

RESOLUTION NO. 2022-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY GRANTING AN APPEAL AND OVERTURNING A DECISION OF THE PLANNING COMMISSION DENYING AN APPROVAL OF THE SPECIFIC DEVELOPMENT PLAN/USE PERMIT REQUEST FOR THE PROPOSED APPROXIMATELY 124,395 SQUARE-FOOT FOUR-STORY 81'-0" TALL RESEARCH AND DEVELOPMENT (R&D) OFFICE BUILDING WITH 210 PARKING SPACES – LOCATED AT 388 VINTAGE PARK DRIVE – NEIGHBORHOOD VP – W-SW 388 OWNER IX L.P. C/O STEELWAVE CDS, LLC (OWNER AND APPELLANT) – APN 094-901-270 – UP2021-0023

CITY OF FOSTER CITY

WHEREAS, DES Architects+Engineers, as project applicant, on behalf of the property owner, SteelWave CDS, LLC., requested Planning Commission approval of a Specific Development Plan/Use Permit for construction of an approximately 124,395-square-foot, four-story, approximately 81'-0" tall Research and Development (R&D) office building including 210 parking spaces located at 388 Vintage Park Drive at the northwest corner of Vintage Park Drive and Chess Drive (APN 094-901-270) in the Vintage Park neighborhood; and

WHEREAS, the City of Foster City, in accordance with the requirements of the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and implementing guidelines ("CEQA") adopted by the Secretary of Resources, and the City of Foster City Environmental Review Guidelines, has prepared an Environmental Impact Report (EIR) (SCH #2021070398), Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP), and CEQA Findings, which, combined, adequately analyze the environmental impacts of the proposed Project and mitigate potential environmental impacts such that they are reduced to levels below established thresholds of significance (EA2021-0001); and

WHEREAS, full public involvement in the preparation of this Specific Development Plan/Use Permit and the associated EIR has been ensured through duly noticed Planning Commission Study Sessions, public hearings and other means; and including the following:

1. City Council Development Project Preliminary Review meeting took place on January 19, 2021 to introduce the proposed project to the City Council and the public and receive feedback prior to initiating the entitlement process.
2. Planning Commission meeting on August 12, 2021 for a scoping meeting to identify topics appropriate for review under the provisions of the California Environmental Quality Act (CEQA) and analysis in the Environmental Impact Report.
3. Planning Commission Study Session on August 12, 2021 to review site and architectural plans and other documentation submitted by the applicant in support of the proposed redevelopment of the subject site.

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4. Planning Commission Study Session follow-up on November 18, 2021 to review additional materials related to the financial feasibility of alternative development scenarios, increased parking supply and a proposed TDM plan.
5. Planning Commission Public Hearing on January 25, 2022 to solicit feedback, from both the Commission and members of the public, on the adequacy of the Draft EIR for the proposed project.

WHEREAS, a Notice of Public Hearing was duly posted, published and mailed for consideration of the Specific Development Plan/Use Permit request at the Planning Commission meeting of April 7, 2022, and on said date the Public Hearing was opened, held and closed; and

WHEREAS, due to two of the Commissioners being absent on April 7, 2022, at the request of the Applicant, the Planning Commission voted to continue the item to the May 5, 2022 Regular meeting; and

WHEREAS, at the May 5, 2022 Public Hearing, the Planning Commission continued the item to a date uncertain to allow for staff to research and provide clarifications related to prevailing wage and local hire requirements, jobs-housing imbalance, TDM effectiveness, and transportation effects; and

WHEREAS, at the July 7, 2022 Public Hearing, the Planning Commission, by adoption of Resolution P-11-22, on a vote of 4-0-1 recommended that the City Council certify the Final EIR and adopt the SCAMMRP and Statement of Findings under CEQA for the proposed project; and

WHEREAS, at the July 7, 2022 Public Hearing, the Planning Commission on a vote of 3-1-1 denied a Resolution recommending to the City Council an approval of an amendment to the Vintage Park GDP and denied the approval of the Specific Development Plan/Use Permit for the proposed approximately 124,395 square-foot research and development office use at 388 Vintage Park Drive; and

WHEREAS, following the Planning Commission meeting on July 7, 2022, the property owner and appellant filed an Appeal on July 18, 2022 for reversal of the Planning Commission's recommendation to the City Council to deny the Rezoning/GDP amendment and the Planning Commission's decision to deny the Use Permit; and

WHEREAS, a Notice of Public Hearing was duly posted, published and mailed for consideration of the Planning Commission's actions on the three (3) project applications and a request for appeal of Planning Commission denial related to the proposed project in accordance with the City's adopted procedures at the City Council meeting of August 15, 2022, and on said date the Public Hearing was opened, held and closed; and

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WHEREAS, at the August 15, 2022 City Council Regular Meeting, the City Council found that the project is consistent with the City's major General Plan Goals and Policies, Municipal Code and provides feasible mitigation measures to reduce environmental impacts identified in the subject EIR and adopted Minute Order No. 1868 directing staff to bring back a resolution to approve the appeal and directing the appellant to work together with unions to resolve prevailing wage issue (passed 4-1-0 with Councilmember Froomin voted "no"); and

WHEREAS, the City Council of the City of Foster City has reviewed and considered the proposed project, all written correspondence, verbal testimony, staff reports, and supporting documents and reports prepared.

NOW, THEREFORE, BE IT RESOLVED that the City Council, based on facts and analysis in the Staff Report, written and oral testimony, and exhibits presented, finds:

- A. The proposal to construct an approximately 124,395 square-foot, four-story, approximately 81'-0" tall with mechanical penthouse, Research and Development (R&D) office building including 210 parking spaces would be consistent with the Foster City General Plan, Chapters 17.28 (C-M Commercial Mix District) and 17.36 (PD Planned Development) of Title 17, (Zoning), and Chapter 2.28, (Planning), of Title 2, (Administration and Personnel), of the Foster City Municipal Code, because the proposal, as conditioned in Exhibit A will:
 - a. be consistent with Research/Office Park General Plan Land Use designation of the subject site;
 - b. result in greater variety of land uses as well as density and intensity of land uses in the area consistent with Land Use Goal LUC-C and Land Use Policy LUC-C-12;
 - c. provide basic goods and services to residents and employees within walking distance consistent with Land Use Goal H and Land Use Policies D-1, D-2, E-8; and H-3
 - d. architecturally complement the surrounding built environment, with the overall scale and massing of the project punctuating the verticality of adjacent buildings and structures while remaining in character with the overall development pattern of the neighborhood consistent with Land Use Goal LUC-B;
 - e. provide for economic development consistent with the principles of Land Use Goal LUC-I;
 - f. provide for adequate on-site parking for safe and effective circulation, consistent with Land Use Goal LUC-G and Land Use Policy LUC-G-1; and
 - g. redevelop an underutilized site with a use for which there is a strong market demand.

- B. That the design of the proposal would be compatible with the site's environment with respect to use, forms, materials, colors, setbacks, location, height, design or similar qualities as specified in Chapter 2.28 (Planning) of Title 2, Administration and Personnel, and Section 17.58,010 of Chapter 17.58 (Architectural Control and Supervision) of Title 17, Zoning, of the Foster City

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Municipal Code because the proposed 124,395 square foot outdoor R&D office building will:

- a. be positioned in a similar location as the current vacant El Torito restaurant building, with a main frontage along Vintage Park Drive, and with sufficient setbacks that provide for significant landscaping along Vintage Park Drive. The wraparound outdoor terrace is carved at the southeast corner of the proposed building to break the building mass and the result is a reduction in the perceived height of the building from both Vintage Park Drive and Chess Drive;
 - b. have a distinct base, body, and top as recommended in the Vintage Park Design Guidelines. The building design incorporates high- quality materials, providing a fresh statement for the neighborhood in a contemporary style and is in keeping with recently approved Gilead lab office buildings in the Vintage Park neighborhood; and
 - c. include a distinct entry plaza and lobby on Vintage Park Drive that reinforces the character of the area and connects the building to pedestrian circulation and outdoor areas;
 - d. maintain existing sidewalks and use existing ingress/egress to the site;
 - e. include 22,000 square feet of open space across the site that will include trees and plan materials of varying sizes and forms, placed for interest, to reinforce smaller, more intimate spaces, screen other areas, and for connectivity; and
 - f. implements the elements goals and design elements of the Vintage Park Design Guidelines.
- C. That the proposal would not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be injurious or detrimental to property and improvements in the neighborhood, property values in the area, or the general welfare of the City because:
- a. the environmental impacts likely to result from the proposed building were adequately analyzed in the Environmental Impact Report prepared for the project, Implementation of Standard Conditions of Approval and Mitigation Measures identified in the EIR, the proposed project would not result in any significant impacts under CEQA; and
 - b. the building will not cause any significant solar, visual or other adverse long term impacts on adjacent or neighboring properties or adversely affect property values; the building will be compatible with surrounding buildings and will comply with the commercial intent and purpose of the zone in which the building will be located, consistent with the intent and purpose of the City's Architectural Control and Supervision Ordinance as stated in Section 17.58.010B of the Foster City Municipal Code.

WHEREAS, the applicant has requested reduction in parking requirement under the provisions of Section 17.36.060, Off-Street Parking Requirements in a PD District, of Chapter 17.36, PD Planned Development Combining District, of Title 17, Zoning, of the Foster city Municipal Code and provided Parking Need Study by Dyett and Bhatia

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dated October 15, 2020, and a TDM Plan by Kimley Horn dated September 23, 2021. This section of the Foster City Municipal Code affords the Planning Commission with flexibility to consider reductions in parking requirements, compared to standard requirements on a case-by-case basis; and

WHEREAS, the applicant is requesting to provide 210 parking stalls where 309 stalls are required, a 32% reduction in parking. As indicated in the Parking Need Study and, with implementation of the TDM Plan submitted, the total on-site parking capacity of 210 would be adequate to satisfy the parking demand generated by the proposed use.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Foster City does hereby grant the appeal and approve UP2021-0023, subject to the conditions in Exhibits A, A-1, B and C attached hereto and incorporated herein.

PASSED AND ADOPTED as s Resolution of the City Council of the City of Foster City at a Regular Meeting thereof held on the 19th day of September 2022, by the following vote:

AYES: Councilmembers Froomin, Gehani, Hindi, Sullivan, and Mayor Awasthi

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Richa Awasthi

A971B2D810B430

RICHAWASTHI, MAYOR

ATTEST:

DocuSigned by:

Yelena Cappello

PRISCILLA SCHAUS, CITY CLERK

BY: YELENA CAPPELLO, ACTING CITY CLERK

**EXHIBIT A
388 VINTAGE PARK DRIVE USE PERMIT CONDITIONS OF APPROVAL**

Conditions attached to approval of UP2021-0023

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BOLD: INDICATES SITE SPECIFIC CONDITION

1.0 GENERAL

1.1 The following conditions shall be met prior to the issuance of a building permit except as otherwise specified. Any questions pertaining to these conditions should be directed to the City department indicated.
(BD = Building Inspection Division, CBO = Chief Building Official, CC = City Council, CDD = Community Development Director, CE = City Engineer, E/PW = Engineering/Public Works, FIRE = Fire, P/R = Parks and Recreation, PC = Planning Commission and POL = Police).

