

**CITY OF SAN MATEO
RESOLUTION NO. ____ (2023)**

[RESOLUTION APPROVING A TENTATIVE PARCEL MAP, SITE PLAN AND ARCHITECTURAL REVIEW, AND VARIANCE FOR PARKING AND SETBACKS TO LEGALIZE A REAR STORAGE ROOM, ALLOW THE CONVERSION OF AN EXISTING DUPLEX FROM SINGLE ENTITY OWNERSHIP INTO CONDOMINIUM UNITS FOR INDIVIDUAL SALE AND OWNERSHIP AT 29 BAYTREE WAY AND 22 DE SABLA ROAD, AND DETERMINE THAT THE PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION FROM FURTHER ENVIRONMENTAL REVIEW UNDER SECTION 15301(K) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT]

WHEREAS, Howard Belcher (herein referred to as the “Applicant”) submitted a planning application PA-2022-062 with the Planning Division for a Tentative Parcel Map, Parking Variance, and Setback Variance for the property located at 29 Baytree Way and 22 De Sabla Road to convert the current duplex structure into condominium units eligible for individual sale and ownership and to retain the existing setbacks and parking configuration of the current duplex structure which was built in 1950; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 26.65 authorizes the Planning Commission to take final action on tentative parcel maps to convert single-entity ownership structures to condominiums eligible for individual sale and ownership; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.78.040 authorizes the Planning Commission to take final action on variances to permit reduce the number of required off-street parking spaces, adjust stall dimensions, and permit any yard of less dimension than required by the applicable regulations; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.06.020 authorizes the Zoning Administrator to take final action on Site Plan and Architectural Review (SPAR) applications for projects of less than six dwelling units and less 10,000 square feet of non-residential development; and

WHEREAS, the San Mateo City Charter and Municipal Code Section 27.06.060 states that when a planning application is comprised of multiple development approval requests, including one or more which could be final with one approval body and one or more which could be final only with another approval body, the approval body with the superior level of authority shall consider and act upon the entire planning application; and

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

WHEREAS, The City finds the project is categorically exempt from CEQA under Class 1, Section 15301(k), related to the Division of Exiting Multiple Family or Single-Family Residences into Common-Interest Ownership; and,

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

WHEREAS, the Planning Commission held a public hearing for the Project on October 10, 2023, duly noticed at which all public comments were considered; and

WHEREAS, all applicable Conditions of Approval have been attached as Exhibit A.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY FINDS AND RESOLVES that:

1. The Planning Commission finds on the basis of the whole record before it that the Project will not have a significant effect on the environment and is therefore categorically exempt from the provisions of CEQA under CEQA Class 1, Section 15301(k) as a "Division of Existing Multiple Family or Single-Family Residences into Common-Interest Ownership", since the project represents a conversion of an existing duplex from single entity ownership into condominium units and involves no expansion of the structure, no new use of the site, and no new impacts.

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

1. The Project conforms to the applicable policies of the Land Use, Urban Design and Housing elements of the City's General Plan.
 - a. The Project conforms with Policy LU1.9 of the Land Use Element, which encourages the preservation of single-family and duplex neighborhoods by limiting new development to low-density residential uses and LU 1.9(b) which encourages duplex development to provide a transition between neighborhoods of differing densities. The proposed Project maintains the duplex use as delineated on the Land Use Map and a continuation of this use will provide a buffer between the predominantly single-family structures along De Sabla Road and large duplex and multifamily structures along Baytree Way.
 - b. The Project also conforms with Policy H1.8 of the Housing Element which encourages the protection of existing residents by offering purchase opportunities and/or long-term leases through condominium conversion projects. The Project will convert the existing duplex on site into condominiums eligible for individual ownership thereby increasing purchasing opportunities for San Mateo residents.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF SAN MATEO, DOES HEREBY APPROVE THE TENTATIVE PARCEL MAP, SITE PLAN AND ARCHITECTURAL REVIEW, and PARKING VARIANCE, AND SETBACK VARIANCE (PA-202-062) AT 29 BAYTREE WAY AND 22 DE SABLA ROAD., APN 032-412-230 BASED UPON THE FOLLOWING FINDINGS FOR APPROVAL AND THE CONDITIONS OF APPROVAL INCLUDED IN EXHIBIT A TO THIS RESOLUTION:

