

RESOLUTION NO. P- 9 -19

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FOSTER CITY APPROVING A TENTATIVE MAP FOR THE FOR THE PILGRIM TRITON PHASE C DEVELOPMENT (PTPIII) ON APPROXIMATELY ±4.77 ACRES INCLUDING THE CONSTRUCTION OF 70 TOWNHOUSE STYLE CONDOMINIUM UNITS AND 22 WORKFORCE APARTMENT UNITS - IN NEIGHBORHOOD PT – PILGRIM TRITON PHASE III FC LP – 551-565 PILGRIM DRIVE & 1159 TRITON DRIVE (APNs 094-010-520 & 094-010-890) – RS2018-0001

CITY OF FOSTER CITY PLANNING COMMISSION

WHEREAS, Pilgrim Triton Phase III FC LP has requested City approval for the Pilgrim Triton Phase C of the Pilgrim Triton Development located on ±4.77 acres (5.05 acres after a lot line adjustment and various street vacations) within the ±20.75 acre Pilgrim-Triton Master Plan Project, including 70 townhouse style condominium units and 22 workforce apartment units (APNs 094-010-520 & 094-010-890); and

WHEREAS, the subdivision will create sixteen (16) lots which will range in size from 4,627 sq. ft. to 30,878 sq. ft., including the ability to further subdivide fifteen (15) of the lots for condominium purposes; includes the vacation of portions of Triton Drive as provided in the Pilgrim Triton General Development Plan; and will create five (5) parcels, four (4) of which will serve as streets and drive aisles and one of which will serve as the remainder of the park plaza as approved in the Pilgrim Triton General Development Plan; and

WHEREAS, in accordance with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) and implementing guidelines ("CEQA") the City Council by Resolution No. 2008-39 adopted on April 21, 2008 certified a Final Environmental Impact Report (SCH #2007012023; EA-06-003) for the ±20.75 acre Pilgrim-Triton Master Plan Project and adopted a Mitigation Monitoring and Reporting Program; and

WHEREAS, on April 21, 2008 by Resolution No. 2008-38, the City Council adopted a General Plan map and text amendments to change the subject property's land use designation from Service Commercial to Service Commercial with Housing and adopted the Pilgrim Drive/Triton Drive Commercial – Industrial-Housing Area policies (GP-06-001); and

WHEREAS, on May 5, 2008 by Ordinance No. 546, the City Council approved a rezoning of the Property from CM/PD (Commercial Mix/Planned Development) District to a CM/PD (Commercial Mix/Planned Development) District with a General Development Plan (RZ-06-002); and

WHEREAS, an Addendum to the Pilgrim Triton Master Plan EIR dated July 9, 2018 was prepared by Urban Planning Partners to evaluate the changes to the Project that have been proposed since certification of the EIR; and

WHEREAS, on October 1, 2018, by Ordinance No. 618, the City Council approved rezoning of the +20.75 acre Pilgrim Triton Master Plan to change the Zoning

designations from CM/PD (Commercial Mix/Planned Development) District to CM/PD (Commercial Mix/Planned Development) District with a General Development Plan to allow up to 70,057 sq. ft. of commercial/industrial office and up to 805 housing units including up to 64 live-work units; and

WHEREAS, on November 6, 2018 Use Permit and Tentative Map applications were submitted by Pilgrim Triton Phase III FC LP; and

WHEREAS, on December 20, 2018 and March 7, 2019, the Planning Commission held Study Sessions to consider the applications for a Use Permit and Tentative Map; and

WHEREAS, a Notice of Public Hearing was duly posted, published, and mailed for consideration of the Use Permit request at the Regular Planning Commission meeting of April 4, 2019, and on said date the Public Hearing was opened, held and closed; and

WHEREAS, on April 4, 2019 the Planning Commission adopted a resolution finding that the previously certified Pilgrim Triton Master Plan Final Environmental Impact Report and previously approved Addendum to the Pilgrim Triton Master Plan EIR adequately analyze the environmental impacts associated with the PTPIII Project.

