, duration, construction operations. (PUBLIC WORKS)

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

**Planning Division (PA)**

24 ACOUSTICAL ANALYSIS – The applicant shall specify acoustical treatments in the building permit plans for the superstructure in compliance with State Building Codes, the City’s Noise Ordinance, and General Plan. The applicant shall also submit an acoustical analysis prepared by a professional acoustical consultant to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA Ldn or lower within the residential units and to 50 dBA Leq(1-hr) or lower within nonresidential interiors subject to the satisfaction of the Community Development Director, or his/her designee. The applicant shall conform with any special building construction techniques noted in the project’s acoustical analysis, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking. The acoustical analysis and building permit plans shall specify the following noise insulation features to reduce interior noise levels to 45 dBA Ldn or less at residential interiors:

(A) Provide a suitable form of forced-air mechanical ventilation, subject to the satisfaction of the Community Development Director, or his/her designee for all residential units, so that windows can be kept closed at the occupant’s discretion to control interior noise and achieve the interior noise standards.

(B) Preliminary calculations indicate that residential units facing South Claremont Street would require windows and doors with a minimum rating of 30 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA Ldn.

(C) Units facing East 3rd Avenue would require windows and doors with a minimum rating of 33 to 34 STC with adequate forced-air mechanical ventilation to meet the interior noise threshold of 45 dBA Ldn.

(PLANNING)

25 BELOW MARKET RATE (BMR) AGREEMENT – In accordance with Municipal Code Section 27.16.050 and Resolution 135 (2010), the applicant shall enter into and record a BMR Affordability Restriction Agreement to provide BMR unit(s) and/or pay a fee in-lieu for

fractional unit(s) as outlined in the adopted Comprehensive Fee Schedule. For projects that provide BMR unit(s), the BMR unit(s) shall:

- (A) Have exterior design and appearance compatible with and substantially the same as market rate units within the project, including landscaping;
- (B) Be distributed throughout the development project as approved by the City;
- (C) Have similar access to the unit from the exterior as market rate units;
- (D) Contain proportionately the same number of bedrooms as market rate units, which results in a minimum of one one-bedroom unit for this project;
- (E) Generally be of comparable size to similar market rate units;
- (F) Have access to all on-site amenities;
- (G) In phased development projects, be constructed proportionately in each phase; and,
- (H) Interior unit amenities shall be, at a minimum, UL or AGA-listed if amenities such as floor covering, appliances, and other fixtures differ from market rate units.

The BMR Affordability Restriction Agreement shall be subject to the satisfaction of the Housing Manager, or his/her designee. (PLANNING)

26 CHILD CARE DEVELOPMENT FEE – The applicant shall pay a Child Care Development Fee subject to the rate established in the annual Comprehensive Fee Schedule in effect at the time of building permit issuance. (PLANNING)

27 COMMERCIAL LINKAGE FEE – The applicant shall pay the Affordable Commercial Housing Linkage Fee in accordance with Municipal Code Section 23.61 and Resolution 84 (2016) subject to the rate established in the annual Comprehensive Fee Schedule in effect at the time payment is made. (PLANNING)

28 LOCATION AND SCREENING OF ABOVE GROUND UTILITIES AND EQUIPMENT (use the following condition for projects with above ground utilities) – All screening for any ground-level utilities, equipment, and other project related operational/utility devices shall be

shown on the building permit plans in substantial conformance with the approved planning application. All above ground utilities and equipment shall be screened with landscaping, fencing, and/or other solid materials to the satisfaction of the Community Development Director, or his/her designee. (PLANNING)

29 SCREENING OF ROOFTOP MECHANICAL EQUIPMENT – All rooftop mechanical equipment shall be shown on the building permit plans in substantial conformance with the approved planning application. All equipment shall be painted and/or screened by a solid enclosure or parapet wall with materials compatible with the building design subject to the satisfaction of the Community Development Director, or his/her designee. (PLANNING)

30 SIGNAGE – Preliminary signage shown in the approved planning application plans are for information only. Final signage shall be reviewed and approved in accordance with Title 25 of the Municipal Code. (PLANNING)

#### **Building Division (PA)**

31 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)

32 VAPOR INTRUSION MITIGATION PLAN – A Vapor Intrusion Mitigation Plan shall be prepared that includes a Vapor Mitigation System (VMS) that will prevent exposure of future employees and residents to VOCs in indoor air as a result of vapor intrusion. The Vapor Intrusion Mitigation Plan will require the project applicant to design the interior spaces with appropriate structural and engineering features to reduce risk of vapor intrusion into the building. At a minimum, this design shall include: 1) passive sub-slab ventilation with a spray applied seamless vapor barrier (and with the ability to convert the system from passive to active ventilation), 2) monitoring to ensure the long-term effectiveness of the remedy, and 3) the implementation of institutional controls. The Vapor Intrusion Mitigation Plan shall be submitted to the San Mateo County Environmental Health Services (SMCEHS) for review and approval. Alternative designs may be acceptable if approved in writing by the SMCEHS. The applicant shall provide proof of SMCEHS approval for the Vapor Intrusion Mitigation Plan to the City's Building Division.

(BUILDING/PLANNING)

33 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)

**Fire Department (PA)**

34 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. (FIRE)

35 FIRE CONTROL ROOM – The plans shall show a fire control room with direct access from the exterior of the building subject to the requirements listed in the Fire Department's local Ordinance and subject to the review and approval of the Fire Marshal or his/her designee. (FIRE)

36 FIRE DEPARTMENT SUBMITTALS – The applicant shall submit all plans involving fire systems (including but not limited to fire sprinklers, fire hydrants, and fire alarms) in conjunction with the superstructure building permit plans to the Fire Department. The plans are subject to review and approval by the Fire Marshal or his/her designee. (FIRE)

**Police Department (PA)**

37 BUILDING SECURITY CODE COMPLIANCE – The building permit plans shall comply with the City's Building Security Code (San Mateo Municipal Code Chapter 23.54). (POLICE)

38 PHOTOMETRIC PLAN SUBMITTAL REQUIREMENT – The building permit plans for the superstructure 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)

**39 PUBLIC SAFETY COMMUNICATIONS FOR TALL BUILDINGS** – The building permit plans for the superstructure shall show compliance with Security Code SMMC “23.54.020 CITY COMMUNICATION SYSTEMS – HIGH RISE BUILDINGS”, by providing for the following allowances for the placement of emergency communications equipment on the building permit plans:

(A) Enough enclosed space for the equivalent of one dedicated server rack in a locked server room that is clean, dry, and well-ventilated (this does not need to be a fire control room);

(B) One 4” conduit from the designated server rack through the roof. The conduit shall be provided with wide radius bends, a weatherhead on the roof, and a pull string and ring;

(C) Authorization to mount antennas on the roof. The maximum allowable distance from the designated server rack to the antenna mounting location shall be 100 feet;

(D) One 20 amp, 120 VAC dedicated electrical circuit on the building's emergency generator. An uninterruptable power supply (UPS) may be installed by the City if the building is not provided with an emergency generator;

(E) 12 copper cable pairs to the building's main telephone terminal; and,

(F) Ground buss bar bonded to the building grounding system.

This requirement is in addition to the requirement of the California Fire Code to supply a functional emergency responder radio coverage system. (POLICE)

**40 SECURED BUILDING ACCESS BY EMERGENCY PERSONNEL** – The building permit plans for the superstructure 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) and parking garage 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)

- 41 SITE FURNITURE – The building permit plans for the superstructure 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)
- 42 STAIRWELL & EXTERIOR DOORS – The building permit plans for the superstructure shall show the maximum allowable viewing panel in egress doors from stairwells and exterior doors leading to exterior areas, parking garages, and basement levels. (POLICE)
- 43 VIDEO SURVEILLANCE SUBMITTAL REQUIREMENT – The building permit plans for the superstructure shall include a plan showing the installation of cameras and approximate viewing fields of surveillance cameras to be reviewed and approved by the Chief of Police or his/her designee. The plan shall include cameras placed to view areas as required by VIDEO SURVEILLANCE STANDARDS, and include select specifications for cameras and storage equipment to ensure compliance with the VIDEO SURVEILLANCE STANDARDS. (POLICE)

#### **Public Works Department (PA)**

- 44 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 13H:32X to MH 12H:09X. The video inspection shall be done by a professional sanitary sewer video inspection company, to City standards and the Sewer System Management Plan (SSMP), and be completed prior to issuance of the building permit for the superstructure. 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 building permit plans for the superstructure 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. The building permit plans for the superstructure shall show all sanitary sewer lines to be clean and inspected. (PUBLIC WORKS)