1. The Tentative Parcel Map application for the conversion of the existing duplex from single entity ownership into condominium units eligible for individual sale and ownership is approved based on the following findings:
 - a. The project is consistent with the applicable General Plan policies. The project site is designated for low-density multi-family residential use. The project proposes to subdivide

an existing lot into two residential condominium units and associated common areas and is consistent with the land use and density permitted by the General Plan and Zoning Code.

- b. The newly created condominium units are physically suitable for the future proposed development in that the existing duplex dwelling on the site will be retained and condominium units eligible for individual sale and ownership are an allowed use within the R2 zoning district. Additionally, the proposed variance (discussed further below) will not impair access to or around the structure for maintenance or emergency egress.
 - c. The site is physically suitable for the proposed density of development in that the lot is level and the existing duplex dwelling structure and landscaping on site are proposed to remain. Based upon the parcel size, the current site density of 11 du/acre is within the designated 9-17 du/acre density range for low-density multifamily zoned areas as identified in the General Plan.
 - d. The design of the condominium subdivision will not cause substantial environmental impact nor inure fish or wildlife or their habitat in that the project is located in a built urban area, is not located within a riparian habitat or other environmentally sensitive area, and will retain the existing structure.
 - e. The design of the condominium subdivision and type of improvements will not cause serious public health problems in that adequate sanitary sewer and storm drain facilities serve the project. Additionally, the project street frontage is improved with sidewalks and will not otherwise constrain the delivery of public services.
 - f. The design of the condominium subdivision will not conflict with any public utility easements granting access through, or use of, the site in that access to the site via the existing public rights-of-way from De Sabla Road and Baytree Way will remain. The project would create a new 735 square-foot shared access easement along the east property line to allow shared access to gas, water, and electric public utility meters.
2. The Site Plan and Architectural Review (Municipal Code Section 27.08.030) application and associated Conditions of Approval are approved based on the following findings:
- a. The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood in that the rear connecting storage room is not visible from the right-of-way, is a single-story structure that is not visible from neighboring properties as it is screened by a good neighbor fence and vegetation. Additionally, the design of the storage room provides a provides a cohesive transition between the two duplex structures on site, has a low-pitched (3.5:12 slope) gable roof and a painted stucco finish that is consistent with and complementary to the roof form and colors and materials of the existing main duplex units.

- b. The development will not be detrimental to the harmonious and orderly growth of the City in that the project is consistent with the General Plan and Duplex Design Guidelines and satisfies the Zoning Code standards for height, floor area and bicycle parking.
 - c. The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare in that the project site consists of an existing duplex structure that was built in 1950 and that the use and intensity of use of the site will remain consistent and will continue to provide independent housing for two independent family units. Furthermore, the units will continue to present as single-family structures as viewed from the right-of-way matching the surrounding single-family neighborhood along De Sabla Road and duplex, multifamily, and single-family structures along Baytree Way.
 - 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 site through the requested Variance for parking and setbacks. The project meets the development standards for the R2 zoning district with respect to floor area, height, and bicycle parking and will provide improves to the sidewalk and drainage capabilities along the De Sabla right-of-way to comply with the citywide Pedestrian Master Plan. Furthermore, the project has been inspected and conditioned to ensure that the structure meets all applicable provisions of the Fire and Building Codes.
 - e. The development will not adversely affect matters regarding police protection, crime prevention, and security in that the buildings in that the project will be required to conform to the City's current Security Ordinance through Conditions of Approval.
3. The Variance application for parking and setbacks (Municipal Code Section 27.78.020) to allow reduced stall dimensions and number of parking spaces; and reduction in the front yard garage and side yard setbacks for the Project; and the associated Conditions of Approval are approved based on the following findings:
- a. There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to properties in the same zone or neighborhood in that the duplex was built and approved in 1950 with the current parking configuration of 9 ft. by 17 ft. where 10 ft. by 18 ft. is required for both units and one (1) off-street parking stall where two (2) parking stalls are required for the 29 Baytree Way unit. Similarly, the 22 De Sabla Road unit has a right-side setback of 4.77-ft. and existing left side setback of 3.81-ft. where 5-ft. is required. The 29 Baytree Way unit has an existing substandard front garage setback of 14.18-ft. where 20-ft are required per today's standards and a substandard right-side setback of 4.86-ft. where 5-ft. is required. The existing number of parking spaces, existing parking stall dimensions, and setbacks were approved by the City in 1950; however, the City's regulations have changed over time thereby rendering these as non-conforming conditions. Due to the irregular shape and double frontage nature of the lot and existing