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

- A. The proposed Pilgrim Triton Phase C subdivision, together with the provisions for its design and improvement, would be consistent with the Foster City General Plan, Title 16 (Subdivisions), Title 17 (Zoning), and Chapter 2.28 (Planning) of Title 2 (Administration and Personnel) of the Foster City Municipal Code as described in IV of the Final Environmental Impact Report prepared for the Pilgrim Triton Master Plan (SCH #2007012023; EA-06-003) together with the Addendum to the EIR dated July 5, 2018; and
- B. In reviewing the Tentative Map, the City has concluded, pursuant to Sections 66474 (c) and (d) of the California Government Code, that the site of the proposed subdivision is physically suitable for the type and proposed density of development because the property was previously developed and has all necessary access and utilities provided; and
- C. In reviewing the Tentative Map, the City has concluded, pursuant to Sections 66474 (e) and (f) of the California Government Code, that the design of the subdivision and its improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat or to cause serious public health problems because the site of the proposed subdivision was previously developed with office buildings and contains no significant wildlife habitat and any potential health hazards associated with demolition of the existing buildings will be mitigated pursuant to the mitigation measures included in the Pilgrim Triton Master Plan EIR, which are included in the project; and

- D. In reviewing the Tentative Map, the City has concluded, pursuant to Section 66474 (g) of the California Government Code, that the design of the subdivision and its improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision because existing easements are being adjusted to accommodate the proposed building design; and
- E. In reviewing the Tentative Map, the City has concluded, pursuant to Section 66426 of the California Government Code, that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision because the residential building will be constructed to energy efficient standards contained in a list of "Sustainable Design Features" included by the Developer in the project; and
- F. In reviewing the Tentative Map, the City has concluded, pursuant to Section 66474.6 of the California Government Code, that the waste discharge from the proposed subdivision into the existing community sewer system will not result in violation of the existing requirements prescribed by the San Francisco Bay Regional Water Quality Control Board because the existing community sewer system has adequate capacity to handle the waste discharge, as described in Section J of the Final Environmental Impact Report prepared for the Pilgrim Triton Master Plan (SCH #2007012023; EA-06-003 together with the Addendum to the EIR dated July 9, 2018; and
- G. In reviewing the Tentative Map, the City has considered, pursuant to Section 66412.3 of the California Government Code, the effect of this action on the housing needs of the region and balanced these needs against the public service needs of its residents and available fiscal and environmental resources.
- H. Based on the above findings, the City has concluded that the proposed Tentative Map is in conformity with the provisions of law and Title 16, Subdivisions, of the Foster City Municipal Code.

BE IT FURTHER RESOLVED that the Planning Commission approves RS2018-0001 subject to the conditions contained in Exhibit A attached hereto and incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Foster City  
at a Regular Meeting thereof held on April 4, 2019 by the following vote:

AYES, COMMISSIONERS: Avram, Pattum, Williams and Chair Dyckman

NOES, COMMISSIONERS: Wykoff

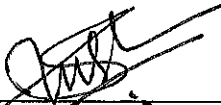
ABSTAIN, COMMISSIONERS:

ABSENT, COMMISSIONERS:



DAN DYCKMAN, CHAIR

ATTEST:



MARLENE SUBHASHINI, SECRETARY

**Exhibit A**

**Pilgrim Triton Phase C (PTPIII Project) Tentative Map Conditions of Approval**

(Conditions attached to approval of RS2018-0001 by the  
Planning Commission on April 4, 2019)

**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, CDA = Community Development Agency, 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). Other abbreviations used are as follows: N/A = not applicable; PFM = prior to building permit issuance; PBO = prior to building occupancy; PI = prior to installation; PCW = prior to commencement of work; PFM = prior to approval of Final Map; PFBI = prior to final building inspection; and PTO = prior to opening.
- 1.2 **The project shall be built in substantial compliance with the Tentative Map approved by the Planning Commission on April 4, 2019 labeled PTP3 Townhomes & Workforce Apartments, Sheets C.1 – C.10 and JT5, prepared by Carlson, Barbee & Gibson, Inc., and dated March 18, 2019.** Any modification to the project shall require Planning Commission or Community Development Director or City Engineer review and approval. 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 shall be resubmitted for approval. The construction or placement of unapproved features or unapproved changes 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.
  - 1.2.1 **The project approval shall expire on November 13, 2023, the end of the Term of the Pilgrim Triton Phase C Development Agreement, unless the Term of the Development Agreement is extended as provided in Section 3 of the Development Agreement (CDD)**
- 1.3 Upon approval of this Tentative Map, the conditions of approval herein listed shall be attached as the last sheet of the Tentative Map.  
(CDD)
- 1.4 Prior to Final Map approval, the applicant shall submit for Planning staff review and approval the Owners’ Articles of Incorporation, Budget, Bylaws and the CC&Rs.  
(CDD, PFM)
  - 1.4.1 Prior to recording the CC&R’s the applicant shall obtain approval from the Community Development Director of the Homeowners’ Association

Articles of Incorporation, Budget, Bylaws and CC&Rs. Approval will not be unreasonably withheld.