45 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 CB 13H:54 to MH 12H:29. The video inspection shall be done by a professional video inspection company, to City standards and the Sewer System Management Plan (SSMP), and be completed prior to issuance of the building permit for the superstructure. 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 building permit plans for the superstructure 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. The building permit plans for the superstructure shall show all storm drain lines to be clean and inspected. (PUBLIC WORKS)

46 DRAINAGE – The building permit plans show drainage designed into landscaping with the purpose of reducing volume or improving quality of runoff from the site shall be implemented, to the extent feasible, subject to the approval of the Director of Public Works 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. 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 submitted as part of the building permit for the superstructure. The applicant shall install <insert improvements>. Projects that include permanent structural controls for stormwater treatment, shall comply with requirements of Section C.3 of the Municipal Regional Stormwater Permit for San Mateo County (MRP). 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 with the County of San Mateo Recorder's Office. The building permit plans for the superstructure shall show drainage. (PUBLIC WORKS)

- 47 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)
- 48 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 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 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 shall be provided from the City's franchise solid waste collection service provider stating that service is available to the project as designed. The building permit plans for the superstructure shall show garbage and recycling areas. (PUBLIC WORKS)
- 49 INTERIOR FLOOR DRAINS – The building permit plans for the superstructure shall show all interior floor drains and shall be plumbed to connect to the sanitary sewer system and shall not be connected to stormwater collection system per the San Mateo Countywide Water Pollution Prevention Program's C.3 requirements. (PUBLIC WORKS)
- 50 PARK IMPACT FEES – The applicant shall pay a park impact fee (SMMC Section 13.05.070) . The final fee shall be determined prior to the issuance of the building permit for the park impact fee. The park impact fee shall be paid prior to the issuance of the building permit. (PARKS)
- 51 PUBLIC IMPROVEMENT AGREEMENT (PIA) – If the applicant wishes to have the Building Permit for the superstructure issued prior to the completion of the project's public improvements, the applicant shall enter into a Public Improvement Agreement (PIA) with the City and shall arrange to provide security for the remaining public improvements to be completed. The PIA will be forwarded to the City Council for approval. (PUBLIC WORKS)

52 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) STREET MARKINGS – The applicant shall install necessary street markings of a material and design approved by the Director of Public Works or designee 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 Director of Public Works or designee. 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)

(B) SIDEWALK, CURB AND GUTTER – The applicant shall replace to existing City standards all sidewalk, curb and gutter surrounding the project site. Sidewalk, curb and gutter replacement shall be constructed per City Standard Drawing 3-1-141A. (PUBLIC WORKS)

(C) CURB RAMPS – The applicant shall construct curb ramps in accordance with State

Standard Drawing No. A88A at 3rd/Claremont Intersection, as shown on the approved plan. The actual ramp "Case" shall be identified on the plans and shall be approved by the Director of Public Works or designee or designee. (PUBLIC WORKS)

(D) 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)

(E) STORM MAIN - The applicant shall install 89 LF of new 12-inch mainline storm along Claremont Street frontage from the existing manhole at the 3rd/Claremont intersection, as shown on the plan and in accordance with City Standards established by the Director of Public Works or designee. The new storm lines shall be RCP or as approved by the City Engineer or designee. Applicant shall submit plans, drawings and storm calculations for review and approval by the Public Works Director or designee prior to submitting the first building permit for the superstructure. Construction of the new mainline shall be completed prior to issuance of the certificate of occupancy. (PUBLIC WORKS)

(G) SANITARY AND STORM SEWER MANHOLES – The applicant shall install one (1) standard sanitary sewer manhole and three (3) standard storm sewer manhole, per approved plans and in accordance with City Standard Drawing No. 3 1 104. (PUBLIC WORKS)

(H) STORM WATER CATCH BASINS – The applicant shall install two (2) standard storm water catch basins, per approved plans and in accordance with City Standard Drawing No. 3 1 121. (PUBLIC WORKS)

(I) GREEN INFRASTRUCTURE – In accordance with San Mateo Municipal Code Chapter 7.39, the applicant shall install and maintain green infrastructure (GI) improvements including Silva Cells located along project frontages on East 3rd Avenue and South Claremont Street. The improvements shall be in accordance with the guidance and specifications provided by San Mateo Countywide Water Pollution Prevention Program or City of San Mateo GI Plan design and shall be approved by the Director of Public Works or designee. 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 superstructure plans. GI improvements shall be maintained by the adjacent property owner and included in the stormwater treatment O&M (operation and maintenance) agreement that is recorded with the County of San Mateo Recorder's Office. (PUBLIC WORKS)

(J) STREETLIGHTS AND INFRASTRUCTURE – The applicant shall submit both a lighting plan and streetlight improvement plan.

**Lighting Plan:**

The lighting plan shall include a design for lighting all public streets, intersections, sidewalks, pedestrian paths, and bicycle facilities located in the public roadway right-of-way adjacent to the project site. The lighting plan shall be designed to meet the lighting levels recommended in the Illuminating Engineering Society's (IES) Recommended Practice For Design And Maintenance Of Roadway And Parking Facility Lighting (ANSI/IES RP-8-18), and shall be based on photometric analysis prepared using lighting design software. The lighting plan shall show the location and type of all luminaires, luminaire mounting heights, luminaire arm lengths, photometric analysis zones, and all calculated point illuminance values. The analysis in the lighting plan shall utilize the Illuminance Method described in ANSI/IES RP-8-18. Separate analysis zones shall be used for each street, each sidewalk by frontage, and each intersection. Analysis zones and calculation points shall be configured according to the City's standard practice in use at the time the analysis is begun. The analysis zone for each street fronting the project site shall include the entirety of the roadway from curb face to curb face. The design for the lighting plan shall achieve the required lighting levels using the least number of luminaires possible, using a consistent pattern of luminaire placement, and shall include luminaires on both sides of the street if such a pattern reduces the number of luminaires required, unless otherwise approved by the City. However, the applicant shall only be responsible for installing the luminaires on their side of the street. The design shall also include pedestrian scale lighting if pedestrian scale lighting is already in use on the block of the project frontage, or if the City's Pedestrian Master Plan recommends pedestrian scale lighting on the project frontage. Pedestrian scale lights shall be placed at a minimum spacing of 50 feet between poles on the same side of the street. Cobra head lights shall be placed at a minimum spacing of 100 feet between poles on the same side of the street. There shall be a minimum spacing of 50 feet between cobra head and pedestrian scale lights on the same side of the street, if a mix of both types of lighting is used. Reduced spacing may be approved by the City if the photometric analysis indicates it is necessary to meet the required lighting levels. The design may incorporate existing luminaires. All new luminaires shall be selected from the City's list of standard luminaires at the time of design. Only City owned streetlights within the public right-of-way, or located in an easement on private property, may be used, unless otherwise approved by the City. The photometric analysis in the lighting plan shall utilize the following parameters for this project as defined in ANSI/IES RP-8-18.

3rd Avenue: Major roadway, High pedestrian activity level

Claremont Street: Collector roadway, High pedestrian activity level

**Streetlight Improvement Plan:**

The applicant shall implement the lighting plan from their project frontage to the roadway centerline. The applicant shall submit a streetlight improvement plan showing all work necessary to construct the streetlight improvements for which they are responsible to implement. The plan shall include all electrical calculations (i.e. voltage drop) required for design of a functional streetlight system that complies with all applicable codes and standards. The City will provide the applicant with information about the type and approximate location of existing streetlights near the project site that are to be included in the photometric analysis. It shall be the applicant's responsibility to field verify the location of all existing streetlight equipment and infrastructure, including, but not limited to, underground conduits, pull boxes, poles, and electrical service connections, as needed for the preparation of the photometric analysis and streetlight improvement plans.

The applicant shall prepare all documents needed as attachments to applications to the serving electrical utility for new, or modifications to existing, electrical service connections. The City will submit the application to the serving utility.

The applicant shall pay all fees, permits, dues, etc., associated with implementing the streetlight improvements.