1.2 The project shall be built according to plans approved by the Planning Commission on **April 7, 2022, labeled 388 Vintage Park, sheets A1-1 through LT2, prepared by DES Architects and Engineers and dated February 10, 2022.** Any modification to the project shall require Planning Commission or Community Development Director review and approval. The Community Development Director shall have the authority to approve minor changes. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans. Any changes which affect the exterior character of the work, including minor changes to materials and colors, shall be resubmitted for approval. The construction or placement of unapproved features or unapproved changes to buildings or structures which were a part of approved plans can and will result in the issuance of a "Stop Work Order" by the City, the need to revise plans and obtain City approval for all changes prior to recommending work, and the possibility of penalty fees being assessed for unauthorized work.

In addition, SteelWave and Helios Real Estate shall commit to fair construction practices including 100% prevailing wage for all labor on the project with a preference towards local hiring; contract with union labor for all major design build trades as well as union carpentry, full payment of the affordable housing linkage fees and an additional \$300,000 towards the Foster City Community Benefit Fund as outlined in their letter of commitment dated August 31, 2022 and attached as Exhibit A-1.

(CDD)

1.3 The project approval shall expire two years from the date of approval on **April 7, 2024.** No extensions of the Use Permit shall be considered or granted except that Use Permits issued in conjunction with a Tentative Subdivision Map for a planned unit development shall expire no sooner than the approved Tentative Map, or any extension thereof, whichever occurs later (Municipal Code Section 17.06.180).

(CDD)

1.4 This Use Permit may be modified by the implementation of new or revised conditions when, in the judgment of the Planning Commission, imposition of such new or revised conditions is essential in order to address a violation of the Foster City Municipal Code or EMID Code to protect the public health, safety, morals, or general welfare.

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(PC)

- 1.5 Before commencing any work in the City's right-of-way (including trenching of complete streets), the applicant shall obtain an encroachment permit, posting the required bonds and insurance. The Engineering Division may require that trenchless methods be used for crossings and connections under streets.

(E/PW)

- 1.6 Bonds: Prior to issuance of a building permit, all required bonds shall be submitted and all required fees shall be paid to the City/District as follows:

1.6.1 Public Improvements (utilities & streets) that are part of the Development

- Applicant shall provide suitable securities acceptable to the City in the amount of 100% (performance), 100% (labor and material) and a 50% (one-year warranty) bond.
- The performance bond and the labor and material bonds shall be released upon satisfactory completion of improvements.
- The warranty bond will be released when requested by the owner after one year and upon completion of warranty inspection and necessary repairs.
- Applicant shall provide a document verifying the cost of the public improvements to the satisfaction of the Engineering Division.

(E/PW)

1.6.2 Private Site Improvements

- Applicant shall provide suitable securities acceptable to the City in the amount of 100% (performance), 100% (labor and material) and 50% (one-year warranty) bond.
- The performance bond and the labor and material bonds shall be released upon satisfactory completion of improvements.
- The warranty bond will be released when requested by the owner and upon completion of warranty inspection and necessary repairs.
- Applicant shall provide a document verifying the cost of the private improvements to the satisfaction of the Community Development Department.

(CDD)

1.6.3 Landscaping Installation and Maintenance Costs

- Applicant shall provide suitable securities acceptable to the City, in the amount of 100% (performance), 100% (labor and material), and a 50% (maintenance) of all landscaping installation and maintenance costs guaranteeing the installation of landscaping and related site improvements and maintenance costs for the 12-month period following installation and acceptance.
- The performance bond and the labor and material bonds shall be released upon satisfactory completion of improvements.

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- The warranty bond will be released when requested by the owner and upon completion of warranty inspection and necessary repairs.
 - Applicant shall provide a document verifying the cost of both landscape installation and landscape maintenance for 12 months (one copy to the Engineering Division and one copy to the Community Development Department).
- (CDD)

- 1.7 **Fees:** Prior to or at the time of submittal of design drawings for review, an itemized estimate of the cost of construction of all public and/or site improvements must be submitted for review and approval.

The approved estimate will be used for determining the amount required to cover incurred costs for engineering review, plan checking, contract administration, inspection, and testing by the Public Works Department. The minimum deposit amount required is 6 percent of the estimated cost for the public and/or site improvements, or \$20,000, as determined by the Engineering Division.

The deposit must be renewed upon demand, to maintain a minimum balance of \$4,000. All costs of plan checking, inspection, and contract administration by the Public Works Department will be charged against this deposit. At any time that the deposit is depleted below a balance of \$2,000, plan checking/inspections will stop until the balance has been renewed to above \$4,000. The unused balance of the deposit will be returned to the applicant upon completion of the work.

(E/PW)

- 1.8 Prior to the issuance of a building permit, the applicant shall enter into an agreement with the City which shall outline terms, conditions, and amount of revenue that is required to be paid to the City in order to offset the fiscal impacts and costs of the project due to increased traffic within the City caused by or because of the project. Such agreement shall specify the type, location, and cost of traffic-related road improvements named to be the responsibility of the applicant and shall be satisfactory in form and content to the City Attorney and as approved by the City Council.
- (CDD, E/PW)

- 1.9 **Applicant shall perform a traffic analysis, queuing analysis, of the traffic impacts of the project. Resultant modifications may include but not be limited to modifications of existing medians, easement acquisition, and permit acquisition from other jurisdictions. Modifications on Chess Drive shall not restrict the existing allowed turning movements and shall meet all safety and traffic warrants and requirements. The cost of any necessary improvements shall be borne by the applicant and all improvements are subject to the approval of the City Engineer.**

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- 1.10 The applicant shall perform outreach to adjacent property owners and businesses impacted by any median improvements.**
- 1.11 The project applicant and/or owner shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless City/Estero Municipal Improvement District Parties, from and against, any and all Claims arising directly or indirectly from the project.
- 1.12 Pursuant to Section 66020 of the California Government Code, the applicant shall have 90 days from date of project approval, or 90 days from the date of the imposition of the fees, dedications, reservations or other exactions to be imposed on a development project, to protest any fees, dedications, reservations or other exactions.
- 1.13 All sanitary sewer improvements are to be constructed to the satisfaction of the Engineering Division.
(E/PW)
- 1.14 All stormwater improvements shall be constructed to the satisfaction of the Engineering Division.
(E/PW)
- 1.15 All fire safety improvements shall be constructed to the satisfaction of the San Mateo Consolidated Fire Department.
(FIRE)
- 1.16 Notwithstanding any depictions or statements in the project application or drawings, the project shall be subject to the California Building Standards (Title 24 of the California Code of Regulations) as adopted and amended by the City of Foster City and the San Mateo Consolidated Fire Department, in effect as of the date of application for building permit.
(BD)**
- 1.17. All applicable Mitigation Measures required in the “388 Vintage Park Drive Project” Environmental Impact Report and the Mitigation Monitoring and Reporting Program (MMRP) recommended by the Planning Commission for approval by the City approved by the City Council by Resolution shall at all times be in use and adhered to pursuant to Exhibit B attached hereto and incorporated herein. Once certified by the City Council, the “388 Vintage Park Drive Project” EIR and MMRP shall become binding on the project.**
- 1.18 The applicant shall submit a separate Sign Use Permit for review and approval by the Planning Division for all exterior Building Identification signs.**
- 1.19 The Applicant (or the project sponsor) shall pay the Affordable Housing Commercial Linkage Fee per Municipal Code Chapter 17.88**

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as well as all development impact fees in effect at the time of building permit issuance. The amount of impact fees to be paid shall be those in effect at the time of payment of such fees.

(CDD)

2.0 PRIOR TO ISSUANCE OF ANY PERMIT

2.1 Prior to issuance of any building permits, one (1) complete set of construction plan drawings in electronic format shall be submitted to the Building Inspection Division. All Use Permit conditions of approval shall be included on plan sheet(s) in the drawing set.

(BD)

2.2 One (1) set in electronic format and one (1) set in printed format of a site specific, design level, fault zone geotechnical report satisfactory to the Chief Building Official, including one electronic or pdf version, shall be submitted for review and approval to the Building Division and contain design recommendations for grading, footings, retaining walls, and provisions for anticipated differential settlement for each construction site within the project area. Specifically:

- Each investigation shall include an analysis of expected ground motions at the site identified faults. The analysis shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults. The analysis presented in the geotechnical investigation report shall provide recommendations to minimize seismic damage to structures from total and differential settlements and to protect steel and concrete (and any other material that may be placed in the subsurface) from long-term deterioration caused by contact with corrosive on-site soils. All design measures, recommendations, design criteria, and specifications set forth in the final geotechnical investigation report shall be implemented.
- The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots and sidewalks).
- The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Foster City.
- The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the “No Build” zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.

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- The geotechnical report for the project shall include evaluation of fixtures, furnishings, and fasteners with the intent of minimizing collateral injuries to building occupants from falling fixtures or furnishings during the course of a violent seismic event. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the projects design phase, shall be incorporated in the project.
- Final seismic considerations for the site shall be submitted to and approved by the Building Division prior to commencement of the project.
- If deemed necessary by the Chief Building Official, a peer review may be required for the geotechnical report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.
- A licensed geotechnical engineer or their representatives shall be retained to provide geotechnical observation and testing during all earthwork and foundation construction activities. The geotechnical engineer shall be allowed to evaluate any conditions differing from those encountered during the geotechnical investigation and shall provide supplemental recommendations, as necessary. At the end of construction, the geotechnical engineer shall provide a letter regarding contractor compliance with project plans and specifications and with the recommendations of the final geotechnical investigation report and any supplemental recommendations issued during construction. The letter shall be submitted for review to the Building Division.
- In locations underlain by Bay Mud and/or non-engineered fill, the designers of proposed building foundations and improvements (including sidewalks, roads, driveways, parking areas, and utilities) shall consider these conditions. The design-level geotechnical investigation shall include measures to ensure potential damage related to compressible materials or soils and non-uniformly compacted fill are minimized. Mitigation options may range from removal of the problematic soils, and replacement, as needed, with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected settlements. All mitigation measures, design criteria, and specifications set forth in the site-specific design-level geotechnical report, and the City of Foster City Building Department standards shall be followed to reduce impacts associated with problematic soils to a less-than-significant level.
- In locations underlain by expansive soils the designers and engineers of proposed building foundations and improvements (including piles, sidewalks, roads, driveways, parking areas, and utilities) shall consider the site's potential to be underlain by soils with high shrink-swell potential. A site-specific design-level geotechnical investigation, prepared by a licensed professional, shall include measures to ensure potential damage related to expansive soils and non-uniformly compacted fill and engineered fill are minimized. Mitigation options may range from removal of the problematic soils, and replacement, as

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needed, with properly conditioned and compacted fill to design and construction of improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. All design criteria and specifications set forth in the design-level geotechnical investigation shall be implemented to reduce impacts associated with problematic soils.