(CDD)

- 1.5 Prior to Final Map approval, the applicant shall prepare 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 Drawings to be prepared in a format to be approved by the Engineering Division.  
(E/PW, PFM)
- 1.6 The applicant shall have a Final Map prepared by a registered engineer or licensed land surveyor delineating all parcels and easements created. There shall be concurrence in writing by PG & E, Pacific Telephone, Cable TV and any other affected public utilities and agencies to all improvements and easements which are applicable to them. The number and locations of monuments shall be as required by the Engineering Division.  
(E/PW, PFM)
- 1.7 Prior to Final Map approval, the applicant shall enter into a subdivision agreement with the City/District. To be included are the costs of all engineering, surveying and inspections at cost plus overhead.  
(E/PW, PFM)
- 1.8 Not applicable
- 1.9 Prior to Final Map approval, the applicant shall submit a Final Soils Report to the City. Design of the structures shall be accomplished in conformance to the final recommended Soils Report and to the satisfaction of the Building Inspection Division.  
(BD, PFM)
- 1.10 Prior to Final Map approval, a statement from the soils engineer shall be submitted with regard to the review of the site and statement of conformance of the design with the soils engineer recommendations. The soils engineer shall sign the grading plan.  
(BD, PFM)
- 1.11 Prior to Final Map approval, the applicant shall submit a list of street names for Planning/Code Enforcement Division staff approval.  
(CDD, PFM)
- 1.12 Prior to Final Map approval, all pertinent conditions of approval shall be completed to the satisfaction of the City and so reported on the sign-off sheet in the Tentative Map file.  
(CDD, PFM)

- 1.13 Prior to Final Map approval, the City shall be provided with AutoCAD (latest version) compatible files (DXF or DWG) for all computer generated mapping, construction plans and graphic information related to site/civil drawings this project.  
(E/PW, PFM)
- 1.14 Prior to Final Map approval, three (3) sets of a site specific, design level, fault zone geotechnical report satisfactory to the City Engineer, including one electronic or pdf version, shall be submitted for review and approval to the Engineering 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.
  - 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 as deemed necessary by the City Engineer. 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.
- 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.

(E/PW, PFM)

- 1.15 Prior to placement of any construction trailers, the applicant shall submit a site plan showing placement of the construction trailers and shall agree to abide by all conditions of approval required by the Community Development Director.  
(CDD, PI)
- 1.16 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)
- 1.17 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)
- 1.18 Not applicable

## **2.0 STREET IMPROVEMENTS**

- 2.1 Prior to Final Map approval, the improvement plans shall include the design of all new public and private streets serving the project. The design and construction shall be undertaken to the lines and grades and in a manner satisfactory to the City Engineer. All street improvements shall be constructed to the City's standards to the satisfaction of the Engineering Division. Developer will coordinate with the City/District on the timing of the improvements.  
(E/PW, PFM)



- 2.2 Prior to Final Map approval, improvement plans shall include street lighting and underground utilities. The public street lights shall be constructed to City standards and to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 2.3 The following street construction items shall be accomplished to the satisfaction of and as directed by the Engineering Division and the Parks and Recreation Department:
- clearing and grubbing
  - driveways
  - street signs - directional, information and traffic
  - street monuments
  - striping
  - facilities for channeling, merging, stacking, turning and controlling traffic
  - barricades and miscellaneous items
  - modifications and/or relocation of existing facilities to accommodate the new construction
  - landscaping, including sprinkler and irrigation facilities together with appurtenances to any or all of the above.
- (E/PW, P/R)
- 2.4 All private streets necessary to provide access to all buildings within a phase or parcel shall be constructed with that phase or parcel including provisions for emergency vehicle access.  
(E/PW)
- 2.5 Prior to final inspection, 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 that has settled or uplifted, shall be marked and repaired at owner's cost.  
(E/PW, PI)
- 2.6 Following utility work in the street, all pavement shall be restored. The Engineering Division may require directional drilling.  
(E/PW)
- 2.7 Prior to the release of bonds, a post construction visual or video 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 or an alternate company approved by the City Engineer. Based on the results of the visual or video survey, the City will determine if repairs or reimbursement is needed from the applicant to cover the costs to restore the roadways affected, to the pre-construction condition.  
(E/PW, PI)