The applicant shall consult with the City for additional guidance on preparing the lighting plan and streetlight improvement plan, prior to beginning preparation of said both plans. If any changes to streetlight locations or quantities are proposed during the building permit phase, a new photometric analysis shall be prepared by the applicant for review and approval by the Director of Public Works or designee and the lighting shall be furnished and installed in accordance with the new photometric analysis as approved.  
(PUBLIC WORKS)

- 53 SANITARY SEWER CONNECTION CHARGE – The applicant shall pay a charge proportional to the project's share of the increased amount of sewage generated by the project, as established by San Mateo Municipal Code Chapter 3.54.060. The charge 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. The fee shall be based on the fee schedule in effect on January 13, 2022. (PUBLIC WORKS, BUILDING)

- 54 SEPARATE WATER METERS – When a development includes multiple uses, there shall be a separate water meter for each development use. The building permit plans for the superstructure shall show the separate water meters. (PUBLIC WORKS)
- 55 STORM DRAIN INLETS AND WATERWAYS – The building permit 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)
- 56 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, as established by San Mateo Municipal Code Chapter 27.13. 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)
- 57 TRASH CAPTURE DEVICES – The building permits shall show installation of trash capture devices in storm drain systems that lead directly to the off-site storm drain system or outfall. Devices shall be approved by the Director of Public Works or designee or designee. Trash capture devices are required on site consistent with the State Water Resources Control Board definition of Full Capture System. All on-site trash capture devices shall be cleaned routinely and maintained by the Owner per the Stormwater Treatment Facilities Maintenance Agreement. The building permit plans for the superstructure shall show trash capture devices. (PUBLIC WORKS)
- 58 TRIANGULAR AREA OF VISIBILITY – The building permit plans for the superstructure shall show that the installation of landscaping and permanent structures located within the 25’ triangular area of visibility at any project corner 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)
- 59 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)

60 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.

The Developer shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television, and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures.

Sanitary sewer laterals and/or water meters located in driveways shall have traffic rated boxes and lids.

Developer is required to confirm the location of existing utility lines along the project frontage by potholing. Prior to any potholing, developer shall obtain an encroachment permit and submit a pothole plan for City review and approval. Developer shall provide the pothole results to the Director of Public Works or designee or designee prior to final design. Any utility conflicts shall be the responsibility of the developer to rectify. (PUBLIC WORKS)

61 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)

62 WILL SERVE LETTER FOR WATER – The applicant shall provide a will-serve letter from Calwater subject to the satisfaction of the Director of Public works or designee. (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)**

- 63 ACOUSTICAL COMPLIANCE LETTER – The applicant shall submit an acoustical compliance letter to the Project Planner written and signed by the project acoustical consultant indicating all recommendations incorporated into the project to reach compliance with the noise limits listed in Tables N-1 and N-2 of the Noise Element of the General Plan. This letter shall be submitted prior to scheduling the Planning Final Inspection. (PLANNING)
- 64 ARCHITECTURAL COMPLIANCE LETTER – The applicant shall submit an architectural compliance letter to the Project Planner written, signed, and stamped by the architect or designer of record indicating that all construction is consistent with the approved architectural plans. This letter shall be submitted prior to scheduling the Planning Final Inspection. (PLANNING)
- 65 LANDSCAPE VERIFICATION LETTER – The applicant shall submit a landscape verification letter to the Project Planner written, signed, and stamped by the project landscape architect indicating that all on-site and off-site landscape improvements (including on-site trees, street trees, shrubs, and irrigation systems) have been installed in compliance with the approved landscape plans. This letter shall be submitted prior to scheduling the Planning Final Inspection. (PLANNING)
- 66 LANDSCAPING AGREEMENT – The applicant shall provide proof of an agreement with a licensed landscape contractor or General Contractor for the duration of the project's Plant Establishment Maintenance Period, which consists of three (3) growing season months (March through October) for all proposed landscaped areas. (PLANNING)
- 67 OFF-SITE CONSTRUCTION STAGING – The applicant shall return the lot intended for off-site construction staging at 402 S. Delaware Street (APN: 034186110) to a vacant lot in accordance with Municipal Code Chapter 7.48 prior to scheduling of the Planning Final inspection, unless building permits for an entitled redevelopment are issued at this site. (PLANNING)
- 68 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)**

- 69 ART IN PUBLIC PLACES – The applicant shall comply with Section 23.60 of the San Mateo Municipal Code for Art in Public Places. (BUILDING)(BUILDING)
- 70 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)
- 71 VMS LONG-TERM OPERATIONS, MAINTENANCE, AND MONITORING PLAN – A Long-Term Operations, Maintenance, and Monitoring Plan (OMMP) shall also be submitted to the SMCEHS for approval that presents the actions that must be taken following construction to maintain and monitor the VMS. The OMMP shall also include a contingency plan in case of VMS failure, and a financial assurance mechanism shall be established to prove that adequate funds are available for long-term maintenance and monitoring of the VMS. The applicant shall provide proof of SMCEHS approval for the items above to the City's Building Division prior to issuance release of utilities, final inspection, issuance of a temporary certificate of occupancy, or issuance of a certificate of occupancy, whichever occurs first. (BUILDING/PLANNING)
- 72 VMS POST CONSTRUCTION SAMPLING – To document the effectiveness of the Vapor Mitigation System (VMS) post-construction sampling shall be conducted by a State of California qualified Environmental Professional. The results of soil gas sampling, design and installation of the VMS, and post-construction sampling shall be submitted to the SMCEHS for review and approval prior to the issuance of occupancy permits. The sampling shall be conducted prior to the issuance of occupancy permits at approximately four weeks after completion of construction, with subsequent testing during the potentially "worst-case" months of January/February and June/July. The applicant shall provide proof of SMCEHS approval for the items above to the City's Building Division prior to issuance release of utilities, final inspection, issuance of a temporary certificate of occupancy, or issuance of a certificate of occupancy, whichever occurs first. (BUILDING/PLANNING)
- 73 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)

### **Fire Department (PA)**

74 EMERGENCY RESPONDER RADIO COVERAGE – An Emergency Responder Radio Coverage system may be required for this project. Testing shall occur during construction due to circuit protection requirements that will affect building design. The applicant shall provide a third-party testing grid report to the Fire Department subject to the review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection. (FIRE)

75 FIRE HYDRANTS – The applicant shall install the approved number of public/private fire hydrant(s) spaced as per the Fire Department's local Ordinance. All fire hydrants used for fire flow for the project site shall be upgraded to a Clow model 960 or equivalent consisting of (2) 2-½ inch and (1) 4-½ inch outlets. 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 water purveyor's specifications. The water supply shall be tested, flushed and approved operable prior to any combustible construction materials being placed on the site. Staged construction shall insure that the necessary water supply is maintained from stage to stage in the construction planning. The letter shall be submitted to the Fire Marshal or his/her designee for review and approval prior to the Fire Final Inspection. (FIRE)

76 FIRE SPRINKLER SYSTEM – The applicant shall install a fire sprinkler system in accordance with NFPA 13 or the California Fire Code subject to review and approval by the Fire Marshal or his/her designee prior to the Fire Final Inspection. (FIRE)

### **Public Works Department (PA)**

77 DEDICATIONS – The applicant or owner shall dedicate a three (3) foot wide strip of land along E. 3rd Avenue and half (0.5) foot wide strip of land along S. Claremont Street frontage for sidewalk easement purposes. Where required, the applicant shall also dedicate a property line radius at the corner of the property. The applicant shall provide plat and legal of the subject easements for City review and approval as part of the building permit plan submittal and have the easement documents recorded prior to final

inspection or occupancy permit issuance. (PUBLIC WORKS)

- 78 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. 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 PDF and the AutoCAD Version being used by the City at the time of completion of the work. (PUBLIC WORKS)
- 79 RESTORATION OF ROADWAY – Due to the anticipated project’s truck traffic, the applicant shall grind and overlay with 2.5 inches of asphalt concrete of 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 shall reconstruct the street. Limits of the roadway repair shall be curb-to-curb width of the 3rd Avenue and Claremont Street frontages including the entire 3rd/Claremont intersection, subject to the review and approval of the Director of Public Works or designee. (PUBLIC WORKS)
- 80 STORM WATER TREATMENT FACILITIES MAINTENANCE AGREEMENT – The applicant shall execute a maintenance agreement with the City’s Director of Public Works or designee as specified in San Mateo Municipal Code Chapter 7.39 of the Stormwater Management and Discharge Control ordinance and the San Mateo Countywide Water Pollution Prevention Program C.3 Program Technical Guidance. The agreement shall outline the continuous operation and maintenance (O&M) plan for the permanent storm water treatment facilities including irrigation and landscape maintenance of Green Infrastructure elements constructed in the public right-of-way and shall be recorded with the County Recorder’s Office. This agreement shall be executed prior to the first occupancy of the building. (PUBLIC WORKS)
- 81 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM – A Transportation Demand Management (TDM) Program has been prepared for this project (refer to the TDM Plan prepared by Steer, dated October 2022). The property owner or designee shall submit a written letter to the Public Works Director on an annual basis with 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, the property owner or their designee shall participate in the formation of the Downtown Transportation Management Association (TMA). (PUBLIC WORKS)