- The final geotechnical investigation report shall provide recommendations to minimize the potential damage to structures from total and differential settlement and to protect steel and concrete (and any other material that may be placed in the subsurface) from long-term deterioration caused by contact with corrosive on-site soils. All design measures, recommendations, design criteria, and specifications set forth in the final geotechnical investigation report shall be implemented.
- The final geotechnical investigation report shall provide recommendations to minimize the potential damage to utilities and flatwork due to settlement. Analysis and investigation shall include, but not be limited to, historic, and proposed grade changes, sensitivity to new loading, increased densities due to over-excavation and re-compaction, secondary compression, and induced settlement within the building area in the evaluation of the potential range of future settlements, and the need for special measures such as flexible utility connections, hanging underslab utilities, hinges slabs at building/flatwork transitions, etc.

(BD)

- 2.3 The applicant shall provide a Waste Management Plan for all aspects of construction from start to finish with estimated quantities of debris expected to be generated by the project, how it will be recycled/disposed of, and an accompanying deposit in accordance with Chapter 15.44 of the Foster City Municipal Code and California Green Building Code. A separate Waste Management Plan will be required for projects that require Demolition (see Section 3.0).

(E/PW, BD)

- 2.4 Prior to issuance of a building permit, the Construction Best Management Practices (BMPs) from the San Mateo Countywide Stormwater Pollution Prevention Program shall be included as notes on the building permit drawings.

(BD, E/PW)

- 2.5 Prior to the commencement of any work, the general contractor shall:

a) Along with the project applicant, attend a pre-construction meeting with the Community Development Director, Chief Building Official and other departments the Community Development Director invites to discuss the project conditions of approval, working hours, site maintenance and other construction matters; and

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b) Acknowledge in writing that they have read and understand the project conditions of approval, particularly those pertaining to construction practices and site safety, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.

(CDD, BD)

2.6 The construction contractor shall designate a “noise disturbance coordinator” who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaints (e.g., beginning work too early, bad muffler) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site. The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector.

(BD)

2.7 Prior to commencement of any site work or the introduction of any earth moving equipment or building materials onto the site, the applicant shall insure that a temporary 6 (six) foot tall chain-link fence (no portion of which contains barbed wire) with a dark green (or other color approved by the Community Development Director) vinyl or canvas interior liner placed on the exterior of the fence shall be placed around any yard or any portion of a yard which the Chief Building Official shall identify as requiring such. This fence shall be in place as approved until the Chief Building Official shall allow it to be removed or changed. The fence may only be expanded or contracted in size upon approval of the Chief Building Official. Failure to adhere to this condition of approval shall result in the permit being brought to the Planning Commission for its review and introduction of stricter site and building construction regulations. The gate to the fence shall be locked at all times that the fenced area is left unattended by either the owner or resident, the contractor or subcontractors. All construction materials and equipment, including temporary or portable equipment, such as generators, storage containers or facilities, shall be stored within the interior of the fenced area when construction activities are not occurring. If placed anywhere on site, portable toilets shall be placed within the interior of the fenced area at all times.

(CBO, CDD)

2.8 Prior to commencement of any site work or placement of any construction trailers, the applicant shall submit a Site Logistics Plan showing proposed haul routes, placement of the construction trailers (if any) and areas for materials/equipment materials/equipment delivery, materials/equipment storage, waste collection and maintenance/fueling of vehicles/equipment. The Site Logistics Plan shall be subject to approval by the Community Development Director.

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- The Site Logistics Plan designated storage areas for material delivery, storage, and waste collection shall be as far away from catch basins, gutters, drainage courses, and water bodies as possible. All hazardous materials and wastes used or generated during project site development activities shall be labeled and stored in accordance with applicable local, state, and federal regulations. In addition, an accurate up-to-date inventory, including Material Safety Data Sheets, shall be maintained on-site to assist emergency response personnel in the event of a hazardous materials incident.
- The Site Logistics Plan designated area for all maintenance and fueling of vehicles and equipment shall be bermed or over a drip pan that will not allow run-off of spills. Vehicles and equipment shall be regularly checked and have leaks repaired promptly at an off-site location. Secondary containment shall be used to catch leaks or spills any time that vehicle or equipment fluids are dispensed, changed, or poured.
- The Site Logistics Plan shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

(CDD, BD, FIRE)

- 2.9 The contractor shall prepare a Waste Disposal and Hazardous Materials Transportation Plan prior to construction activities where hazardous materials or materials requiring off-site disposal would be generated. The Plan shall include a description of analytical methods for characterizing wastes, handling methods required to minimize the potential for exposure, and shall establish procedures for the safe storage of contaminated materials, stockpiling of soils, and storage of dewatered groundwater. The required disposal method for contaminated materials (including any lead-based paint, asbestos, or other hazardous building materials requiring disposal, see SCOA 9.25, below), the approved disposal site, and specific routes used for transport of wastes to and from the project site shall be indicated. The Plan shall be prepared prior to demolition or development activities and submitted to the City.

(E/PW, BD, FIRE)

- 2.10 Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code and the California Green Building Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.

(BD)

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- 2.11 Beginning July 1, 2019, applicants shall complete and submit the “PCB Screening Assessment Form” for any project requiring a demolition permit (BD, E/PW)
- 2.12 Hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes, mercury switches, lead based paint, asbestos containing materials, and PCB wastes, and subsurface hazardous building materials generated during grading and trenching activities, such as asbestos-cement piping, shall be managed and disposed of in accordance with the applicable universal waste and hazardous waste regulations. Federal and state construction worker health and safety regulations shall apply to the removal of hazardous building materials and demolition activities, and any required worker health and safety procedures shall be incorporated into the contractor’s specifications for the project. Documentation of the surveys and abatement activities shall be provided to the City prior to the demolition of structures located at the project site. (BD, FIRE)
- 2.13 Prior to issuance of a building permit, any development involving one or more acres of total land area must obtain a General Permit from the State Water Resources Control Board. This permit requires the owner/developer to do the following:
- Submit a Notice of Intent (NOI) to the State Water Resources Control Board prior to commencement of construction activity;
 - Copies of the NOI and the SWPPP must be submitted to the Engineering Division along with proof of compliance.
- (E/PW)
- 2.14 Prior to issuance of a building permit, the plans shall demonstrate compliance with the San Mateo Countywide Water Pollution Prevention Program, (see www.flowstobay.org including, but not limited to, submittal of checklists related to impervious surface and stormwater:
- C.3 and C.6 Checklist
 - Project applicant checklist for NPDES Permit Requirements
 - Stormwater Control Plan: Any improvements identified in the SWCP shall be constructed prior to first occupancy to the satisfaction of the Engineering Division.
- (E/PW)
- 2.15 The applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts to surface water quality during the construction period. The SWPPP shall be prepared by a Qualified SWPPP Practitioner (QSP). The SWPPP shall include the minimum BMPs required for the identified Risk level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater

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Best Management Handbook-Construction. The SWPPP shall be designed to address the following objectives:

- All pollutants and their sources, including sources of sediment associated with construction activity are controlled;
- Where not otherwise required to be under a Regional Water Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated;
- Site Best Management Practices (BMPs) are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity to the Best Available Technology and Best Conventional Technology (BAT/BCT) standard; and
- Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
- Best Management Practices (BMPs) shall be designed to mitigate construction-related pollutants and at a minimum, include the following:
 - Practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly-designed centralized storage areas that keep these materials out of the rain.
 - Reduce erosion of exposed soil which may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season because disturbed soil can be exposed to rainfall and storm runoff.
 - If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e. keeping sediment on the site). End-of-pipe sediment control measures (e.g. basins and traps) shall be used only as secondary measures. Ingress and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.
- The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and shall include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board requirements, monitoring shall be required during the construction period for pollutants that may be present in the runoff that are “not visually detectable in runoff.”
- To educate on-site personnel and maintain awareness of the

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importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

- A QSD shall be responsible for implementing BMPs at the site. The QSD shall also be responsible for performing all required monitoring, and BMP inspection, maintenance and repair activities. The developer shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the Engineering Division to ensure compliance with the SWPPP. Water Board personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

The SWPPP shall be prepared to the satisfaction of the Engineering Division. (E/PW)

2.16 Prior to building permit issuance. The location of any common space hazardous materials storage shall be noted on the plans and if applicable a hazardous materials inventory list shall be provided. (FIRE)

2.17 Prior to commencement of work, as required by California Government Code 4216, Underground Service Alert (USA) shall be contacted by the contractor to provide information on the location of underground utilities in the public right of way prior to earth work activities at the site. In addition to contacting USA, the applicant and/or contractor shall also be responsible for verifying locations of all utilities on the project site. This shall be included as notes on the building permit drawings.
(E/PW)

2.18 Prior to issuance of a building permit a pre-construction condition visual or video survey of the roadway shall be prepared for review and approval by the Engineering Division. The roadway survey shall determine the PCI (Pavement Condition Index) of the pavement/roadway adjacent to the project and along the approved construction haul routes shall be performed by an engineering firm approved by the Engineering Division. The survey shall be paid for by the project developer and shall establish a baseline PCI for the streets affected during construction. Prior video survey may be considered.
(E/PW)

2.19 Prior to issuance of a building permit, a pre-construction visual survey of the condition of the existing curb, gutter, and sidewalk adjacent to the property shall be performed. The applicant shall prepare a pre-condition survey report with photos to be submitted to the Engineering Division for review.

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Report shall document pre-existing condition of curb and gutter, as well as sidewalk hazards/defects that are in need of repair.

(E/PW)

2.20 Prior to issuance of a building permit, the applicant shall prepare a pre-construction CCTV survey report on the existing wastewater collection system gravity mains from the on-site system to the main in the street, to be submitted to the Engineering Division for review. Previous recent video surveys may be used.

(E/PW)

2.21 Prior to issuance of a building permit, the existing storm drain pipe lines on the project site and downstream thereof to the nearest lagoon outlet shall be televised to determine their existing condition. Applicant shall submit a map illustrating the route to be televised for approval of the Engineering Division prior to the survey. The existing storm drain inlets shall be cleaned and protected as necessary during the project.

(E/PW)

2.22 Prior to issuance of a building permit, the applicant shall arrange a joint field meeting with representatives of the Water Department to perform a visual survey of the condition of the existing water distribution system (including testing of valves and appurtenances) in the vicinity of the project site. The applicant shall prepare a pre-construction survey report to be submitted to the Engineering Division for review. Report shall document the condition of valves and other appurtenances tested and extent of water system mains surveyed.