### 3.0 SANITARY SEWER SYSTEM

3.1 Prior to Final Map approval, consistent with Master Development Agreement, the applicant shall have a registered civil engineer prepare a project-specific sewer flow projection study and a hydraulic capacity study (if not already previously incorporated as part of the previous Pilgrim Triton phases), to be submitted to the Engineering Division for review, to ensure project consistency with the prior submitted analysis. 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.
- 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 sewer improvements allocated to this project under the terms specified in the Master Development Agreement and PTPIII Project Development Agreement shall be constructed by the developer/applicant at applicant's sole cost.

(E/PW, PFM)

3.2 Prior to Final Map approval, the improvement plans shall include the design of a sewerage collection system. All sanitary sewer improvements shall be constructed by the Developer and maintained by the Property Owner or Homeowners' Association to the satisfaction of the Engineering Division. *In the event maintenance is not adequate and a sewage spill occurs, the Homeowners' Association shall reimburse the City/District for any costs including any fees and/or penalties assessed to the City/District by the Regional Water Quality Control Board or any other regulatory agency.* These responsibilities shall be reflected in the Conditions, Covenants and Restrictions (CC&Rs). Information regarding all ownership and maintenance responsibilities of the Homeowners Association regarding sewers shall be shown on the Tentative Map.

(E/PW, PFM)

3.3 Prior to Final Map approval, 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, if required, 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, PFM)

- 3.4 Each project building shall include sewer inspection cleanouts at accessible outside locations to allow for wastewater sampling.  
(E/PW)
- 3.5 Prior to Final Map approval, 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.
  - 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 identified by the study shall be constructed by the developer/applicant at applicant's sole cost.
- (E/PW, PFM)
- 3.6 Prior to Final Map approval, 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, PFM)
- 3.7 Prior to final inspection, 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, PI)
- 3.8 The existing sewer system shall be capped at the property line unless it is going to be reused. Laterals should not be abandoned in place.  
(E/PW)
- 3.9 Prior to Final Map approval, the applicant shall pay for its fair share of Lift Station 1's improvements to accommodate future flows from the Pilgrim/Triton redevelopment. Based on the HydroScience Analysis of Incremental Costs to Accommodate Pilgrim/Triton Flows dated February 11, 2016, the total cost of improvements is \$73,512. Based on projected flows, Phase C's fair share cost is \$11,027.

#### **4.0 STORM WATER SYSTEM**

- 4.1 Prior to Final Map approval, the improvement plans shall include the design for a storm sewer collection system generally as shown on the Tentative Map. All storm sewer improvements shall be constructed to the satisfaction of the Engineering Division. Ownership and maintenance responsibilities shall remain with the Property Owner or Homeowners Association. In the event maintenance is not adequate or

discharges into the storm drainage system violate the Discharge Permit regulations the Property Owner or Homeowners' Associations shall reimburse the City/District for any costs incurred including any fees and/or penalties assessed to the City/District by the regulatory agencies. This shall be shown on the Tentative Map.  
(E/PW, PFM)

- 4.2 Prior to Final Map approval, 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, PFM)

- 4.3 Prior to Final Map approval, 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:

- 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, PFM)

- 4.4 Prior to Final Map approval, the plans shall demonstrate compliance with the San Mateo Countywide Water Pollution Prevention Program, (see [www.flowstobay.org](http://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, PFM)

- 4.5 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.