82 TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM – The project shall implement a Transportation Demand Management Program using programs in compliance with the San Mateo City/County Association of Governments (C/CAG) Guidelines for Trip Reduction. These programs, once implemented, shall be on-going for the occupied life of the development. The C/CAG Guidelines specify the number of trips that may be credited for each TDM measure. The actions included in the plan will include those listed in the approved project Transportation Demand Plan prepared by Steer, dated October 2022, the project Traffic Impact Analysis, dated August 2022, or a combination of other actions based on the C/CAG Guidelines, that result in a minimum 25% reduction of project generated trips. Actions may include any or all of the following: Secure Bicycle Storage, Shower Changing Facilities, Sustainable Transportation Incentives, New Resident Packets, Employee TDM Coordinator, TMA Participation, Flexible Work Hours/Telecommuting and options to participate in the Caltrain GO Pass Program, Bike Education, Wayfinding, and Shared Mobility Support. The program shall be recorded with C/CAG. (PUBLIC WORKS)

83 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. The TMA will develop TDM measures and make them available to both existing and future development within the Downtown area. (PUBLIC WORKS)

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

**Planning Division (PA)**

84 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)

85 PALEONTOLOGICAL RESOURCES – In the event of the discovery of paleontological resources (fossils) whether on-site or in the public right-of-way, the applicant shall halt all

construction activities within 50 feet of the discovery, notify the Planning Manager and/or Project Planner, and retain a qualified paleontologist to determine the significance of the discovery. The paleontologist shall evaluate the uniqueness of the find, prepare a written report documenting the find and recommending further courses of action, and submit a summary of findings to the Project Planner. The applicant shall incorporate the recommendations of the paleontologist when continuing construction. (PLANNING)

**Building Division (PA)**

86 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)

**Fire Department (PA)**

87 ADDRESS NUMBERS – The applicant shall post temporary address numbers on each building at the project site that must be easily visible from the street or fire access road. (FIRE)

88 BARRICADES ACROSS EMERGENCY ACCESS ROADS – Prior to the installation or use of barricades, fences, or gates across emergency vehicle access roads during construction, the applicant submit plans to the Fire Plan Checker subject to the review and approval of the Fire Marshal or his/her designee. (FIRE)

89 DEMOLITION – The applicant shall comply with the California Fire Code Chapter 33 during all phases of construction of the project. (FIRE)

90 EGRESS – The applicant shall maintain required egress for all adjacent buildings/properties. (FIRE)

91 STANDPIPES – For projects that require standpipes by California Fire Code Section 905.3.1, the applicant shall provide not less than one standpipe for use during construction or

demolition. (FIRE)

**Public Works Department (PA)**

92 ARCHITECTURAL COPPER – Per the San Mateo Countywide Water Pollution Prevention Program's requirements, the applicant shall follow the specific best management practices for the installation of the Architectural Copper. For detailed information please distribute the flyer to all construction personnel involved in the fabrication and installation of the Architectural Copper that is located at: <https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/> (PUBLIC WORKS/BUILDING)

93 BEST MANAGEMENT PRACTICES (BMP) – Construction Best Management Practices (BMPs) shall be implemented for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during site excavation, grading, and construction. In accordance with the City's standards, these BMPs will include, but will not be limited to:

(A) Avoid or minimize excavation and grading activities during wet weather, unless the City approves a winter erosion control plan submitted by the applicant.

(B) Use effective, site-specific erosion and sediment control methods during the construction periods. Provide temporary cover of all disturbed surfaces to help control erosion during construction. Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.

(C) Protect existing storm drain inlets in the project area from sedimentation with filter fabric fences gravel bags block and gravel filters.

(D) Cover and stabilize stockpiled soil and materials with tarps, geotextile fabric, hydroseeding and/or erosion control blankets.

(E) Install berms or silt fencing around stockpiled materials to prevent stormwater runoff from transporting sediment off-site.

(F) 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.

(G) 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)

94 CONSTRUCTION WORKER PARKING – 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 Director of Public Works or designee 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)

95 GROUND WATER DISCHARGE – In accordance with the Director of Public Works Groundwater Discharge Policy, discharge of contaminated groundwater to the sanitary sewer is only allowed on a temporary basis and will not be permitted for a period greater than 6 months. Discharges for longer than 6 months shall obtain an NPDES permit from the State Water Board to discharge to the storm drain system. Discharge of uncontaminated groundwater to the storm drain is permissible if the applicant can provide analytical data to support the claim. No discharge to the storm drain shall be allowed without prior approval from the Public Works Department. All discharges to the sanitary sewer (contaminated and uncontaminated) require a Waste Discharge Permit and shall comply with the City's discharge limits. (PUBLIC WORKS)

96 HOLIDAY CONSTRUCTION MORATORIUM – Due to concerns for businesses within the vicinity of Hillsdale Mall and within the Downtown area during the holiday season (Monday prior to Thanksgiving 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 Director of Public Works or designee. Exceptions to this condition shall be made in writing to the Public Works Director or designee. Prohibition on El Camino Real shall be along its entire length within the City limits. For Hillsdale Shopping Center, the



construction prohibition streets shall include Hillsdale Boulevard between U.S. 101 and SR 92, 31st Avenue between El Camino Real and Hacienda Street, and Edison Street and Hacienda Street in the vicinity of the shopping center. 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)

97 MATERIAL HAULING – 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 Chapter 11.28.040 for the approval of the Director of Public Works or designee. 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: HWY 101, E. 3rd Avenue, S. Claremont Street to E. 4th Avenue, or as approved by the Director of Public Works or designee. 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 shall be kept off the public right-of-way. Tracking of dirt onto City streets and walks will not be allowed. Entry and exit from the site will use rock or rumble strips to prevent tracking. The applicant shall 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 is allowed. Use of a sweeper is permissible as long as it operates dry (no water used, only vacuum). 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)

98 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 Director of Public Works or designee 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 Director of Public Works or designee.

(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.

(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 shall 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 Director of Public Works or designee 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 shall be submitted to the Public Works Construction Inspector ten (10) working days prior to the requested date of waiver.

(B) All construction vehicles shall be properly maintained and equipped with exhaust mufflers that meet State standards.

(C) 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. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

(F) Prior to issuance of any permit, the applicant shall submit any applicable pedestrian or traffic detour plans, to the satisfaction of the Director of Public Works or designee, 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.

(G) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 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.

(H) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

(I) All vehicle speeds on unpaved roads shall be limited to 15 mph.

(J) All roadways, driveways, and sidewalks to be paved shall be completed as soon as

possible. Construction activities shall be scheduled so that paving and foundation placement begin immediately upon completion of grading operation.

(K) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. (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)**

99 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)

100 GROUND FLOOR INTERIOR VISIBILITY – Visibility into the building's ground floor shall be maintained in conformance with the Central Claremont Sub Area of the Downtown Area Plan. Building occupants shall not cause obstructed interior views of activity through window film, furniture, equipment, or other visual clutter. (PLANNING)

**City Attorney (PA)**

101 INDEMNIFICATION – The Applicant shall defend (with counsel approved by City), indemnify, and hold harmless the City, its elected and appointed officials, employees, and agents, from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the City or its elected and appointed officials, employees, and agents, related to an approval of the Project, including without

limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"). The City may (but is not obligated to) defend such Challenge as the City, in its sole discretion, determines appropriate, all at the Applicant's sole cost and expense. The Applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, staff time and in-house attorney fees on a fully-loaded basis, attorney fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by the Applicant, City, or awarded to any third party, and shall pay to the City upon demand any Costs incurred by the City. No modification of the Project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation. Per Government Code Section 66474.9, the Applicant's indemnification obligation with respect to any Challenge concerning a subdivision (tentative, parcel, or final map application or approval) shall be limited to actions brought within the time period provided for in Government Code Section 66499.37, unless such time period is extended for any reason. The City shall promptly notify the Applicant of any such claim, action, or proceeding, and shall cooperate fully in the defense. (CITY ATTORNEY)

- 102 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)

#### **Police Department (PA)**

- 103 PUBLIC SAFETY COMMUNICATIONS FOR TALL BUILDINGS, ACCESS AND SECURITY – The applicant shall allow 24 hour, 7 day per week access to the dedicated public safety communications radio server rack and antenna(s) for maintenance purposes at all times that the use permitted by this planning application occupies the premises. If the City installs radio equipment, applicant shall take reasonable measures to secure and safeguard City equipment from theft or vandalism. (POLICE)
- 104 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)

105 VIDEO SURVEILLANCE STANDARDS – The applicant shall install and operate for the life of the project a video surveillance system subject to the following requirements:

(A) 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) Cameras shall be placed and maintained to view common areas of the property accessible to the public such as lobbies, parking lots, parking garages and entrances and exits to all parking garages, gates dividing different uses inside mixed-use 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.