(E/PW)

2.23 The applicant shall prepare a project-specific Construction Risk Management Plan (CRMP) to protect construction workers, the general public, and the environment from subsurface hazardous materials previously identified and to address the possibility of encountering unknown contamination or hazards in the subsurface. The CRMP shall:

- **Provide procedures for evaluating, handling, storing, testing and disposing of soil and groundwater during project excavation and dewatering activities, respectively;**
- **Require the preparation of a project specific Health and Safety Plan that identifies hazardous materials present, describes required health and safety provisions and training for all workers potentially exposed to hazardous materials in accordance with state and federal worker safety regulations, and designates the personnel responsible for Health and Safety Plan implementation;**
- **Require the preparation of a Contingency Plan that shall be applied should previously unknown hazardous materials be encountered during construction activities. The Contingency Plan shall be**

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developed by the contractor(s), with the approval of the City and/or appropriate regulatory agency

- 2.24 The applicant shall submit a letter from the Vintage Park Community Association with final approval of the architectural and landscape plans.
(CDD)**

3.0 PRIOR TO DEMOLITION PERMIT

- 3.1 Prior to issuance of a demolition permit for structures located on the project site, a lead-based paint, hazardous building materials survey (PCBs, mercury), and asbestos survey (for those structures not previously surveyed) shall be performed by a qualified environmental professional. Based on the findings of the survey, all loose and peeling lead-based paint, and identified asbestos hazards shall be abated by a certified contractor in accordance with local, state, and federal requirements (including the requirements of the BAAQMD, District Regulation 11, Rule 20) and requirements for worker health and safety.
(BD)
- 3.2 Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code and the California Green Building Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.
(BD)
- 3.3 Beginning July 1, 2019, applicants shall complete and submit the "PCB Screening Assessment Form" for any project requiring a demolition permit
(BD,E/PW)
- 3.4 Hazardous materials and wastes generated during demolition activities, such as fluorescent light tubes, mercury switches, lead based paint, asbestos containing materials, and PCB wastes, and subsurface hazardous building materials generated during grading and trenching activities, such as asbestos-cement piping, shall be managed and disposed of in accordance with the applicable universal waste and hazardous waste regulations. Federal and state construction worker health and safety regulations shall apply to the removal of hazardous building materials and demolition activities, and any required worker health and safety procedures shall be incorporated into the contractor's specifications for the project. Documentation of the surveys and abatement activities shall be provided to the City prior to the demolition of structures located at the project site.

(BD, FIRE)

4.0 PRIOR TO GRADING AND DRAINAGE

- 4.1 Subsequent to issuance of a grading permit by the Building Inspection Division and prior to commencement of any work pertaining to on-site drainage facilities, grading, or paving, or any work in the City's right-of-way, the applicant shall notify the Engineering Division at least forty-eight (48) hours in advance to schedule an inspection.
(BD, E/PW)

5.0 PRIOR TO UNDERGROUND UTILITIES

- 5.1 Submit improvement plans for the construction of all public and private improvements in accordance with the latest City Standard Drawings and Specifications. Should the applicant propose the use of development and/or construction standards for any improvements and/or land uses which are different than those presently set forth in the City's Codes and Ordinances, Standard Specifications and Standard Plans, such standards must be presented to and approved by the City. The applicant shall cause Standard Specifications and Standard Drawings to be prepared in a format to be approved by the Engineering Division.
(E/PW)
- 5.2 Plans and specifications for grease interceptors or similar runoff control equipment, to be reviewed and approved by the Engineering Division. The equipment shall be installed by property owners/tenants to the satisfaction of the Public Works Department (San Mateo Environmental Compliance Source Control Inspector).
(E/PW)
- 5.3 Should the geotechnical report find that there will be potential differential settlement or if deemed necessary by the Chief Building Official, mitigation measures will be provided and may include flexible connections or alternative measures acceptable to the Chief Building Official for gas, electric, sewer, water and other utilities and hinged, reinforced slabs shall be provided at transitions from building to sidewalks, walkways and driveways. The final geotechnical investigation report shall provide recommendations to minimize the potential damage to structures from differential settlement
(BD, E/PW)
- 5.4 The location and size of all building utility service connections, including water and gas & electric service, fire service and irrigation connections, shall be indicated on the drawings, to be reviewed and approved by the City. All changes to building utility connections shall be approved by the Community Development Department prior to construction. Building utility connections shall be located, sized and screened in such a manner that

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they have the least possible impact on the design of the building and site. The architect or landscape architect of record shall be directly involved in the design and placement of all site and building service connections and shall sign their respective plans submitted to the City which locate, size and/or screen building utility connections.

(CDD)

- 5.5 Prior to issuance of a building permit, the improvement plans shall show all proposed electric, cable TV, gas and communication lines within the development to the satisfaction of the Engineering and Building Divisions. All utilities shall be underground.

(E/PW, BD)

- 5.6 During development of improvement plans, the location(s) of all above-ground utility equipment (Post Indicating Valves (P.I.V.), Backflow/Cross-Connection Devices, Fire Department Connections (FDC), fire hydrants and other such utilities shall be staked and the locations approved by staffs of the Planning/Code Enforcement Division, Building Inspection Division, Fire Department, and Public Works Department. Prior to final approval of the plans, the applicant shall arrange a joint field meeting with representatives from each of the Departments/Divisions listed above to confirm and verify locations for each above-ground utility component.

5.6.a The plans show all existing and proposed Easements.

(CDD, BD, FIRE, E/PW)

5.7 Wastewater System

- 5.7.1 The applicant shall have a registered civil engineer prepare a sewer flow projection study and a hydraulic capacity study, to be submitted to the Engineering Division for review. The study shall meet the approval of the Engineering Division and should:

- Verify that the existing sewer system is properly sized to meet the projected increase in wastewater generation on the project site.
- Study the on and off-site sewer system (including lift stations) which services the project (both upstream and downstream).
- Show the new connecting points to the existing sewers and model the estimated flows and peaking factors, as they relate to the changes in land use for the proposed project.

No on-site or downstream overloading of existing sewer system will be permitted. Any necessary improvements **including but not limited to impacts to LS 26 and associated appurtenances**, identified by the study shall be constructed by the developer/applicant at applicant's sole cost.

(E/PW)

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5.7.2 Prior to issuance of a building permit, the improvement plans shall include the design of a wastewater collection system in accordance with the City's Standard Details/Specifications and to the satisfaction of the Engineering Division. Wastewater collection system items of construction should include at least the following:

- The locations and numbers of on-site pump stations with permanent standby power, telemetry system and controls. All shall be as approved by the Engineering Division.
 - Modification to and addition of permanent standby power to which the proposed system is contributing sewage, if required.
 - Sanitary sewer mains.
 - Manholes with manhole frames and covers.
 - Cleanouts. In commercial/industrial buildings the sewer inspection cleanouts shall be at accessible outside locations to allow for wastewater sampling.
 - Wye branches and laterals.
 - And together with appurtenances to any or all of the above.
- (E/PW)

5.7.3 The existing sewer system should be capped at the property line unless it is going to be reused. Lateral should not be abandoned in place.

(E/PW)

5.8 Storm Water System

5.8.1 Prior to issuance of a building permit, the improvement plans shall include the design of stormwater improvements in accordance with the City's Standard Details/Specifications and to the satisfaction of the Engineering Division. Stormwater improvements items of construction should include at least the following:

- surface and subsurface storm drain facilities;
- manholes with manhole frames and covers;
- catch basins and laterals;
- construct all catch basins as silt detention basins;
- And together with appurtenances, to any or all of the above.

(E/PW)

5.8.2 Prior to issuance of a building permit, a complete storm drainage study of the proposed development shall be prepared by a registered civil engineer and submitted as part of the improvement plans package. Drainage facilities shall be designed in accordance with accepted engineering principles and be approved by the Engineering Division. The hydrology/hydraulic analysis shall include the following:

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- The amount of runoff, and existing and proposed drainage structure capacities.
- Verification that the existing storm drain system is adequately sized to handle the run-off from the project.
- Conformance with the City's Drainage Design Criteria/Standards available on the City's website:
<https://www.fostercity.org/publicworks/page/city-standard-design-criteria>
- Calculations and plans showing hydraulic gradelines.
- Evidence that the system is capable of handling a 25-year storm with the hydraulic grade line at least one foot below every grate.

No overloading of the existing system will be permitted. All needed improvements shall be installed by the applicants at applicants' sole cost.

(E/PW)

- 5.8.3 The applicant shall fully comply with the C.3 provisions of the Municipal Regional Stormwater NPDES Permit (MRP). Responsibilities include, but are not limited to, designing Best Management Practices (BMPs) into the project features and operation to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the design-level drainage plan and final development drawings. Specifically, the final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development.

All Stormwater control measures outlined in the current San Mateo Countywide Water Pollution Prevention Program's C.3 Stormwater Technical Guidance manual shall be incorporated into the project design. Low Impact Development features, including rainwater harvesting and reuse, and passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are required under the MRP. Higher-maintenance BMP's may only be used if the development of at-grade treatment systems is not possible, or would not adequately treat runoff. Funding for long-term maintenance for all BMPs must be specified (as the City will not assume maintenance responsibilities for these features). The applicant shall establish a self-perpetuating drainage system maintenance program for the life of the project that includes annual inspections of any stormwater detention devices and drainage inlets. Any accumulation of sediment or other debris would need to be promptly removed. In addition, an annual report documenting the inspection and any remedial action conducted shall be submitted to the Public Works Development for review and approval.

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The drainage plan shall be prepared to the satisfaction of the Engineering Division.

(E/PW)

5.8.4 Prior to issuance of a building permit, should the City determine that the City's storm drain system or storm drain pumping capacity requires expansion or modification as a result of the applicants' development, the applicants shall pay for all necessary improvement costs. The timing and amount of payment shall be as determined by the City.

(CC, E/PW)

5.8.5 All storm drain lines and related storm drainage appurtenances located both within the property boundaries of the development site and associated offsite private easements shall be privately owned and maintained. Prior to issuance of a building permit, the applicants shall submit to the City Engineer evidence of easements granted for private offsite storm drainage facilities located on adjacent private property. Said easements shall provide the applicants the right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew all offsite storm drainage facilities, and appurtenant structures in, upon, over and across such easements.

(E/PW)

5.8.6 Prior to installation of any stormwater treatment improvements (i.e. bio-detention basins), the applicant shall notify the Engineering Division to coordinate the inspections required for the various elements of the stormwater treatment installation. Failure to obtain inspection and approval by City staff may require the applicant to remove any stormwater treatment components, which were not inspected by the City at the applicants cost. In addition, the Engineering Division shall be notified at least forty-eight (48) hours in advance to schedule the necessary inspections.

(E/PW)

5.8.7 Prior to installation of any stormwater treatment improvements, the applicant shall consult with the City to meet the requirements of the City's green infrastructure plan.