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

- 4.6 Prior to Final Map approval, the Construction Best Management Practices (BMPs) related to stormwater prevention shall be included as notes on the improvement plan drawings (see <http://www.fostercity.org/Services/permits/List-of-Forms.cfm>).  
(E/PW, PFM)
- 4.7 Prior to installation of any stormwater treatment improvements (ie 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)
- 4.8 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 Final Map approval, the applicants shall submit to the City Engineer evidence of easements granted for offsite storm drainage 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 offsite storm drainage facilities, and appurtenant structures in, upon, over and across such easements.  
(E/PW, PFM)
- 4.9 Consistent with the Master Development Agreement, the applicant shall have a

registered civil engineer prepare a project-specific storm drain projection study and a hydraulic capacity study (if not already previously incorporated as part of the previous Pilgrim Triton phases), to be submitted to the Engineering Division for review, to ensure project consistency with the prior submitted analysis. The study shall meet approval of the Engineering Division. If the report determines 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.

(E/PW)

- 4.10 Prior to final 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](http://www.flowstobay.org)). Following review and approval by City staff, the property owner shall have the Maintenance Agreement for both the Workforce Housing and for sale Townhomes, recorded prior to building occupancy approval. The Maintenance Agreement for the Townhomes 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, PI)

- 4.11 Prior to final inspection of the last building, the C.3 and C.6 Project Closeout Form shall be completed by City staff and placed in the project file.

(E/PW, PI)

- 4.12 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.

(E/PW)

- 4.13 The applicant/property owners/tenants shall control accumulations of petroleum wastes and other pollutants in the streets and parking areas by frequent sweeping.

(CDD)

- 4.14 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 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 importance of stormwater quality protection, during construction 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)

- 4.15 Prior to starting construction activities, the storm drain pipe lines on the project site and downstream thereof to the nearest lagoon outlet shall be televised to determine their existing condition. Previous recent surveys may be used, subject to the approval of the City Engineer. 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, PFM)
- 4.16 Prior to final inspection of the last building, 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. Sediment left in mains shall be subject to re-cleaning at the applicant's sole cost.  
(E/PW, PI)
- 4.17 Prior to Final Map approval, 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, PFM)

## **5.0 WATER SYSTEM**

- 5.1 Prior to Final Map approval, the improvement plans shall include the design of a domestic water system to the satisfaction of the Engineering Division. The water system improvements shall be constructed within public easements or street rights-of-way to the satisfaction of the Engineering Division and dedicated to the City. City ownership and maintenance responsibilities shall extend to, and include, the water meters.  
(E/PW, PFM)
- 5.2 Prior to Final Map approval, the improvement plans shall include the design of a water distribution system that includes:



- 5.2.1 Water lines shall be designed for fire flows to meet California Fire Code, Fire Department and Engineering Division requirements.
- 5.2.2 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)
- 5.2.3 All City/District-owned water systems and on-site water mains shall be looped, two points of connection, and meet the requirements of the State Department of Health Services, the City Public Works Department, and the City Fire Marshal.  
(E/PW, FIRE)
- 5.2.4 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. 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 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)
- 5.3 Prior to Final Map approval, fire mains shall be designed to Fire Department specifications. Fire mains shall be constructed according to those specifications.  
(FIRE, PFM)
- 5.4 Prior to Final Map approval, the improvement plans 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)

5.5 Not applicable

5.6 Prior to Final Map approval, **to properly evaluate necessary improvements, pursuant to Section 3.10 of the Master Development Agreement, a complete water system capacity study specific to the project which services the Master Plan area was 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 City shall not require water or sewer improvements in addition to those required by the Master Plan, Project Approvals or this agreement, except where required by an applicable new city codes or new other codes. The project specific study 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 Foster City Fire Department requirements, by the applicant at the applicant's sole cost. **(MM UTL-1a)**  
(BD, FIRE, E/PW, PFM)

5.7 Prior to the issuance of each individual building permit, the applicant shall submit a request for all required water meters for that building, 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.  
(BD, E/PW)

5.8 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 Prior to Final Map approval, 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, PFM)

5.10 Prior to final inspection of the last building, 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, PI)

5.11 Not applicable

5.12 Not applicable

5.13 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 improvement 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.

(CDD, BD, FIRE, E/PW)

5.14 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)

## **6.0 OTHER UTILITIES**

6.1 Prior to Final Map approval, 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, PFM)

6.2 Prior to Final Map approval, the improvement plans shall show all utilities within the development shall be underground and shall be constructed in dedicated streets or rights-of-way. They shall include at least the following:

- underground power distribution and service facilities;
- underground communication transmission and service facilities, including Cable TV service to the development;
- underground gas transmission and service lines.