(C) The cameras in this system shall be megapixel or better CCTV cameras that shall be capable of operating in all lighting conditions anticipated at project completion. Cameras viewing locations intended to allow routine vehicle passage onto the sites and/or garages shall additionally be capable of capturing the front and rear of all entering and exiting vehicles that use the sites and/or garages, and be of sufficient quality to identify the make and model of vehicles accessing the site, clearly read both front and rear license plates of vehicles, and clearly depict faces of occupants through the front windshield. (POLICE)

106 POST CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP) – In accordance with the City’s Storm Water Management and Discharge Control Rules and Regulations, San Mateo Municipal Code Chapter 7.39, and the San Mateo Countywide Stormwater Management Plan (SWMP) by reference, the applicant shall:

(A) Owner/occupant shall inspect private stormwater treatment devices and GI features in the public right-of-way 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, City inspection of the private stormwater treatment 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 fee shall be based upon the Comprehensive Fee Schedule, established by the City Council, in effect at the time.

(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)

107 TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN – Once implemented, the Transportation Demand Management Plan shall be monitored and assessed annually for the occupied life of the development. The program shall be recorded with the County. The assessment of compliance with the Transportation Demand Management Plan, including mode split survey results, shall be submitted to Public Works by the end of every calendar year (December 31st).

**The following conditions are MITIGATION MEASURES that mitigate adverse environmental effects identified in the environmental document. Monitoring and reporting procedures are contained within each condition. A change in the condition of approval may affect the validity of the current environmental document, and a new or amended environmental document may be required.**

**Planning Division (PA)**

108 COMPLIANCE WITH MMRP – The Mitigation Measures identified in conditions of approval below and in the adopted Mitigation Monitoring And Reporting Program (MMRP) shall be completed in accordance with the timelines for project construction and operation within each mitigation measure. The applicant shall provide documentation demonstrating compliance to the Planning Division. In the event of any inconsistencies between the mitigation measures as set forth in the Mitigated Negative Declaration and the MMRP, the MMRP shall control. (PLANNING)

109 MM BIO-1.1 – Prior to the issuance of the first building permit, grading permit, or site development permit for tree removal (whichever occurs first), the applicant shall submit a phasing plan to the City’s Planning Division with a schedule of both on-site and off-site demolition and construction activities to review the activities that may occur during the nesting season subject to the satisfaction of the Community Development Director, or his/her designee. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive). (PLANNING)

110 MM BIO-1.2 – If any tree removal, demolition, or construction activities are scheduled during the nesting season, between February 1 and August 31 (inclusive), the applicant shall engage a qualified ornithologist to complete a pre-construction survey for nesting birds to ensure that no nests are disturbed during demolition or construction. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. This survey shall be completed no more than 14 days prior to the initiation of any construction or demolition activities during the early part of the breeding season (February 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31 inclusive).

If an active nest is found sufficiently close to work areas to be disturbed by construction (typically 300 feet for raptors and 100 feet for other species), the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests shall not be disturbed during project construction.

Prior to each phase of demolition and construction, the ornithologist shall submit a report identifying designated buffer zones to the City’s Planning Division subject to the satisfaction of the Director of Community Development, or his/her designee. (PLANNING)



- 111 MM CUL-2.1 – Prior to the issuance of any demolition, grading or building permit involving ground-disturbing activities (whichever occurs first), the project applicant shall hire a qualified Professional Archaeologist and Native American Monitor to develop a Worker’s Environmental Awareness Program (WEAP) to train the construction crew on the legal requirements for the treatment of cultural resources as well as procedures to follow in the event of a cultural resources discovery. This training program shall be given to the crew before ground disturbing work commences and shall include handouts to be given to new workers. (PLANNING)
- 112 MM CUL-2.2 – The applicant shall note on all construction plans that require ground disturbing activities that there is a potential for exposing buried cultural resources including prehistoric Native American burials. (PLANNING)
- 113 MM CUL-2.3 – A Professional Archaeologist and Native American Monitor shall be present during all ground-disturbing activities. If any prehistoric or significant historic period cultural materials are exposed during construction grading and/or excavation whether on-site or off-site, the applicant shall halt all construction activities within 50 feet of the find, and the Professional Archaeologist shall provide identification, evaluation, and further recommendations consistent with CEQA and City of San Mateo requirements.

If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, the applicant shall notify the Community Development Director, or his/her designee, and provide avoidance, preservation in-place, recordation, additional archaeological testing and data recovery measures to reduce impacts to a less than significant level. The applicant shall also complete a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) that includes data recovery if significant archaeological deposits are exposed during ground disturbing construction. The applicant shall submit the AMP and/or ATP to the City’s Planning Division subject to the satisfaction of the Community Development Director, or his/her designee. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the applicant in consultation with the California Office of Historic Preservation and the City of San Mateo. (PLANNING)

- 114 MM CUL-3.1 – In the event that human remains are discovered during excavation and/or grading whether on-site or within the public right-of-way, the applicant shall halt all activity within a 50-foot radius of the find and notify the Community Development

Director, or his/her designee. The applicant shall also immediately notify San Mateo County Coroner to have a determination made as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. Treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws (i.e., Native American burials, Chapter 1492, Section 7050.5 to the Health and Safety Code, Sections 5097.94, 5097.98 and 5097.99 of the Public Resources Code). If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. (PLANNING)

115 MM HAZ-2.1 – To reduce the potential for construction worker and nearby sensitive receptor exposure to hazardous materials (Asbestos Containing Materials (ACMs), lead-based paints, and polychlorinated biphenyls (PCBs)), the applicant shall implement the following measures prior to and during demolition and construction:

(A) Prior to issuance of a demolition permit, the applicant shall submit a PCB Screening Assessment Form to the Building Division. If on-site buildings do contain PCBs that exceed threshold limits, the applicant shall follow applicable federal and state laws, which includes reporting to the Environmental Protection Agency, Regional Water Quality Control Board, and Department of Toxic Substances Control, who may require additional sampling and abatement of PCBs. As required under the Toxic Substances Control Act (TSCA), all building materials containing PCBs at levels greater than 50 parts per million (ppm) shall be removed upon discovery. If demolition is likely to impact such materials, they must be properly characterized by an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) and removed in accordance with TSCA regulations.

(B) In conformance with local, state, and federal laws, the applicant shall engage a qualified professional to complete an asbestos building survey and a lead-based paint survey to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition prior to issuance of a demolition permit. Written findings of the surveys shall be submitted to the Building Division subject to the satisfaction of the Community Development Director, or his/her designee.

(C) The applicant shall retain a registered asbestos abatement contractor to remove and

dispose of all potentially friable asbestos-containing materials, in accordance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to the issuance a demolition permit. The applicant shall conduct all construction activities in accordance with California Division of Occupational Safety and Health (Cal/OSHA) standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Quality Management District (BAAQMD) regulations.

(D) Prior to any demolition activities, the applicant shall remove all building materials containing lead-based paint in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. The applicant shall dispose any debris or soil containing lead-based paint or coatings at landfills that meet acceptance criteria for the waste being disposed.

(E) Prior to the issuance of a demolition permit, the applicant shall obtain a permit from the San Mateo County Environmental Health Department (CUPA) to remove the fuel underground storage tanks (USTs), dispensers, associated product piping, and underground hoists at the onsite ARCO gasoline service station. Proof of obtainment of this permit shall be submitted to the City's Building Division prior to the issuance of a demolition permit. Removal activities and compliance soil sampling will be conducted by an environmental consultant and environmental contractor under the oversight of the CUPA. If stained soils, free product, and/or elevated petroleum hydrocarbon concentrations are detected in soil at concentrations that exceed applicable ESLs established by the SF-RWQCB, over-excavation of the contaminated soil may occur at the time of the UST/piping removal, at the direction of the CUPA, and/or potentially during the construction excavation for the subsurface garage.

(F) If previously unknown 'orphan' USTs or piping are encountered during construction excavation activities for the underground parking garage, the applicant shall halt all work, notify the City's Building Division and CUPA, and obtain additional permits to remove the encountered tanks and/or piping. Removals and compliance sampling will be under the oversight of the CUPA. The removal of known or new USTs found during construction, along with any contaminated soil that is removed at that time will reported to the CUPA in a UST removal report. Remediation Excavation of soil for the construction of the building footing will remove and properly dispose of contaminated soils that may be present beneath the site. If soil contamination at concentrations that exceed applicable ESLs is observed at the base of the construction related excavation, additional localized excavation(s) may occur as a contingency. The excavation depth will likely be limited by

the elevation of the water table at the time of construction dewatering and is anticipated to be at most 2 or 3 extra vertical feet. Oversight of remediation shall be provided by the GPP. Implementation of the RMP and SMP will be provided in a Construction Completion Report submitted to the GPP.