(E/PW)

5.9 Water Distribution System

5.9.1 To properly evaluate necessary improvements, a complete water system capacity study of the on-and-off site water system which services the proposed project shall be prepared by a registered civil engineer approved by the City/District Engineer, and retained by the project developer prior to approval of a building permit. The study

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shall include: a map showing the project location, utility drawings for the project area (pdf and CAD files), a project description (type of development, number of units, land use, acreage, etc.), and a system demand analysis (including average daily demand, maximum daily demand, peak hour demand, and fire flow requirements), specific to the proposed development. The study shall include a detailed water pipe hydraulic flow analysis to determine whether the existing water distribution system is properly sized to meet the projected new water demands on the project site. All needed construction improvements to upsize the existing water distribution system to meet the demands of the new project shall be constructed to meet California Fire Code and San Mateo Consolidated Fire Department requirements, by the applicant at the applicant's sole cost.

(BD, FIRE, E/PW)

5.9.2 Prior to the issuance of a building permit, the improvement plans shall include the design of a domestic water system to the satisfaction of the Engineering Division. Water distribution system items of construction shall include at least the following:

- backflow prevention devices;
- water mains - minimum main size is 8 in. in any area. Fire flow determined for buildings/areas per "The Guide for Determining Required Fire Flow; Insurance Services Office; Municipal Survey Service;"
- valves;
- tees;
- fittings;
- hydrants;
- meters;
- services;
- and together with appurtenances to any or all of the above;
- all water mains serving fire hydrants, shall be a minimum of 8" in diameter

(E/PW, FIRE)

5.9.3 Water lines shall be designed for fire flows to meet California Fire Code and Fire Department requirements.

(E/PW, FIRE)

5.9.4 Prior to the issuance of a building permit, the applicant shall submit a design for all required backflow prevention devices in accordance with the Department of Health Services requirements. A backflow device shall be installed at each connection point to the City/District water system for both domestic and fire lines. The size and type of the backflow prevention devices are subject to approval by the Engineering Division. In addition, the required double check valve assembly shall be located on the drawings and provisions included

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for screening adjacent to property line. All backflow prevention assembly devices shall meet the California Health and Safety Code (CA H&SC) and installed in accordance with the USC specifications. (BD, E/PW, FIRE)

- 5.9.5 Prior to the issuance of a building permit, the applicant shall indicate on-site hydrants, blue reflective pavement markers and mains at locations approved by the Fire Department. Hydrants shall meet the following requirements:
- Fire hydrants shall be installed not more than 250 ft. apart -in some instances distances may be less and must meet San Mateo Consolidated Fire Department requirements.
 - All new fire hydrants or replacement of existing hydrants shall conform with current City standards.
 - Placement shall conform to current City standards.
- (FIRE, E/PW)
- 5.9.6 Prior to the issuance of a building permit, the applicant shall submit a request for all required water meters, including payment for the meters. The applicant shall provide calculations supporting the size and type of the meters. The size and type of the meters are subject to approval by the Engineering Division. Water meters shall be located at the property line. (BD, E/PW)
- 5.9.7 Sub-meters shall be provided for each individual dwelling unit if individual meters are not provided. The required water sub-meters shall be installed prior to occupancy. (BD, E/PW)
- 5.9.8 All water lines and related water appurtenances located within the property boundaries of the development site shall be privately owned and maintained. Private water lines do not need to have Master Meter(s). Where appropriate, prior to issuance of a building permit, the applicants shall submit to the City Engineer evidence of easements that are shared with other privately owned and maintained for water facilities. Said easements shall provide the applicants the right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew all water facilities, and appurtenant structures in, upon, over and across such easements. (E/PW)
- 5.9.9 Water Supply Assessment (WSA) – Applicant shall have a firm approved by the City, update the City’s WSA to determine whether there is adequate water available to meet the future demands of the project.**

(E/PW)

5.9.10 Applicant shall test interference/impacts of building on City's SCADA and water meter radio network. If building impacts SCADA and Meter reading communications equipment, applicant shall be responsible for the costs of the installation of repeater antennas to maintain communications.

(E/PW)

6.0 PRIOR TO ARCHITECTURAL AND STRUCTURAL SHELL

- 6.1 Elevations shall be included in the building permit plans indicating colors and materials, listing manufacturers' names and product identification, and shall be approved by the Community Development Director.
(CDD)
- 6.2 No rooftop equipment of any kind or exterior conduit shall be visible from the ground level on the site or from adjacent public rights-of-way or ground level on adjacent properties. At initial project construction and in the future, cross-sections and details of the proposed rooftop equipment, sight line studies demonstrating the visual impact of equipment, and related screening shall be submitted to the Community Development Director for approval.
(CDD)
- 6.3 All vents shall be shown on the exterior elevations. Where feasible, venting shall be directed to the roof and consolidated to minimize its visibility, subject to approval by the Community Development Director.
(CDD)
- 6.4 Prior to the issuance of a building permit, the applicant shall provide a letter to the City from the Manager, Customer Services, of the United States Postal Service/San Mateo Post Office, stating that the Postal Service has reviewed proposed plans and methods for providing a postal service to the tenants or residents of the proposed building(s) or development and has approved them.
(CDD)
- 6.5 The applicant shall provide a letter describing the sustainable practices that are included in the project and referencing the sheets in the building permit drawings that demonstrate the inclusion of the sustainable practices for review and approval by the Community Development Director.
(CDD)
- 6.6 Prior to the issuance of a building permit, should mailboxes be required by the Postal Service and allowed by the City, the applicant shall submit for staff review and approval a mailbox design and its specific placement prior

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to any installation, meeting the guidelines for mailbox placement and the City's Mailbox Ordinance.
(BD, CDD)

- 6.7 Details of any trash/recycling enclosures shall be included, showing that the trash/recycling enclosures shall be covered, the drainage connected to the sanitary sewer and that it meets any other relevant stormwater control requirements (see <https://www.flowstobay.org/newdevelopment>).
(CDD, E/PW)
- 6.8 Plans for trash enclosures and recycling facilities, including truck access to these facilities, shall be reviewed by the service provider and a letter provided from the service provider indicating their comments, if any, have been satisfactorily resolved.
(CDD, E/PW)
- 6.9 Prior to issuance of the architectural/structural shell permit, all emergency vehicle access and location of building numbers shall be identified to the satisfaction of the City.
(FIRE, POL, CDD)
- 6.10 Prior to issuance of the architectural/structure shell permit, an addressing plan shall be provided, including proposed addresses and size, location and illumination of address signage, subject to approval by City.
(FIRE, POL, CDD, BD)
- 6.11 The plans shall demonstrate compliance with the Indoor Water Conservation requirements contained in EMID Code Chapter 8.7, including, but not limited to, submittal of the Indoor Water Use Efficiency Checklist. The Checklist shall be updated, if necessary, prior to issuance of the Tenant Improvement.
(BD)
- 6.12 Rooftop solar installations shall meet the California Fire Code and Electrical Codes for labels and clearance. Rooftop access will be required as per the California Building Code, California Fire Code and California Electric Code.
(BD, FIRE)
- 6.13 Prior to issuance of the building permit, plans for the fire sprinkler system and fire alarm system in accordance with the California Fire Code, Title 15 of the Foster City Municipal Code, and NFPA 13 and 72 shall be submitted and approved by the Chief Building Official and Fire Marshal. Installation shall be completed and approved prior to building occupancy.
 - General:
 - All PIV, OS & Y valves and Zone valves, etc. must be tamper switched.

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- All Fire Department connections (FDCs) must be within 50 ft. or less of a water supply (fire hydrant). FDCs must have a minimum of two inlets. Each building shall have an independent fire sprinkler system and FDC.
 - The required double check valve assembly shall be located on the drawings and provisions included for screening.
 - Fire Sprinklers:
 - A combination fire sprinkler and fire standpipe shall be provided for each building.
 - All new buildings/new construction except for Single Family houses (R3) shall install a National Fire Protection Association (NFPA) 13 Fire Sprinkler system. Single family homes shall have fire sprinkler systems complying with NFPA 13D.
 - A horn strobe shall be installed in the area of the FDC at a location approved by the Fire Marshal.
 - Fire Pumps:
 - A fire pump if required to meet minimum fire flow requirements, shall be provided to meet the fire sprinkler and standpipe demand(s).
 - Electric fire pumps are only acceptable with generator backup.
 - Fire Alarm System:
 - Fire alarm system(s) shall be zoned by address, floor, area and type of device.
 - The fire alarm system(s) for the building shall have a horn/strobe system in each residential unit and a speaker/strobe system in the common areas.

(BD, FIRE)
- 6.14 Roof access shall be provided from at least one stairway in each building.
(BD, FIRE)
- 6.15 Prior to issuance of a building permit, the plans shall demonstrate the ability at tenant improvement to incorporate elevators utilized to transport hazardous materials under the provisions of California Fire Code Chapter 50, and incorporate exhaust ventilation compiling with ANSI Z9.5-2012 or NFPA 45-2019 if required.**
(BD, FIRE)

7.0 PRIOR TO TENANT IMPROVEMENTS

- 7.1 Three (3) sets of an acoustical analysis, including one electronic or pdf version, shall be submitted, prepared by a licensed professional, specifying the manner in which interior noise levels will be reduced to the required Community Noise Equivalency Level (CNEL) per Title 24 of the California

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Administrative Code and Chapter 17.68 of the Foster City Municipal Code. The details of noise attenuation recommended in the report will be subject to the review and approval of the Chief Building Official.

(BD)

- 7.2 Rooftop solar installations shall meet the California Fire Code and Electrical Codes for labels and clearance. Rooftop access will be required as per the California Building Code, California Fire Code and California Electric Code. (BD, FIRE)
- 7.3 Prior to issuance of the building permit, plans for the fire sprinkler system and fire alarm system in accordance with the California Fire Code, Title 15 of the Foster City Municipal Code, and NFPA 13 and 72 shall be submitted and approved by the Chief Building Official and Fire Marshal. Installation shall be completed and approved prior to building occupancy.
- General:
 - All PIV, OS & Y valves and Zone valves, etc. must be tamper switched.
 - All Fire Department connections (FDCs) must be within 50 ft. or less of a water supply (fire hydrant). FDCs must have a minimum of two inlets. Each building shall have an independent fire sprinkler system and FDC.
 - The required double check valve assembly shall be located on the drawings and provisions included for screening.
 - Fire Sprinklers:
 - If elevators are provided, fire sprinkler heads shall be included in all elevator pits if required by CBC.
 - A combination fire sprinkler and fire standpipe shall be provided for each building.
 - All new buildings/new construction except for Single Family houses (R3) shall install a National Fire Protection Association (NFPA) 13 Fire Sprinkler system. Single family homes shall have fire sprinkler systems complying with NFPA 13D.
 - A horn strobe shall be installed in the area of the FDC at a location approved by the Fire Marshal.
 - Fire Pumps:
 - A fire pump if required to meet minimum fire flow requirements, shall be provided to meet the fire sprinkler and standpipe demand(s).
 - Electric fire pumps are only acceptable with generator backup.
 - Fire Alarm System:
 - Fire alarm system(s) shall be zoned by address, floor, area and type of device.