structural improvements on the site, compliance with current parking and setback standards would require some degree of demolition, structural improvements, and alterations to the structure. The variance for parking and setbacks is necessary in order to retain the existing configuration and footprint.

- b. A variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property owners in the same zone or neighborhood in that similar non-conforming parking stall sizes, reduced number of off-street parking spaces, and reduced setbacks are common in the surrounding residential neighborhood which was built between the 1940's and 1950's.
- c. Granting of the variance will not be materially detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located in that the use of the site will remain as a residential use and the number of dwelling units on site will not increase. Regarding the setbacks, the reduced side yard setbacks maintain more than a three-foot setback from the side property lines to allow for adequate access round the structure for maintenance and emergency services and egress purposes. Furthermore, the reduced stall dimensions will still allow for the off-street parking of vehicles and will not cause an undue impact to the surrounding public street parking.
- d. Granting of the variance will not adversely affect or be inconsistent with the General Plan in that the project will not alter the current use of the property, nor increase the number of units on site, and will enable the structure to be eligible for individual sale and entry allowing for a more affordable option for homeowners, families or those looking to downsize.

CITY OF SAN MATEO PLANNING APPLICATION
CONDITIONS OF APPROVAL
PA-2022-064, 29 BAYTREE WAY, CONDO CONVERSION

22 DE SABLA RD, SAN MATEO, CA 94402-1208; 29 BAYTREE WAY, SAN MATEO, CA 94402-1203
PARCEL # 032412230
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 BUILDING CODE, SOUND CONTROL, AND ENERGY CONSERVATION – The structural elements of the conversion project shall meet, at a minimum, the Building Code in effect in the City on the date of the building permit application for the conversion. Calculations by a structural or civil engineer or architect shall be required. The project shall also meet sound control and energy conservation requirements as follows:
 - (A) Sound control between units and between units and public areas shall provide an airborne sound insulation equal to that required to meet a Sound Transmission Class (STC) of forty-three by field testing. Impact Insulation Class (IIC) of forty-three by field testing is required. Entrance doors and perimeter seals shall meet a rating of not less than twenty-six STC. To assure compliance with the above, all units must be field tested and certified by an approved testing agency.

(B) Energy conservation measures shall be included. Roof and ceiling assemblies shall meet the R-20 standard. Exterior openings shall be weather-stripped. If the glazing areas exceed the allowable areas of the state energy regulations by ten percent, modifications shall be made to bring the structure within the limits specified herein. The energy compliance alterations may be made in any manner provided in the state regulations. Calculations by a person authorized in the state regulations will be required. Exposed heating ducts and hot water piping and hot water tanks shall be insulated.