(PLANNING)

- 116 MM HAZ-2.2 – Prior to the issuance of any grading or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first), the applicant shall obtain a Phase II Environmental Site Assessment (ESA) following building demolition and site clearance that investigates current soil and soil vapor conditions. Preparation of the Phase II ESA shall be completed in accordance with the following provisions:

(A) Prior to excavation, soil and soil vapor samples shall be collected by an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) to pre-characterize soil for waste characterization and soil management purposes. Depth discrete soil samples shall be collected at various depths from 0.5 feet below ground surface (bgs) to the maximum depth of the building footing excavation and analyzed for constituents that may be present, such as metals, volatile organic compounds (VOCs), and petroleum hydrocarbons. The soil borings shall be advanced by an environmental professional and an environmental drilling contractor under permit and oversight of the San Mateo County Environmental Health Services (SMCEHS) Groundwater Protection Program (GPP).

(B) Additionally, temporary soil vapor probes will be installed for collection of soil gas samples to establish if there is a vapor intrusion risk to the occupants of the future building from off-site sources of PCE and petroleum products and/or from on-site historical gasoline service station and auto repair activities, and subsequently, to determine if vapor intrusion mitigation is warranted. If, for example, soil vapor and/or soil samples indicate the need for vapor intrusion mitigation, the selected remedy may consist of a vapor intrusion barrier and associated subsurface vapor collection and venting system. The proposed vapor intrusion mitigation will be provided to the SMCEHS for review and approval.

(C) The applicant shall submit the Phase II ESA to the San Mateo County Environmental Health Services (SMCEHS) and to the City's Planning Division subject to the satisfaction of the Community Development Director, or his/her designee, prior to issuance of any demolition, grading, or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first).

(PLANNING)

- 117 MM HAZ-2.3 – Based on the results of the Phase II ESA, an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) shall prepare a Redevelopment Management Plan (RMP) that shall include a Soil Management Plan (SMP) that describes remediation and/or mitigation actions, as necessary. If soil contamination at concentrations is detected at the base of the construction related excavation, grading, or utility trenching that exceeds applicable environmental screening levels (ESLs) established by the San Francisco Regional Water Quality Control Board (SF-RWQCB), additional localized excavations may occur as a contingency. Oversight of remediation shall be provided by the San Mateo County Environmental Health Services (SMCEHS). Proof of implementation of the RMP and SMP shall be provided in a Construction Completion Report submitted to the SMCEHS. Proof of SMCEHS approval shall be submitted to the Community Development Director, or his/her designee, prior to the issuance of any demolition, grading, or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first). (PLANNING)
- 118 MM HAZ-2.4 – Prior to the issuance of any grading or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first), the applicant shall obtain a permit from the San Mateo County Environmental Health Services (SMCEHS) to remove the two underground hydraulic lifts at the auto repair facility. Removal activities and compliance soil sampling shall be conducted by an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) under the oversight of the SMCEHS. If stained soils, free product, and/or elevated petroleum hydrocarbon concentrations are detected in soil at concentrations that exceed applicable environmental screening levels (ESLs) established by the San Francisco Regional Water Quality Control Board (SF-RWQCB), over-excavation of the contaminated soil may occur at the time of the hydraulic lift removal, at the direction of the SMCEHS, and/or potentially during the construction grading and trenching. If previously unknown orphan underground storage tanks (USTs) or piping are encountered during project construction, work will stop, the SMCEHS will be notified, and additional permits will be obtained to remove the encountered USTs and/or piping. Removals and compliance sampling will be under the oversight of the SMCEHS. The removal of the known hydraulic lifts and any USTs found during construction, along with any contaminated soil that is removed at that time, will reported to the SMCEHS in a Removal Report. (PLANNING)
- 119 MM NOI-1.1 – The applicant and contractor shall place and operate construction equipment to minimize the impact of construction noise on existing sensitive receptors.

Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, the applicant and contractor shall incorporate the following best management practices to reduce noise from construction activities on nearby sensitive land uses:

(A) The applicant or their designated contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. This construction plan shall be submitted to the Building Division subject to the review and satisfaction of the Community Development Director, or his/her designee prior to the issuance of a grading or demolition permit.

(B) The applicant or their designated contractor shall designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that measures be implemented to reduce the noise impact. The applicant or their designated contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

(C) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

(D) Use of exceptionally loud equipment such as jackhammers and concrete saws within 35 feet of shared property lines shall be prohibited.

(E) All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

(F) Idling of internal combustion engines for longer than five minutes in duration shall be strictly prohibited

.

(G) Stationary noise-generating equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors and property lines. If they must be located within 35 feet of receptors and property lines, adequate muffling (with temporary barriers where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors to 90 dBA. All temporary barriers used shall be

eight feet in height at minimum, continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three pounds per square foot (e.g., one-inch thick wood fence boards).

(H) Construction contractors and subcontractors shall utilize “quiet” air compressors and other stationary noise sources where technology exists.

(I) Control noise from construction workers’ radios to a point where they are not audible at residences within 50 feet of the project site.

(PLANNING)

120 MM NOI-2.1 – The applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All monitoring plan tasks shall be undertaken under the direction of a licensed Professional Engineer in the State of California. Initial placement of sensors, data, and corrective actions to be reviewed by a licensed Professional Structural Engineer in the State of California in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall be submitted to the Building Division subject to the satisfaction of the Community Development Director, or his/her designee, prior to issuance of any demolition, grading, or building permits (whichever occurs first) and shall include:

(A) A description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.

(B) A list of all construction equipment to be used and the anticipated time of duration shall be submitted by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.

(C) Document conditions at all structures located within 60 feet of construction prior to, during, and after vibration generating construction activities. Perform a photo survey, elevation survey, and crack monitoring survey prior to any construction activity, at the end of each phase of construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. The results of each survey shall be submitted to the Director of Community Development, or his/her designee.

(D) A plan to identify structures where and when monitoring would be conducted. Construction contingencies shall be identified for when vibration levels approach applicable limits.

(E) The applicant or their designated contractor shall identify a “disturbance coordinator” responsible for registering and investigating claims of excessive vibration. The disturbance coordinator shall determine the cause of the complaint and shall require that measures be implemented to reduce the vibration impact. The applicant or their designated contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

(F) Additionally, the construction vibration monitoring plan shall include, but not be limited to, the following measures:

a. Use of clam shovels and vibratory rollers shall be prohibited within 60 feet of the buildings located at 273 South Railroad Street. Alternatively, a Caterpillar model CP433E vibratory compactor or smaller model may be used such that vibration levels would not exceed applicable vibration limits.

b. Alternative methods for breaking up existing pavement, such as a pavement grinder, shall be used instead of dropping objects within 60 feet of adjacent buildings.

c. If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.

(G) If the post-project completion survey (refer to MM CUL-2.1D) identifies any damage caused by construction-generated vibration, the applicant shall be responsible for completing or funding the necessary repairs to restore the damaged structure to pre-construction conditions. Damage to the NRHP eligible resource at 273 South Railroad Avenue shall be repaired in accordance with the Secretary of Interior Standards.

(PLANNING)



**EXHIBIT B:**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

**435 East 3<sup>rd</sup> Avenue Mixed-Use Project**  
**PA-2021-081**

**CITY OF SAN MATEO**

**October 2022**

# P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring and reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study for the *435 East 3<sup>rd</sup> Avenue Mixed-Use Project* concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring and Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the Initial Study concluded that the impacts from implementation of the project would be less than significant and for which no mitigation measures would be required.