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- The fire alarm system(s) for the building shall have a horn/strobe system in each residential unit and a speaker/strobe system in the common areas.
(BD, FIRE)

7.4 Following the issuance of the Architectural and Structural Shell Building Permits, but prior to tenant improvement permit, State of California safety regulations regarding the transport, handling and storage of hazardous materials (HMIS) shall be incorporated onto the plans. Storage of hazardous materials shall be directed to areas in the complex where maximum protection of office and other active work areas can be provided.

(BD, FIRE)

**7.5 A list of hazardous materials that will be used in a given space shall be provided to San Mateo Consolidated Fire Department for review and approval
(FIRE)**

8.0 PRIOR TO LANDSCAPE AND FLATWORK

8.1 Submit documentation and plans showing compliance with Chapter 8.8 of the EMID Code, including, but not limited to submittal of the Outdoor Water Use Efficiency Checklist.
(E/PW, CDD, BD)

8.2 An exterior lighting plan including fixture and standard design, coverage and intensity shall be submitted, to be reviewed and approved by the Community Development Department and the Police Department. In its review of the lighting plan, the City shall ensure that any outdoor night lighting proposed for the project is downward-facing, not overly bright at the property line and shielded so as to minimize nighttime glare and lessen impacts to neighboring properties. The City shall also ensure that all development plans for the proposed project conform to the performance standards provided under Section 17.68.080 of the Foster City Municipal Code.
(CDD, POL)

8.3 Prior to issuance of a Building Permit, the applicant shall design a comprehensive pedestrian walkway system throughout the development to the satisfaction of the City and in compliance with the General Plan. The pedestrian walkway system shall be constructed according to plan.
(BD, CDD)

8.4 Landscape plans shall include details of any fencing, walls and gates, to be reviewed and approved by the Community Development Director and the Chief Building Official.

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(CDD, BD)

- 8.5 A planting plan neatly and accurately drawn to scale, indicating types, quantities, locations and sizes of all plant material including existing major vegetation designated to remain and street trees, method of protecting planting areas from vehicular traffic, and planting areas to be irrigated on separate valves shall be submitted for Planning staff review and approval.
(CDD)
- 8.6 The planting plans shall show that the applicant will install and maintain landscaping in the unpaved areas within the public right-of-way abutting the development to the satisfaction of the Planning/Code Enforcement Division.
(CDD)
- 8.7 The plans shall show that all trees planted closer than four (4) ft. from any public or private walkway, driveway or major structure shall be shielded with root barriers that are designed to the satisfaction of the City.
(CDD)
- 8.8 The location of backflow prevention devices for the irrigation system shall be adequately screened with planting material. Method of screening shall be approved by Planning staff prior to issuance of a building permit.
(CDD, BD)
- 8.9 Domestic backflow prevention devices shall be consistent with the most recent list of approved devices maintained by the County Department of Health.
(E/PW, BD)
- 8.10 Landscape plans shall show all planting areas shall be protected from common vehicular traffic by the provision of a 6-inch high concrete curb. Rolled curbs are not acceptable.
(CDD)
- 8.11 Evidence that a licensed landscape architect registered with the State of California has prepared or reviewed and found acceptable the planting and irrigation plans, cost estimate, and documents describing the existing soil conditions, grading and soil preparation.
(CDD)
- 8.12 Planting plans shall include documentation describing the existing soil conditions, proposed grading, and soil preparation as they relate to providing a compatible growing medium for the selected plant material.
(CDD)
- 8.13 At initial planting, all trees shall be a minimum of 15 gallons or larger. At least fifteen percent (15%) of the total number of trees approved as a part of the Landscape Plan shall be 24 inch or larger specimen trees to be

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planted along public rights-of-way or other locations as determined in the field by the Community Development Director. As and when trees are replaced they will be replaced by trees of the same species which shall be a minimum of 15 gallons or larger. Only specimen size trees shall replace specimen size trees.

(CDD, Prior to planting)

- 8.14 The Developer shall submit a letter signed and stamped by the licensed landscape architect verifying that the plants that have been selected for the bioretention area/swale are drought tolerant, inundation tolerant, and require minimal maintenance consistent with the C.3/C.6 Checklist, as provided in Appendix A of the San Mateo County Wide Water Pollution Prevention Program's C.3 Stormwater Technical Guidance Handbook at www.flowstobay.org.
(E/PW, CDD)

9.0 GENERAL CONSTRUCTION PRACTICES

- 9.1 Construction activities shall be limited to the hours of 8 a.m. to 5 p.m. on weekdays unless deviations from this schedule are approved in advance by the City. Non construction activities may take place between the hours of 7 a.m. and 8 a.m. on weekdays and 9 a.m. and 4 p.m. on Saturdays but must be limited to quiet activities and shall not include the use of engine-driven machinery. No actual construction activities may take place between 7 a.m. and 8 a.m., except when post-tension slab foundations are being poured, the concrete pumper may be set up but no concrete may be poured. Forklifts shall be allowed to operate onsite between the hours of 5 p.m. and 6:30 p.m. on weekdays. **Construction noise levels shall not exceed the interior noise level of 50 dBAL_{eq} (hourly average) or the maximum noise level of 70 dBAL_{max} within occupied noise sensitive land uses.** The Planning Commission reserves the right to rescind this condition and further restrict construction activities in the event that the public health, safety and welfare are not protected due to noise levels emanating from the construction project.
(PC, BD, CDD)
- 9.1.1 Any requested deviations from the allowed hours for construction activities shall be submitted to the Community Development Director a minimum of two (2) working days in advance for review and approval. Any approved deviations from the allowed hours shall be communicated to the Building Inspection Division and the Police Department.
(CDD)
- 9.2 In order to minimize construction noise impacts, all engine-driven construction vehicles, equipment and pneumatic tools shall be required to use effective intake and exhaust mufflers; equipment shall be properly

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adjusted and maintained; all construction equipment shall be equipped with mufflers in accordance with OSHA standards.

(BD)

- 9.3 The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

(BD)

- 9.4 All construction shall be completed in a professional manner and appearance.

(CDD)

- 9.5 The following controls shall be implemented at all construction sites within the project to control dust and/or mud production and fugitive dust.

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing sensitive land uses shall be kept damp at all times, or shall be treated with nontoxic stabilizers to control dust;
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;
- Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; and
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible.
- Water trucks shall be present and in use at the construction site.
- All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the City in order to insure proper control of blowing dust for the duration of the project.
- Watering on public streets shall not occur.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations (CCR). Clear signage shall be provided for construction workers at all access points.

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- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the City Engineer.
- Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 7 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust.
- All public streets and medians soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the City.
- Post a publicly visible sign with the telephone number and person to contact 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.

(BD)

- 9.6 The General Contractor shall provide qualified supervision on the job site at all times during construction.

(BD)

- 9.7 All work shall conform to the applicable City/District codes. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division.

(CDD, BD, E/PW)

- 9.8 The developer's registered Engineer shall notify the Engineering Division, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the civil plans. Any proposed changes shall be subject to the approval of the City before altered work is started. Any approved changes shall be incorporated into the final as-built drawings.

(E/PW)

- 9.9 The applicant shall require all contractors to obtain and submit to City any transportation permits required by Caltrans. Contractors are further required to obtain a transportation permit from City for hauling on local streets. All vehicles hauling materials to the project site that exceed 12,000 pounds gross weight shall follow established truck route streets to the closest point of the job site unless directed otherwise by the Engineering Division.

- 9.10 If paleontological resources are discovered during project activities, all work within 25 feet of the discovery shall be redirected and the Community Development Director immediately notified. A qualified paleontologist shall

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be contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Paleontological resources include fossil plants and animals, and evidence of past life such as trace fossils and tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Fossil vertebrate land animals may include bones of reptiles, birds, and mammals. Paleontological resources also include plant imprints, petrified wood, and animal tracks.

Upon completion of the assessment, the paleontologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the paleontological resources discovered. This report shall be submitted to the project applicant, the Foster City Community Development Department, and the paleontological curation facility.

Adverse effects to paleontological resources shall be avoided by project activities. If avoidance is not feasible (as determined by the City, in conjunction with the qualified paleontologist), the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, adverse effects on the resources shall be avoided, or such effects shall be mitigated. Mitigation can include, but is not necessarily limited to: excavation of paleontological resources using standard paleontological field methods and procedures; laboratory and technical analyses of recovered materials; production of a report detailing the methods, findings, and significance of recovered fossils; curation of paleontological materials at an appropriate facility (e.g., the University of California Museum of Paleontology) for future research and/or display; an interpretive display of recovered fossils at a local school, museum, or library; and public lectures at local schools on the findings and significance of the site and recovered fossils. The City shall ensure that any mitigation involving excavation of the resource is implemented prior to project construction or actions that could adversely affect the resource.

(CDD, BD)

- 9.11 If deposits of prehistoric or historic archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and the Community Development Director immediately notified. A qualified archaeologist shall be contacted to assess the find, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestels, handstones). Prehistoric archaeological sites often

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contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal and other refuse.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results of the analysis, and provide recommendations for the treatment of the archaeological deposits discovered. The report shall be submitted to the project applicant, the Foster City Community Development Department and the Northwest Information Center. Project personnel shall not collect or move any archaeological materials or human remains. Adverse effects to such deposits shall be avoided by project activities. If avoidance is not feasible (as determined by the City, in conjunction with the qualified archaeologist), the archaeological deposits shall be evaluated for their eligibility for listing in the California Register. If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, avoidance of project impacts on the deposit shall be the preferred mitigation. If adverse effects on the deposits cannot be avoided, such effects must be mitigated. Mitigation can include, but is not necessarily limited to: excavation of the deposit in accordance with a data recovery plan (see CEQA Guidelines Section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; production of a report detailing the methods, findings, and significance of the archaeological site and associated materials; curation of archaeological materials at an appropriate facility for future research and/or display; preparation of a brochure for public distribution that discusses the significance of the archaeological deposit; an interpretive display of recovered archaeological material at a local school, museum, or library; and public lectures at local schools and/or historical societies on the findings and significance of the site and recovered archaeological materials. The City shall ensure that any mitigation involving excavation of the deposit is implemented prior to the resumption of actions that could adversely affect the deposit.