For the purpose of meeting all the requirements of this subsection (5), all walls, floors and other structural elements deemed suspect by the building official, shall be opened for inspection and necessary corrections shall be made to the structure prior to receiving approval for occupancy. (PLANNING)

3 CONDITIONS OF APPROVAL – This complete list of Conditions of Approval shall be reproduced onto the second sheet of all building permit plan sets. (PLANNING)

4 PAYMENT OF OUTSTANDING PLANNING APPLICATION FEES – The applicant shall pay all outstanding planning application fees. (PLANNING)

Building Division (PA)

5 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)

6 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)

Parks and Recreation Department (PA)

7 TREE PROTECTION VERIFICATION LETTER – To verify that all tree protection measures are properly implemented, the applicant shall submit a tree protection verification letter prepared by the project arborist to the Building Division that includes photographs showing the tree protection installed. The letter shall also include a schedule of future inspections by the Project Arborist. The verification letter is subject to the review and

satisfaction of the Community Development Director, or his/her designee. (CDD ARBORIST)

Public Works Department (PA)

- 8 CHARGES FOR PUBLIC WORKS SERVICES – Prior to plan checking, the applicant shall be required to deposit with the City, funds to pay for, at the adopted rate, all engineering, inspection and survey services that may be required during plan check and construction of the project. The amount of the deposit shall be \$10,000. 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)
- 9 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)
- 10 PARCEL MAP FOR CONDOMINIUM CONVERSION – As the project is a conversion to condominium units, the parcel map shall be subject to final map review in conformance with San Mateo Municipal Code Chapter 26.52.

It shall be the applicant's responsibility to have a map, prepared by a person authorized to practice land surveying in California, delineating all parcels created or deleted and all changes in lot lines in conformance with San Mateo Municipal Code Chapter 26.56.

Prior to approval of the map, all public improvements which are necessary to comply with present City standards shall be required and completed. The map shall be approved by the City Council and recorded with the County Recorder's Office prior to the issuance of any building permits. A map guarantee shall be submitted to the City, by the applicant's title company, prior to release of the map to the title company for recordation.

Prior to the City's release of the map to the title company, the applicant may, at the discretion of the Director of Public Works or designee, be required to submit to the City an electronic copy of the map in PDF and the AutoCAD Version being used by the City at the time of recordation. It is the applicant's responsibility to check with their title company and the County Recorder's Office to determine the time necessary to have the map

recorded after City Council approval. (PUBLIC WORKS)

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

Building Division (PA)

- 11 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)
- 12 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)

- 13 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)

Public Works Department (PA)

- 14 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 approval of the parcel map.

The developer shall repair or replace all existing improvements not designated for removal and all new improvements that are damaged or removed because of developer's operations. Developer shall request a walk-through with the Public Works Construction

Inspector before the start of construction to verify existing conditions.

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

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

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

(A) SIDEWALK, CURB AND GUTTER – The applicant shall replace all sidewalk, curb and gutter as shown on the approved plans. Sidewalk, curb and gutter replacement shall be constructed per City Standard Drawing 3-1-141B. At the time the planning application was filed, a minimum of 455 square feet of sidewalk will need to be replaced. (PUBLIC WORKS)

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

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)

- 16 FINAL LANDSCAPING FOR SINGLE FAMILY PROJECTS – Apart from paved driveway and walkway areas, required front yard and street-side yard areas (if applicable) shall be improved with landscaping, which may consist of a combination of drought-tolerant plants and other organic and inorganic materials, except paving. If new landscaping is not proposed, any damaged landscaping shall be replaced with new landscaping as described above. Proposed new landscaping shall be shown on the building permit plans prior to permit issuance and all landscaping shall be installed prior to final inspection, subject to the satisfaction of the Community Development Director, or his/her designee. (PLANNING)
- 17 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)

Parks and Recreation Department (PA)

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

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

Planning Division (PA)

- 19 FINAL SUBDIVISION PUBLIC REPORT – The applicant shall furnish the department of community development with a copy of the Department of Real Estate's Conversion Final Subdivision Public Report when issued, as well as to all prospective purchasers. The applicant shall also notify all tenants of the structure to be converted of each public hearing scheduled on the application, in writing, and provide evidence of compliance therewith to the City prior to final tentative map approval. (PLANNING)
- 20 INSPECTIONS – An inspection of the premises to ascertain that structures are consistent with the public health and safety shall be completed at applicant's expense by the City or

city's designee prior to final map approval. Approval for occupancy shall not be granted until all other conditions of approval have been met and accepted by city as satisfactory. (PLANNING)