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)**

Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<i>Mitigation Measures</i>			
<b>BIOLOGICAL RESOURCES</b>			
<p><b>MM BIO-1.1:</b> Prior to the issuance of the first building permit, grading permit, or site development permit for tree removal (whichever occurs first), the applicant shall submit a phasing plan to the City’s Planning Division with a schedule of both on-site and off-site demolition and construction activities to review the activities that may occur during the nesting season subject to the satisfaction of the Community Development Director, or his/her designee. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).</p> <p><b>MM BIO-1.2:</b> (A) If any tree removal, demolition, or construction activities are scheduled during the nesting season, between February 1 and August 31 (inclusive), the applicant shall engage a qualified ornithologist to complete a pre-construction survey for nesting birds to ensure that no nests are disturbed during demolition or construction. During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. This survey shall be completed no more than 14 days prior to the initiation of any construction or demolition activities during the early part of the breeding season (February 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31 inclusive).</p> <p>If an active nest is found sufficiently close to work areas to be disturbed by construction (typically 300 feet for raptors and 100 feet</p>	<p><b>MM BIO-1.1:</b> Prior to the issuance of the first building permit or site development permit for tree removal.</p> <p><b>MM BIO-1.2:</b> (A) No more than 14 days prior to the initiation of any construction or demolition activities during the early part of the breeding season (February 1 through April 30 inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the</p>	Project Applicant; Project Contractor; Project Ornithologist	Director of Community Development or the Director’s designee

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**435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)**

Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>for other species), the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest to ensure that bird nests shall not be disturbed during project construction.</p> <p>(B) Prior to each phase of demolition and construction, the ornithologist shall submit a report identifying designated buffer zones to the City's Planning Division subject to the satisfaction of the Director of Community Development, or his/her designee.</p>	<p>breeding season (May 1 through August 31 inclusive).</p> <p>(B) Prior to each phase of demolition and construction</p>		
<b>CULTURAL RESOURCES</b>			
<p><b>MM CUL-2.1:</b> Prior to the issuance of any demolition, grading or building permit involving ground-disturbing activities (whichever occurs first), the project applicant shall hire a qualified Professional Archaeologist and Native American Monitor to develop a Worker's Environmental Awareness Program (WEAP) to train the construction crew on the legal requirements for the treatment of cultural resources as well as procedures to follow in the event of a cultural resources discovery. This training program shall be given to the crew before ground disturbing work commences and shall include handouts to be given to new workers.</p> <p><b>MM CUL-2.2:</b> The applicant shall note on all construction plans that require ground disturbing activities that there is a potential for exposing buried cultural resources including prehistoric Native American burials.</p>	<p>Prior to the issuance of any building permit involving demolition, grading or building permit involving ground-disturbing activities.</p>	<p>Project Applicant; Professional Archaeologist; Native American Monitor</p>	<p>Director of Community Development or the Director's designee</p>

**MITIGATION MONITORING AND REPORTING PROGRAM  
435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)**

Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p><b>MM CUL-2.3:</b> A Professional Archaeologist and Native American Monitor shall be present during all ground-disturbing activities. If any prehistoric or significant historic period cultural materials are exposed during construction grading and/or excavation whether on-site or off-site, the applicant shall halt all construction activities within 50 feet of the find, and the Professional Archaeologist shall provide identification, evaluation, and further recommendations consistent with CEQA and City of San Mateo requirements.</p> <p>If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, the applicant shall notify the Community Development Director, or his/her designee, and provide avoidance, preservation in-place, recordation, additional archaeological testing and data recovery measures to reduce impacts to a less than significant level. The applicant shall also complete a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) that includes data recovery if significant archaeological deposits are exposed during ground disturbing construction. The applicant shall submit the AMP and/or ATP to the City's Planning Division subject to the satisfaction of the Community Development Director, or his/her designee. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the applicant in consultation with the California Office of Historic Preservation and the City of San Mateo.</p>			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)**

Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>MM CUL-3.1:</b> In the event that human remains are discovered during excavation and/or grading whether on-site or within the public right-of-way, the applicant shall halt all activity within a 50-foot radius of the find and notify the Community Development Director, or his/her designee. The applicant shall also immediately notify San Mateo County Coroner to have a determination made as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. Treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws (i.e., Native American burials, Chapter 1492, Section 7050.5 to the Health and Safety Code, Sections 5097.94, 5097.98 and 5097.99 of the Public Resources Code). If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.	During construction	Project Applicant; Project Contractor;	Director of Community Development or the Director's designee  San Mateo County Coroner  Native American Heritage Commission
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<b>MM HAZ-2.1:</b> To reduce the potential for construction worker and nearby sensitive receptor exposure to hazardous materials (Asbestos Containing Materials (ACMs), lead-based paints, and polychlorinated biphenyls (PCBs)), the applicant shall implement the following measures prior to and during demolition and construction:	Prior to issuance of any demolition permits	Project Applicant; Project Contractors	Director of Community Development or the Director's designee

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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>(A) Prior to issuance of a demolition permit, the applicant shall submit a PCB Screening Assessment Form to the Building Division. If on-site buildings do contain PCBs that exceed threshold limits, the applicant shall follow applicable federal and state laws, which includes reporting to the Environmental Protection Agency, Regional Water Quality Control Board, and Department of Toxic Substances Control, who may require additional sampling and abatement of PCBs. As required under the Toxic Substances Control Act (TSCA), all building materials containing PCBs at levels greater than 50 parts per million (ppm) shall be removed upon discovery. If demolition is likely to impact such materials, they must be properly characterized by an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) and removed in accordance with TSCA regulations.</p> <p>(B) In conformance with local, state, and federal laws, the applicant shall engage a qualified professional to complete an asbestos building survey and a lead-based paint survey to determine the presence of ACMs and/or lead-based paint on the structures proposed for demolition prior to issuance of a demolition permit. Written findings of the surveys shall be submitted to the Building Division subject to the satisfaction of the Community Development Director, or his/her designee.</p> <p>(C) The applicant shall retain a registered asbestos abatement contractor to remove and dispose of all potentially friable asbestos-containing materials, in accordance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines, prior to the issuance a demolition permit. The</p>			<p>San Mateo County Environmental Health Department</p>

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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>applicant shall conduct all construction activities in accordance with California Division of Occupational Safety and Health (Cal/OSHA) standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Quality Management District (BAAQMD) regulations.</p> <p>(D) Prior to any demolition activities, the applicant shall remove all building materials containing lead-based paint in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control. The applicant shall dispose any debris or soil containing lead-based paint or coatings at landfills that meet acceptance criteria for the waste being disposed.</p> <p>(E) Prior to the issuance of a demolition permit, the applicant shall obtain a permit from the San Mateo County Environmental Health Department (CUPA) to remove the fuel underground storage tanks (USTs), dispensers, associated product piping, and underground hoists at the onsite ARCO gasoline service station. Proof of obtainment of this permit shall be submitted to the City's Building Division prior to the issuance of a demolition permit. Removal activities and compliance soil sampling will be conducted by an environmental consultant and environmental contractor under the oversight of the CUPA. If stained soils, free product, and/or elevated petroleum hydrocarbon concentrations are detected in soil at concentrations that exceed applicable ESLs established by the SF-RWQCB, over-excavation of the contaminated soil may occur at the time of the UST/piping removal, at the direction of</p>			



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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>the CUPA, and/or potentially during the construction excavation for the subsurface garage.</p> <p>(F) If previously unknown ‘orphan’ USTs or piping are encountered during construction excavation activities for the underground parking garage, the applicant shall halt all work, notify the City’s Building Division and CUPA, and obtain additional permits to remove the encountered tanks and/or piping. Removals and compliance sampling will be under the oversight of the CUPA. The removal of known or new USTs found during construction, along with any contaminated soil that is removed at that time will be reported to the CUPA in a UST removal report. Remediation Excavation of soil for the construction of the building footing will remove and properly dispose of contaminated soils that may be present beneath the site. If soil contamination at concentrations that exceed applicable ESLs is observed at the base of the construction related excavation, additional localized excavation(s) may occur as a contingency. The excavation depth will likely be limited by the elevation of the water table at the time of construction dewatering and is anticipated to be at most 2 or 3 extra vertical feet. Oversight of remediation shall be provided by the GPP. Implementation of the RMP and SMP will be provided in a Construction Completion Report submitted to the GPP.</p>			