(CDD, BD)

- 9.12 If human remains are encountered, work within 25 feet of the discovery shall be directed and the County Coroner and the Community Development Director immediately notified. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. The project applicant shall also be notified. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report

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documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The project sponsor shall comply with these recommendations. The report shall be submitted to the project applicant, the Foster City Community Development Department, the MLD, and the Northwest Information Center. (CDD, BD)

- 9.13 If the presence of hazardous materials is found on site, site remediation may be required by the applicable state or local regulatory agencies. Specific remedies would depend on the extent and magnitude of contamination and requirements of the regulatory agency(ies). Under the direction of the regulatory agency(ies) and the City, a Site Remediation Plan shall be prepared, as required, by the applicant. The Plan shall: 1) specify measures to be taken to protect workers and the public from exposure to the potential hazards and, 2) certify that the proposed remediation would protect the public health in accordance with local, state, and federal requirements, considering the land use proposed. Excavation and earthworking activities associated with the proposed project shall not proceed until the Site Remediation Plan has been reviewed and approved by the regulatory oversight agency and is on file with the City. (E/PW, BD)
- 9.14 Engineering fill brought on-site shall be demonstrated, by analytical testing, not to pose an unacceptable risk to human health or the environment. Threshold criteria for acceptance of engineered fill shall be selected based on screening levels and protocols developed by regulatory agencies for protection of human health and leaching to groundwater (e.g., Water Board ESLs). The engineered fill shall be characterized by representative sampling in accordance with U.S. EPA's SW-846 Test Methods, by a qualified environmental professional and demonstrated to meet the threshold criteria above. The results of the sampling and waste characterization shall be submitted by the contractor(s) to the City and SMCEHD prior to construction. (E/PW, BD)
- 9.15 All excess fill shall be disposed of in accordance with City requirements. (E/PW)
- 9.16 The construction contractor shall protect all downstream sanitary sewer lines from construction debris while performing sanitary sewer construction. Means to prevent construction debris must be used and shall be inspected by the construction inspector. (E/PW)
- 9.17 Within sixty (60) days following the completion of the demolition phase of a covered project, and again within sixty (60) days following the completion of the construction phase of a covered project, the contractor shall submit

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documentation to the Building Inspection Division that demonstrates compliance with Chapter 15.44 of the Foster City Municipal Code. Documentation includes submission of a completed Final Compliance Report with corresponding recycling, salvage, and disposal receipts/tickets from the facilities, to demonstrate where the debris was recycled, salvaged, or disposed.

(BD)

10.0 PRIOR TO OCCUPANCY

- 10.1 Prior to occupancy, the applicant shall arrange a joint field meeting with the Public Works Department to inspect all public facilities (i.e. curb, gutter, sidewalk, roadway, etc.) and any facilities determined to be damaged during construction, shall be marked by the Department and the development/owner shall restore at owners cost. All sidewalk and pavers that have settled or uplifted, shall be marked and repaired at owner's cost.
(E/PW)
- 10.2 Prior to occupancy, following utility work in the street, all pavement shall be restored.
(E/PW)
- 10.3 Prior to occupancy, a post construction survey of the pavement/roadway along the approved construction haul routes shall be performed by the same firm that performed the pre-construction condition survey. Based on the results of the survey, the City will determine a reimbursement amount from the applicant to cover the costs to restore the roadways affected, to the pre-construction condition. (E/PW)
- 10.4 Prior to occupancy, any development involving one or more acres of total land area must file a Notice of Termination to the State Water Resources Control Board at the completion of construction and submit a copy to the Public Works Department.
(E/PW)
- 10.5 Prior to occupancy, the City shall be provided with Final AutoCAD (latest version) compatible files (DXF or DWG) and PDF for all computer generated mapping, construction plans and graphic information related to site/civil drawings for this project.
(E/PW)
- 10.6 Prior to occupancy the applicant shall prepare a post-construction CCTV survey report on the new on-site wastewater collection system and existing wastewater collection system and force mains, to be submitted to the Foster City Public Works Department for review. Sewer lines filled with sediment or construction debris, or damaged, shall be cleaned out/repaired at applicant's cost.
(E/PW)

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- 10.7 Prior to occupancy the existing storm drain pipe lines on the project site and downstream to the nearest lagoon inlet shall be cleaned and sediment removed at the completion of the project. Applicant shall submit a map illustrating the route to be televised for approval of the Engineering Division prior to sediment removal. The storm drain pipe lines shall be televised after cleaning to verify that the sediment has been removed and to identify any damages to the storm drain pipe lines during construction. A post construction survey report shall be prepared identifying facilities to be repaired and confirming removal of sediment from storm lines. The applicant shall be responsible for constructing and financing any such repairs. Sediment left in mains shall be subject to re-cleaning at the applicant's sole cost.
(E/PW)
- 10.8 Prior to occupancy the applicant shall arrange a joint field meeting with representatives of the Water Department to perform a visual survey of the condition of the existing water distribution system (including testing of valves and appurtenances) in the vicinity of the project site. The applicant shall prepare a post-construction survey report to be submitted to the Foster City Public Works Department for review. Report shall document any necessary repairs required to the existing water supply infrastructure. The applicant shall be responsible for constructing and financing any such repairs.
(E/PW)
- 10.9 Prior to final building inspection, the property owner shall submit a Maintenance Agreement for Stormwater Treatment Measures and Hydromodification Management Controls, including a Maintenance Plan pertinent to the type(s) of measures included in the project, pursuant to the San Mateo Countywide Water Pollution Prevention Program (www.flowstobay.org). Following review and approval by City staff, the property owner shall have the Maintenance Agreement recorded prior to building occupancy approval. The Maintenance Agreement shall be made a part of any CC&Rs recorded for the property and shall include the following statements:
- The property owner shall be responsible for conducting all servicing and maintenance as described and required by the approved Maintenance Plan(s). Maintenance of all site design and treatment control measures shall be the owner's responsibility.
 - Site access shall be granted to representatives of the City, the San Mateo County Mosquito and Vector Control District, and the Water Board, at any time, for the sole purpose of performing operation and maintenance inspections of the installed stormwater treatment systems.
- (E/PW)
- 10.10 Prior to final occupancy, the C.3 and C.6 Project Closeout Form shall be completed by City staff and placed in the project file.

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(E/PW)

10.11 Prior to occupancy, the applicant must provide recorded easements for access by Police, Fire and Public Work vehicles responding to emergencies or maintaining, exercising, flushing or testing emergency equipment including fire hydrants, fire department connections, and any public utilities on the site. Plat and legal descriptions must be signed and stamped by a registered civil engineer and submitted to the Engineering Division for review. **The applicant must also establish the 30-foot no build and maintenance easement with the VPCA on the VPCA park adjacent to the project site at the corner of Vintage Park Drive and Chess Drive.** Easements must be to the satisfaction of the Engineering Division and the Fire Marshal. Upon staff approval, the item is considered by the City Council/Board of Directors. Recordation by the County follows approval by the Council/Board.

(E/PW, FIRE, POL)

10.12 Prior to any occupancy, the temporary construction fencing and all construction related equipment and materials shall be removed from the subject building prior to the final inspection and issuance of the Certificate of Occupancy.

(CDD)

10.13 Prior to occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City and so reported on the sign-off sheet in the Use Permit file. The project shall be built in substantial compliance with the approved plans on record in the City.

(CDD)

10.14 Prior to occupancy, all street addresses for the subject building shall be clearly visible from the adjacent street. Numerals shall be of a size satisfactory to the Fire and Police Departments, typically six (6) inches minimum. Buildings not fronting on a roadway shall be required to have their locations identified along the vehicle roadway nearest the building or at other locations as determined by the Fire and Police Departments with numbers a minimum of six (6) inches. Rear building entrance doors, including garage doors facing a street or drive aisle shall also be clearly marked with building number identification so that they can be found quickly in emergencies.

(CDD, FIRE, POL)

10.15 Prior to occupancy, for commercial buildings, the street number numerals shall be no less than 6 inches in height and shall be of a contrasting color to the background surface to which they are attached. Rear building entrance doors shall also be clearly marked with building number identification so that they can be found quickly in emergencies. All building identification numbers shall be provided with a light source or internally illuminated during the hours of darkness. If internally illuminated signage is

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proposed, prior approval from the Community Development Department shall be obtained.
(CDD, FIRE, POL)

10.16 Prior to final occupancy, additional plant materials may be required by the Community Development Director and shall be planted prior to final occupancy in order to screen utility connections, valves, backflow devices, and all above ground appurtenances, etc. to the satisfaction of the Community Development Director. This determination shall be made in the field after all screen utility connections, valves, backflow devices, and all above ground appurtenances, etc. have been installed and inspected
(CDD)

10.17 The proposed project will be subject to any Development Impact fees that the City intends to adopt prior to certificate of occupancy.
(CDD)

11.0 OPERATIONAL REQUIREMENTS

11.01 All improvements shall be maintained in a professional manner and appearance.
(CDD)

11.02 Upon occupancy of the project building(s) constructed as part of this Use Permit, the current and future owners shall be responsible for maintaining all common areas landscaping and landscaping in the adjoining public right-of-way in a healthy and vigorous condition. All landscape plant material and all hardscape and project amenities shall be maintained as originally approved by the City. Modification of plant material other than routine pruning or maintenance shall require approval of the City. The integrity of the original landscape plan shall at all times be kept intact.
(CDD)

11.03 At all times the requirements of the City's sign regulations including but not limited to those contained in Chapter 15.12 (Sign Control), and Chapter 8.05 (Regulation of Smoking) of the Foster City Municipal Code shall be followed. Signs announcing temporary sales or events and all other public convenience signs shall receive all required permits.
(CDD)

11.04 Truck arrival and unloading operations shall be conducted in accordance with all applicable City Ordinance requirements. If noise associated with truck arrival or unloading operations becomes a problem, all future site lessees, operators and/or owners shall work with the City to develop a plan to minimize noise, including requiring an adjustment of truck arrival and/or unloading times.
(CDD)

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- 11.05 The applicant or any future owner shall provide and conduct regular maintenance of the site in order to eliminate and control the accumulation of trash, excess/waste materials and debris, including keeping all containers free of overflowing trash and materials. If the Community Development Director finds that the lack of a designated smoking area is resulting in an excess accumulation of trash, the Community Development Director may require the owner to establish a signed designated smoking area in compliance with Chapter 8.05 (Regulation of Smoking) of the Foster City Municipal Code.
(CDD)
- 11.06 The current and future owners shall be responsible for implementing the Transportation Demand Management (TDM) Program prepared by Kimley Horn dated September 23, 2021 required by the City/County Association of Governments, on file with the Community Development Department and summarized in Exhibit C. The owner or its successor in interest shall file an annual report by January 31 of each year with the Foster City Community Development Department documenting efforts undertaken and results achieved in the previous year pursuant to the TDM program.
(CDD)
- 11.07 The property owners/tenants are prohibited from discharging any commercial fertilizers, pesticides or herbicides into the lagoon or water features.
(E/PW)
- 11.08 The applicant/property owners/tenants shall control accumulations of petroleum wastes and other pollutants in the streets and parking areas by frequent sweeping.
(E/PW, CDD)
- 11.09 Tree canopies shall be maintained to provide a minimum clear area under the canopy of six (6) feet. Groundcover areas shall be maintained to provide a maximum height of two (2) feet. The property owner shall provide and conduct regular maintenance of the landscaping to preserve the required plant heights.
(POL, CDD)
- 11.10 The project shall comply with the provisions of the City's Smoking Ordinance at all times (Chapter 8.05 Regulation of Smoking) including but not limited to prohibition of smoking in all apartment units, condominiums and townhomes with shared common walls, floors or ceilings, their balconies or patios; in all indoor and outdoor common areas of apartment units, condominiums and townhomes including but not limited to lobbies, hallways, stairwells, elevators, escalators, lawns, gardens, balconies, patios, yards and driveways; identifying specifically designated areas (as long as the designated area is not located within thirty feet of an entrance/doorway) with appropriate sign postings to permit smoking unless