21 PUBLIC IMPROVEMENTS – All public improvements which are necessary to comply with present city standards shall be required and completed prior to approval of the final map. (PLANNING)

22 SAFETY - Hazardous and unsafe conditions shall be alleviated and repaired prior to final map approval, even though the condition may have complied with city codes in effect at the time of original construction. Other code requirements, as well as conditions of the conversion approval, not deemed hazardous or unsafe, if not complete at the time final map approval is sought, shall require that a bond in the form and amount acceptable to city be posted to ensure such completion prior to approval for occupancy or within one year of the approval of the final map, whichever is sooner. Such bonding shall not be released until all conditions of approval have been met and accepted by city as satisfactory. (PLANNING)

23 STORAGE ROOM LEGALIZATION – Building permits to legalize the 260 sq. ft. rear storage room and bathroom at the 22 De Sabla unit shall be submitted and finalized prior to recordation of Final Map or Parcel Map. (PLANNING)

City Attorney (PA)

24 COVENANTS, CONDITIONS AND RESTRICTIONS –After tentative map approval is granted, but prior to a final map being approved, the applicant shall file a copy of the covenants, conditions and restrictions with the City Attorney's office. They shall be reviewed and approved by the City Attorney for compliance with the provisions of this code, conditions of approval or conflicts with local law prior to approval of the final map. The covenants, conditions and restrictions for residential conversions shall contain provisions prohibiting discrimination because of age, persons of low income, or families with children, unless the physical facilities are limited to elderly persons or unsuitable for children and persons of low income are unable to qualify for financial assistance to purchase a unit. (CITY ATTORNEY)

Public Works Department (PA)

25 CONDITIONS, COVENANTS, AND RESTRICTIONS (CC&R's) - The applicant shall obtain the City Attorney's approval of the Conditions, Covenants, and Restrictions governing the subdivision for consistency with these Conditions of Approval prior to recordation of the parcel map. (PUBLIC WORKS)

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

Planning Division (PA)

26 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)

27 SINGLE FAMILY DWELLING WALL AND ROOF DEMOLITION – The applicant shall not demolish any exterior walls or roof structure beyond the demolition approved in this planning application approval and subsequent building permit. The applicant shall notify the Project Planner if any additional demolition of wall, roof structure, or any other portion of the building not originally approved for removal is requested. 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. (PLANNING)

Building Division (PA)

28 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)

- 29 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)
- 30 DEMOLITION – The applicant shall comply with the California Fire Code Chapter 33 during all phases of construction of the project. (FIRE)
- 31 EGRESS – The applicant shall maintain required egress for all adjacent buildings/properties. (FIRE)

Parks and Recreation Department (PA)

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

Public Works Department (PA)

- 34 BEST MANAGEMENT PRACTICES (BMP) – The applicant shall perform all construction activities in accordance with the City's Storm Water Management and Discharge Control Rules and Regulations (SMMC 7.39), and the San Mateo Countywide Water Pollution Prevention Plan (SMCWPPP) by reference. Detailed information can be located at: <https://www.flowstobay.org/preventing-stormwater-pollution/with-new-redevelopment/construction-best-practices/> (PUBLIC WORKS)
- 35 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) Newly disturbed soil surfaces shall be watered down regularly by a water trucks or by other approved method maintained on site during all grading operations. Construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. Wash down of dirt and debris into storm drain systems will not be allowed.

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

(E) All aggregate materials transported to and from the site shall be covered in accordance with Section 23114 of the California Vehicle Code during transit to and from the site.

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

36 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)

City Attorney (PA)

- 37 INDEMNIFICATION – The applicant will defend, indemnify, and hold harmless the City of San Mateo, its elected and appointed officials, employees, and agents from and against any costs, claims, or liabilities arising out of the approval of this planning application, including, without limitation, any award of attorney fees that might result from third party challenge. If the applicant is required to defend the City, the City shall retain the right to select the counsel who shall defend the City. (CITY ATTORNEY)
- 38 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)