<p><b>MM HAZ-2.2:</b></p>	<p>Prior to the issuance of any grading or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first), the applicant shall obtain a Phase II Environmental Site Assessment (ESA) following building demolition and site clearance that investigates current soil and soil vapor conditions. Preparation of the Phase II ESA shall be completed in accordance with the following provisions:</p> <p>(A) Prior to excavation, soil and soil vapor samples shall be collected by an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) to pre-characterize soil for waste characterization and soil management purposes. Depth discrete soil samples shall be collected at various depths from 0.5 feet below ground surface (bgs) to the maximum depth of the building footing excavation and analyzed for constituents that may be present, such as metals, volatile organic compounds (VOCs), and petroleum hydrocarbons. The soil borings shall be advanced by an environmental professional and an environmental drilling contractor under permit and oversight of the San Mateo County Environmental Health Services (SMCEHS) Groundwater Protection Program (GPP).</p> <p>(B) Additionally, temporary soil vapor probes will be installed for collection of soil gas samples to establish if there is a vapor intrusion risk to the occupants of the future building from off-site sources of PCE and petroleum products and/or from on-site historical gasoline service station and auto repair activities, and subsequently, to determine if vapor intrusion mitigation is warranted. If, for example, soil vapor and/or soil samples indicate the need for vapor intrusion mitigation, the selected remedy may consist of a vapor intrusion barrier and associated subsurface vapor collection and venting system. The proposed vapor</p>	<p>Prior to the issuance of any grading or building permit involving excavation, shoring, foundation, or the superstructure</p>	<p>Project Applicant; Project Contractor; Environmental Professional</p>	<p>Director of Community Development or the Director's designee</p> <p>San Mateo County Environmental Health Department</p>
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**MITIGATION MONITORING AND REPORTING PROGRAM**  
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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>intrusion mitigation will be provided to the SMCEHS for review and approval.</p> <p>(C) The applicant shall submit the Phase II ESA to the San Mateo County Environmental Health Services (SMCEHS) and to the City's Planning Division subject to the satisfaction of the Community Development Director, or his/her designee, prior to issuance of any demolition, grading, or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first).</p>			
<p><b>MM HAZ-2.3:</b> Based on the results of the Phase II ESA, an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) shall prepare a Redevelopment Management Plan (RMP) that shall include a Soil Management Plan (SMP) that describes remediation and/or mitigation actions, as necessary. If soil contamination at concentrations is detected at the base of the construction related excavation, grading, or utility trenching that exceeds applicable environmental screening levels (ESLs) established by the San Francisco Regional Water Quality Control Board (SF-RWQCB), additional localized excavations may occur as a contingency. Oversight of remediation shall be provided by the San Mateo County Environmental Health Services (SMCEHS). Proof of implementation of the RMP and SMP shall be provided in a Construction Completion Report submitted to the SMCEHS. Proof of SMCEHS approval shall be submitted to the Community Development Director, or his/her designee, prior to the issuance of any demolition, grading, or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first).</p>	<p>Prior to the issuance of any demolition, grading, or building permit involving excavation, shoring, foundation, or the superstructure</p>	<p>Project Applicant; Project Contractor; Environmental Professional</p>	<p>Director of Community Development or the Director's designee</p> <p>San Mateo County Environmental Health Department</p>

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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p><b>MM HAZ-2.4:</b> Prior to the issuance of any grading or building permit involving excavation, shoring, foundation, or the superstructure (whichever occurs first), the applicant shall obtain a permit from the San Mateo County Environmental Health Services (SMCEHS) to remove the two underground hydraulic lifts at the auto repair facility. Removal activities and compliance soil sampling shall be conducted by an Environmental Professional (as defined in Title 40 of the California Code of Federal Regulations) under the oversight of the SMCEHS. If stained soils, free product, and/or elevated petroleum hydrocarbon concentrations are detected in soil at concentrations that exceed applicable environmental screening levels (ESLs) established by the San Francisco Regional Water Quality Control Board (SF-RWQCB), over-excavation of the contaminated soil may occur at the time of the hydraulic lift removal, at the direction of the SMCEHS, and/or potentially during the construction grading and trenching. If previously unknown orphan underground storage tanks (USTs) or piping are encountered during project construction, work will stop, the SMCEHS will be notified, and additional permits will be obtained to remove the encountered USTs and/or piping. Removals and compliance sampling will be under the oversight of the SMCEHS. The removal of the known hydraulic lifts and any USTs found during construction, along with any contaminated soil that is removed at that time, will reported to the SMCEHS in a Removal Report.</p>	<p>Prior to the issuance of any grading or building permit involving excavation, shoring, foundation, or the superstructure</p>	<p>Project Applicant; Project Contractor; Environmental Professional</p>	<p>Director of Community Development or the Director's designee</p> <p>San Mateo County Environmental Health Department</p>

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)**

Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<b>NOISE AND VIBRATION</b>			
<p><b>MM NOI-1.1:</b> The applicant and contractor shall place and operate construction equipment to minimize the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, the applicant and contractor shall incorporate the following best management practices to reduce noise from construction activities on nearby sensitive land uses:</p> <p>(A) The applicant or their designated contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. This construction plan shall be submitted to the Building Division subject to the review and satisfaction of the Community Development Director, or his/her designee prior to the issuance of a grading or demolition permit.</p> <p>(B) The applicant or their designated contractor shall designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that measures be implemented to reduce the noise impact. The applicant or their designated contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and</p>	Prior to the issuance of any grading or demolition permit	Project Applicant; Project Contractor;	Director of Community Development or the Director’s designee

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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>include it in the notice sent to neighbors regarding the construction schedule.</p> <p>(C) Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p> <p>(D) Use of exceptionally loud equipment such as jackhammers and concrete saws within 35 feet of shared property lines shall be prohibited.</p> <p>(E) All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</p> <p>(F) Idling of internal combustion engines for longer than five minutes in duration shall be strictly prohibited.</p> <p>(G) Stationary noise-generating equipment, such as air compressors or portable power generators, shall be located as far as possible from sensitive receptors and property lines. If they must be located within 35 feet of receptors and property lines, adequate muffling (with temporary barriers where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors to 90 dBA. All temporary barriers used shall be eight feet in height at minimum, continuous from grade to top, with no cracks or gaps, and have a minimum surface density of three pounds per square foot (e.g., one-inch thick wood fence boards).</p> <p>(H) Construction contractors and subcontractors shall utilize “quiet” air compressors and other stationary noise sources where technology exists.</p>			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)**

Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
(I) Control noise from construction workers' radios to a point where they are not audible at residences within 50 feet of the project site.			
<p><b>MM NOI-2.1:</b> The applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities. All monitoring plan tasks shall be undertaken under the direction of a licensed Professional Engineer in the State of California. Initial placement of sensors, data, and corrective actions to be reviewed by a licensed Professional Structural Engineer in the State of California in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall be submitted to the Building Division subject to the satisfaction of the Community Development Director, or his/her designee, prior to issuance of any demolition, grading, or building permits (whichever occurs first) and shall include:</p> <p>(A) A description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.</p> <p>(B) A list of all construction equipment to be used and the anticipated time of duration shall be submitted by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring.</p>	<p>(A) (B) (D) (F) Prior to the issuance of any demolition, grading, or building permits</p> <p>(C) Prior to, during, and after completion of vibration generating activities.</p> <p>(E) Prior to and during construction activities.</p> <p>(G) After completion of vibration generating activities.</p>	Project Applicant; Project Contractor;	Director of Community Development or the Director's designee

**MITIGATION MONITORING AND REPORTING PROGRAM**  
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Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>(C) Document conditions at all structures located within 60 feet of construction prior to, during, and after vibration generating construction activities. Perform a photo survey, elevation survey, and crack monitoring survey prior to any construction activity, at the end of each phase of construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. The results of each survey shall be submitted to the Director of Community Development, or his/her designee.</p> <p>(D) A plan to identify structures where and when monitoring would be conducted. Construction contingencies shall be identified for when vibration levels approach applicable limits.</p> <p>(E) The applicant or their designated contractor shall identify a “disturbance coordinator” responsible for registering and investigating claims of excessive vibration. The disturbance coordinator shall determine the cause of the complaint and shall require that measures be implemented to reduce the vibration impact. The applicant or their designated contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.</p>			



<b>MITIGATION MONITORING AND REPORTING PROGRAM</b> <b>435 EAST 3<sup>RD</sup> AVENUE MIXED-USE PROJECT (PA21-081)</b>			
<b>Mitigation</b>	<b>Timeframe for Implementation</b>	<b>Responsibility for Implementation</b>	<b>Oversight of Implementation</b>
<p>(F) Additionally, the construction vibration monitoring plan shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> <li>a. Use of clam shovels and vibratory rollers shall be prohibited within 60 feet of the buildings located at 273 South Railroad Street. Alternatively, a Caterpillar model CP433E vibratory compactor or smaller model may be used such that vibration levels would not exceed applicable vibration limits.</li> <li>b. Alternative methods for breaking up existing pavement, such as a pavement grinder, shall be used instead of dropping objects within 60 feet of adjacent buildings.</li> <li>c. If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.</li> </ul> <p>(G) If the post-project completion survey (refer to MM CUL-2.1D) identifies any damage caused by construction-generated vibration, the applicant shall be responsible for completing or funding the necessary repairs to restore the damaged structure to pre-construction conditions. Damage to the NRHP eligible resource at 273 South Railroad Avenue shall be repaired in accordance with the Secretary of Interior Standards.</p>			

**SOURCE:** City of San Mateo. *435 East 3<sup>rd</sup> Avenue Mixed-Use Project*. October 2022.