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the owner, proprietor or manager declares the entire property as nonsmoking; and posting 'no smoking' signs per the City's regulations.
(POL, CDD)

- 11.11 The trash enclosure has been designed to facilitate service the trash service that includes the truck operator moving the bins in and out of the enclosure. No staging of bins outside of the trash enclosure shall be allowed, unless some alternative method is approved by the Community Development Director.
(CDD)
- 11.12 Upon occupancy of the project building(s) constructed as part of this Use Permit, the current and future owners shall be responsible for maintaining the accessibility of all accessible paths, parking areas or any other accessible features.
(BD)
- 11.13 Prior to tenant occupancy, a documented program of inspection, testing, for continuous maintenance (ITM) activities of all fire protection and life safety systems, and risk management requirements for building water systems, shall be submitted and approved by the Chief Building Official and Fire Marshal. The documented program shall be in accordance with the California Fire Code, Title 15 of the Foster City Municipal Code, NFPA 13, 70B, 72, and ANSI/ASHRAE Standard 188.

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EXHIBIT A-1
388 VINTAGE PARK DRIVE



VIA EMAIL:
msubhashini@fostercity.org

August 31, 2022

Marlene Subhashini
Community Development Director
610 Foster City Boulevard
Foster City, CA 94404

RE: 388 Vintage Park - Commitment to Fair Construction Practices & Community Benefit Fund Contribution

To the City Council of Foster City:

SteelWave has been a contributing community member of Foster City and the greater Bay Area for over 45 years. Throughout the Company's history, we have successfully balanced our Company's key pillars:

- Environmental Sustainability
- Social Sustainability
- Economic Sustainability

The proposed project at 388 Vintage Park is fully aligned with our key pillars and our understanding of the goals of the City. Based on feedback from the recent City Council meeting regarding our project, SteelWave and Helios Real Estate Partners would like to propose the following additional elements for the City Council's consideration.

Commitment to Fair Construction Practices

SteelWave and Helios Real Estate Partners is committed to 100% prevailing wage for all labor on the project with a preference towards local hiring. In addition, SteelWave and Helios Real Estate Partners will contract with union labor for all major design build trades as well as union carpentry. As requested by the City Council, SteelWave has engaged in open communication with union leadership.

We are aware that the City of Foster City allows for an applicant to seek a rebate against the Commercial Linkage Fee to help offset the additional cost of 100% prevailing wage and union labor. However, we understand the importance of affordable housing in Foster City and will commit to not seek this rebate and pay the entire \$2.8 million fee. We believe that this additional cost, while not legally required, is in keeping with the pillars of our company and supporting the goals of the City.

Additional Community Benefits Contribution

In addition to the proposed labor on the project and significant impact fees, SteelWave and Helios Real Estate Partners is willing to provide an additional \$300,000 to the Foster City Community Benefit Fund. We believe that the City can use this contribution to replenish funds spent during COVID and support important City

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needs including schools, parks, public health, and public safety. As long-standing members of the Foster City community, we share these same goals, and they align with the pillars of our Company.

We are excited to provide these additional benefits and look forward to continuing the long-standing partnership we have with Foster City.

Sincerely,

A handwritten signature in blue ink that reads "Benjamin Yu".

Benjamin Yu
SteelWave - *Managing Director*

A handwritten signature in black ink that reads "PABH".

Peter Banzhaf
Helios Real Estate - *Principal*

EXHIBIT B
388 VINTAGE PARK DRIVE
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Implementation Responsibility/Action	Timing	Monitoring Responsibility/Action	Date Completed/ Signature
<p>Mitigation Measure TRA-1: Prior to the issuance of a building permit, the project sponsor shall revise the project plans to show either: (1) signage, markings, hardscape, or other suitable treatments to prohibit both inbound and outbound left turns at the existing Chess Drive driveway; or (2) roadway improvements with side-by-side center left turn lanes on Chess Drive that are separated by a hardscape median. A suggested conceptual configuration is shown in Figure 4.3-5 of the Draft EIR.</p>	<p>Project Sponsor:</p> <ul style="list-style-type: none"> • Revise project plans so that the project will not result in both inbound and outbound left turns at the project's Chess Drive driveway 	<p>Prior to the issuance of any building permit</p>	<p>Foster City Public Works Department/ Building Inspection Division:</p> <ul style="list-style-type: none"> • Review revised project plans for consistency with TRA-1 	
<p>Mitigation Measure NOI-1: The project contractor shall implement the following measures, where feasible, during construction of the project:</p> <ul style="list-style-type: none"> • Electrical power, rather than diesel equipment, shall be used to run compressors and 	<p>Project Sponsor:</p> <ul style="list-style-type: none"> • Include NOI-1 requirements in the contract and performance standards for the project contractor. 	<p>Prior to execution of project contractor contract.</p> <p>Ongoing throughout construction period.</p>	<p>Foster City Community Development Department:</p> <ul style="list-style-type: none"> • Make regular visits to the project site to ensure that measures detailed 	

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<p>similar power tools and to power temporary structures, such as construction trailers or caretaker facilities.</p> <ul style="list-style-type: none"> • All noise from workers' radios shall be controlled to a point that they are not audible at sensitive receptors near construction activity. • Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. 	<p>Project Contractor:</p> <ul style="list-style-type: none"> • Ensure all measures detailed in NOI-1 are implemented. 		<p>in NOI-1 are implemented</p>	
<p>Mitigation Measure BIO-1: If possible, the project sponsor shall avoid construction activities during the bird nesting season (February 1 through August 31). If construction activities are scheduled during the nesting season, a qualified biologist shall conduct a pre-construction survey of all suitable nesting habitat (i.e., trees, shrubs, structures) within 250 feet of the project site (where accessible). The pre-construction survey shall be conducted no more than 14 days prior to the start of work. If the survey indicates the presence of nesting</p>	<p>Project Sponsor:</p> <ul style="list-style-type: none"> • Avoid construction activities during the bird nesting season or retain a qualified biologist to conduct a pre-construction survey and establish protective buffer zones as needed if construction must occur during nesting season. 	<p>Prior to project construction/throughout construction period.</p>	<p>City of Foster City Community Development Department</p> <ul style="list-style-type: none"> • Ensure pre-construction survey is completed, if necessary, consistent with requirements of BIO-1. 	

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<p>birds, protective buffer zones shall be established around the nests as follows: for raptor nests, the size of the buffer zone shall be a 250-foot radius centered on the nest; for other birds, the size of the buffer zone shall be a 50- to 100-foot radius centered on the nest. In some cases, these buffers may be increased or decreased depending on the bird species and the level of disturbance that will occur near the nest.</p>				
<p>Mitigation Measure BIO-2: A qualified biologist shall conduct a pre-construction survey for roosting bats at all suitable bat roosting habitat (i.e., trees, the unoccupied building) within the project area within 14 days prior to the beginning of project-related activities. If active bat roosts are discovered or if evidence of recent prior occupation is established, a buffer shall be established around the roost site until the roost site is no longer active. Before any construction activities begin in the vicinity of the identified bat roosts on the project site, a qualified biologist shall conduct a training session for all construction</p>	<p>Project Sponsor:</p> <ul style="list-style-type: none"> Retain a qualified biologist to conduct a pre-construction survey for roosting bats, establish protective buffer zones as needed, and to conduct a training session for all construction personnel. 	<p>Prior to project construction.</p>	<p>City of Foster City Community Development Department</p> <ul style="list-style-type: none"> Ensure pre-construction survey is completed, any necessary protective buffer zones are established, and a training session is conducted for all construction personnel, consistent with requirements of BIO-2. 	

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<p>personnel. At a minimum, the training shall include a description of the bats and their habitat, the specific measures that are being implemented to conserve the bat roosts for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session. If an active bat roost is identified and would be impacted by the project, CDFW shall be contacted to determine the best methodology for removing the roost and to determine appropriate mitigation (if needed), which may include the construction of a new bat roost within the project area.</p>				
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EXHIBIT C

388 VINTAGE PARK DRIVE
 TRANSPORTATION DEMAND MANAGEMENT PLAN
 Prepared by Kimley Horn, September 23, 2021

TDM Summary

TDM #	TDM Measure	Description
1	Free/Preferential Parking for Carpools	The project has allocated a total of 14 preferred parking spaces, which includes clean air, vanpool, and electric vehicle spaces.
2	TDM Coordinator/Contact Person	Designated TDM Coordinator would facilitate the TDM program.
3	Actively Participate in Commute.org, or Transportation Management Association (TMA) Equivalent	Helios Real Estate Partners to coordinate with the building tenant and obtain certification of registration from Commute.org or similar TMA incorporation documents.
3a	Certified participation in Commute.org, or equivalent program such as TMA	Once registered to Commute.org, employees will have access to these resources to assist with determining optimal mode of transportation.
3b	Commute assistance and ride-matching	
3c	Shuttle Program/Shuttle Consortium/Fund Transit Service	
3d	Guaranteed Ride Home	
3e	Orientation, Education, Promotional Programs and/ or Materials	
4	Carpool or Vanpool Program	The project to provide a carpool or vanpool program for employees and register program with Commute.org for active users to become eligible for fiscal rewards.
5	Transit or Ridesharing Passes/Subsidies	Distribute transit passes, subsidized transit passes, or carpool/vanpool subsidies that is equivalent to 30 percent of their monthly fare value or \$50 monthly.
6	Pre-Tax Transportation Benefits	Provide employees the option to participate in a pre-tax transit program and use pre-tax income to pay for commute cost.

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7	Secure Bicycle Storage	The project will provide enough bicycle parking spaces to meet the minimum CalGreen requirements.
8	Showers, Lockers, and Changing Rooms for Cyclists	Provide showers and changing rooms for those walking/bicycling to work. The project is expected to provide 4 showers, lockers, and changing rooms.
9	Design Streets to Encourage Bike/Ped Access	Provide bicycle and pedestrian access on-site.
10	Reduced Parking	Project proposes to provide 210 parking spaces and is more than 10% less than the 320 required parking spaces based on the City's Municipal Code.