(E/PW, PFM)

6.3 Prior to commencement of work, as required by California Government Code 4216, Underground Service Alert shall be contacted by the contractor to provide

information on the location of underground utilities prior to earth work activities at the site.  
(E/PW, PCW)

- 6.4 Prior to Final Map approval, the design-level geotechnical report shall include measures to address potential differential settlement.  
(BD, E/PW, PFM)

## **7.0 LANDSCAPING**

- 7.1 Prior to Final Map approval, the landscape and irrigation plans shall include:

- 7.1.1 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, PFM)
- 7.1.2 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, PFM)
- 7.1.3 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 Parks and Recreation Department.  
(CDD, PFM)
- 7.1.4 The location of backflow prevention devices for the irrigation system shall be adequately screened with planting material to the greatest extent feasible. Method of screening shall be approved by Planning staff prior to issuance of a building permit.  
(CDD, BD)
- 7.1.5 Backflow prevention devices shall be consistent with the most recent list of approved devices maintained by the County Department of Health.  
(BD, E/PW, PFM)
- 7.1.5 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, PFM)

- 7.2 Prior to Final Map approval, the applicant shall submit:

- 7.2.1 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, PFM)

- 7.2.2 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, PFM)

- 7.2.3 Documentation 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 PFM)

- 7.2.4 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](http://www.flowstobay.org).

(E/PW, CDD)

- 7.3 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 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 and shall not be planted until they are inspected for size by the City. Only specimen size trees shall replace specimen size trees.

(CDD, Prior to planting)

- 7.4 Additional plant materials may be required by the Community Development Director and shall be planted prior to City acceptance and release of bonds 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, Prior to planting)

- 7.5 Upon occupancy of the project building(s), the applicant shall be responsible for maintaining all common areas landscaping 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)

- 7.6 The applicant or its assigns shall maintain the landscaping in all of the public rights-of-way abutting the development in accordance with all approved Plans for the development and all applicable City of Foster City/Estero Municipal Improvement District ordinances.

(CDD)

- 7.7 The property owners/tenants are prohibited from discharging any commercial fertilizers, pesticides or herbicides into the lagoon or water features.  
(E/PW)
- 7.8 **Plant materials used on the exterior of the buildings and site, both in the initial installation and any future modifications, shall be consistent with the Pilgrim Triton Master Site and Landscape Design Guidelines.** Any future modifications shall require review and approval of the Community Development Director.  
(CDD, PFM)

## **8.0 BICYCLE TRAIL/PEDESTRIAN WALKWAYS**

- 8.1 Prior to Final Map approval, the improvement plans shall include provisions for bicycle storage facilities to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 8.2 Prior to Final Map approval, the improvement plans shall include a pedestrian walkway system throughout the development in substantial conformance with the Use Permit.  
(BD, PFM)
- 8.3 It shall be the responsibility of the property owner and/or future homeowners associations to maintain all sidewalks and bike paths as constructed. This shall be reflected in the Conditions, Covenants and Restrictions (CC&Rs).  
(E/PW, PFM)

## **9.0 BUS SYSTEM ACCOMMODATION**

- 9.1 Not applicable
- 9.2 Not applicable

## **10.0 EASEMENTS/DEDICATIONS**

- 10.1 Prior to the agendizing of the Final Map, the applicant shall provide written evidence that all appropriate agencies have been satisfied with regard to all necessary easements/rights-of-way, including but not limited to abandonment of the existing easements, providing for additional width of existing easements/rights-of-way and providing for new easements/rights-of-way to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 10.2 Prior to the agendizing of the Final Map, the applicant shall provide suitable guarantees of reciprocal easements and/or dedications as appropriate for parking, drainage, egress/ingress and utilities, to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 10.3 Upon recordation of the Final Map, all dedications of easements, rights-of-way, and other parcels shall be made effective.

(E/PW, PFM)

- 10.4 Prior to Final Map approval or included on the Final Map, emergency access easements when required for any building shall be granted to the City. This may occur on or concurrently with the Final Map.  
(E/PW, PFM)
- 10.5 Prior to Final Map approval or included on the Final Map, the applicant shall cause dedication to the District of easements for access to all required on-site fire hydrants that are not within the public right-of-way. This may occur on or concurrently with the Final Map.  
(E/PW, PFM)
- 10.6 Prior to Final Map approval, or included on the Final Map, the applicant must provide 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. 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 and may occur on or concurrently with the Final Map.  
(E/PW, FIRE, POL)

## **11.0 PUBLIC SAFETY**

Refer to Use Permit conditions (UP2018-0056).

## **12.0 BONDING/FEEES**

- 12.1 Prior to agendizing the Final Map, all bonds and fees shall be received by the City/District.  
(E/PW, PFM)
- 12.2 Prior to Final Map approval, for all public improvements that are a part of the Final Map to be recorded, the applicant shall supply bonds or other suitable securities acceptable to the City in the amount of 100% (performance), 100% (labor and material) and a 50% (warranty) one-year bond of all improvements related to public utilities and public streets. Applicant shall provide two (2) copies of documents verifying the cost of the public improvements to the satisfaction of the Engineering Division.  
(E/PW, PFM)
- 12.3 Prior to Final Map approval, for all private site improvements, the applicant shall provide bonds or other suitable security acceptable to the City in the amount of 100% (performance), 100% (labor and material) and 50% (one-year warranty) bond. The applicant shall provide two (2) copies of documents verifying the cost of the private improvements to the satisfaction of the Engineering Division.  
(E/PW, PFM)

- 12.4 Prior to final inspection, the applicant shall either complete all landscaping or shall provide bonds or other appropriate security, acceptable to the City, in the amount of 100% (performance), 100% (labor and material), 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. Applicant shall provide two copies of 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 Parks and Recreation Department).  
(E/PW, PFM, BP, CDD, PFBI)
- 12.5 Prior to agendizing the Final Map, the applicant shall pay the City for the cost of all engineering review, planning review and inspection provided by City staff required. The City/District staff is a reviewing service and construction inspection service only. All other work shall be included in the design and construction contracts. Final Map fees and deposits to pay costs involved for inspection, testing and contract administration shall be received by the City/District.  
(CDD, E/PW, PFM)
- 12.6 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)

### **13.0 LAGOONS/WATER AREAS**

Not applicable

### **14.0 CONSTRUCTION PRACTICES**

- 14.1 Prior to Final Map approval, 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.
  - Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP).
  - File a Notice of Termination at completion of construction.



- Copies of the NOI and the SWPPP must be submitted to the Engineering Division along with proof of compliance.  
(E/PW, PBP)
- 14.2 Prior to Final Map approval, the current Best Management Practices for new construction as outlined by the San Mateo County Stormwater Pollution Prevention Program shall be included on plan sheets.  
(E/PW)
- 14.3 Prior to Final Map approval, an erosion control plan, submitted in writing, which indicates the intent and guarantees that silt and run-off will remain on site, shall be prepared to the satisfaction of the Engineering Division  
(E/PW, PBP)
- 14.4 Prior to issuance of a building permit, the applicant shall develop an earth movement and management program under the supervision of a licensed soils engineer for review and approval by the Engineering Division.  
(E/PW, PBP)
- 14.5 Prior to commencement of any site work, in order to assure public safety and minimize the unattractive short term aspects of construction on the neighborhood, plans shall include site control information which, at a minimum: 1) Provides that a 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.  
(BD, PBP)
- 14.6 Prior to the commencement of any site work, the general contractor shall:
- Along with the project applicant, attend a pre-construction meeting with the Community Development Director, City Engineer and other departments the Community Development Director invites to discuss the project conditions of approval, working hours, site maintenance and other construction matters;
  - 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, CBO, PCW)
- 14.7 All required fencing shall be in place prior to the commencement of any work on site, shall remain in place for such time as required by the Chief Building Official and shall be removed prior to final inspection. 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.

(BD, PCW)

- 14.9 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. Nonconstruction 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. 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)

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

(BD) Mitigation Measure

- 14.10.1 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) Mitigation Measure

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

(BD) Mitigation Measure

- 14.10.3 The construction contractor 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.

(BD) Mitigation Measure

- 14.10.4 Construction noise levels shall not exceed the interior noise level of 50 dBA  $L_{eq}$  (hourly average) or the maximum noise level of 70 dBA  $L_{max}$  within occupied noise sensitive land uses.

(BD, PBP) Mitigation Measure

14.11 The following controls shall be implemented at all construction sites within the project to control dust 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 non-toxic 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 (non-toxic) 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.
- 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.

(BD) Mitigation Measure

14.12 The developer's registered Engineer shall notify the City Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the 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.

(BD, CDD, E/PW)

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

(BD)

14.14 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 public sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division.

(CDD, E/PW)

- 14.15 The applicant shall require all contractors to obtain any permits required by the City of San Mateo and/or the City of Foster City for hauling on local streets.
- 14.16 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.  
(E/PW)
- 14.17 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 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)
- 14.18 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)
- 14.19 All excess fill shall be disposed of in accordance with City requirements.  
(E/PW)
- 14.20 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 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)

- 14.21 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 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 sat 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)

- 14.22 If human remains are encountered, work within 25 feet of the discovery shall be redirected 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 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)

- 14.23 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, PBP) Mitigation Measure

- 14.24 Where any activity would be performed where hazardous materials are known or suspected, the contractor(s) shall prepare a project-specific Health and Safety Plan prior to any project site work. The Plan shall include required worker health and safety provisions for all workers potentially exposed to contaminated materials, identification of hazardous materials present, monitoring to be performed during site activities (as appropriate), required training for workers, identification of appropriate personal protective equipment, and designated personnel responsible for Plan

implementation. The Health and Safety Plan shall be filed with the City and regulatory oversight agency (as required).  
(FIRE, PBP) Mitigation Measure

- 14.25 If previously unknown contaminated soil and/or groundwater is encountered at any time during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums, or other hazardous materials or wastes are encountered), the contractor(s) shall ensure that all appropriate response measures are taken to protect human health and the environment. A contingency plan for sampling and analysis of previously unknown hazardous substances shall be prepared by the contractor(s), with the approval of the City, prior to grading and earthwork activities.

As part of this contingency plan, soil and/or groundwater samples shall be collected by a qualified environmental professional (e.g., Professional Geologist, Professional Engineer) prior to further work in the area, as appropriate. The samples shall be submitted for laboratory analysis by a state-certified laboratory under chain-of-custody procedures. The analytical methods shall be selected by the environmental professional and shall be based on the suspected contamination and consideration of work completed under Mitigation Measure HAZ-2a above. The analytical results of the sampling shall be reviewed by a qualified environmental professional and submitted to the City. The professional shall provide recommendations, as applicable, regarding soil/waste management, worker health and safety training, and regulatory agency notifications, in accordance with local, state, and federal requirements. Work shall not resume in the area(s) affected until these recommendations have been implemented under the oversight of the City or regulatory agency, as appropriate.  
(E/PW, BD, PBP) Mitigation Measure

- 14.26 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<sup>1</sup>). 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, PBP) Mitigation Measure

- 14.27 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 Mitigation Measure 3, below), the approved disposal site, and
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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. The Waste Disposal and Hazardous Materials Transportation Plan may be prepared as an addendum to the Waste Management Plan required by Ordinance 523.

(E/PW, BD, PBP) Mitigation Measure

- 14.28 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)

- 14.29 The contractor(s) shall designate storage areas suitable for material delivery, storage, and waste collection. These locations must 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.

All maintenance and fueling of vehicles and equipment shall be performed in a designated, bermed area, 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.

(FIRE, PBP) Mitigation Measure

- 14.30 Emergency Preparedness and Response Procedures shall be developed by the contractor(s) for emergency notification in the event of an accidental spill or other hazardous materials emergency during project site preparation and development activities. These Procedures shall include evacuation procedures, spill containment procedures, required personal protective equipment, as appropriate, in responding to the emergency. The contractor(s) shall submit these procedures to the City prior to demolition or development activities.

(FIRE)

Compliance with these mitigation measures may occur in coordination with compliance with the Storm Water Pollution Prevention Plan and Best Management Practices required for the proposed project (See Hydrology and Water Quality section for details).

(FIRE, PBP) Mitigation Measure



- 14.31 Beginning July 1, 2019, applicants shall complete and submit the "PCB Screening Assessment Form" for any project requiring a demolition permit.  
(BD, E/PW)

**15.0 PARKS AND RECREATION**

Not applicable